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Assembly Resolutions in Force (as of 6 October 2016)

Published by authority of the Secretary General

INTERNATIONAL CIVIL AVIATION ORGANIZATION

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PREFACE

The present document contains the texts of all resolutions of the ICAO Assembly in force at the close of its 39th Session (September/October 2016).

The document is divided into ten Parts, and within seven of these Parts there are several sub-headings (Parts and sub-headings are listed in the Table of Contents). The text of each resolution appears under the appropriate Part or sub-heading. When a resolution or part of a resolution falls under more than one Part or sub-heading, the full text of the resolution appears in the place considered most appropriate, and only its number and title are given under the other Parts or sub-headings.

This document contains, in addition to the texts of the resolutions in force (Parts I to X inclusive):

— reservations which were recorded by some delegations to resolutions adopted by the Assembly and which still remain in force (Appendix A);

— a list of resolutions resulting from consolidations, with an indication of their origin (Appendix B);

— a list of resolutions that have been consolidated, with an indication of the resulting resolution (Appendix C);

— a subject index of resolutions in force (Appendix D); and

— an index of resolutions in force (Appendix E).

Resolutions or parts thereof no longer in force are available at http://www.icao.int/Meetings/a39/Pages/resolutions.aspx

Assembly resolutions were adopted in Russian for the first time by the Nineteenth (Extraordinary) Session in 1973. It follows that the resolutions in force adopted by that session, and all subsequent sessions, are authentic Russian texts. In the Russian version of the present document, Secretariat translations are given for resolutions in force adopted by all Assembly sessions from the first to the eighteenth.

Assembly resolutions were adopted in Arabic for the first time by the 24th Session of the Assembly. All resolutions adopted by the 24th and subsequent sessions are authentic Arabic texts.

Assembly resolutions were adopted in Chinese for the first time by the 33rd Session of the Assembly. All resolutions adopted by the 33rd and subsequent sessions are authentic Chinese texts.

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PART I. CONSTITUTIONAL AND GENERAL POLICY MATTERS

THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

A29-1: ICAO's 50th Anniversary Celebrations (1994)

Whereas the 7th December 1994 will mark the 50th Anniversary of the signing of the *Convention on International Civil Aviation* at Chicago;

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 the International Civil Aviation Organization, established by the *Convention on International Civil Aviation*, has since 1944 successfully met the above aims and objectives;

Whereas it is desirable that the significant contribution of civil aviation to the social and economic well-being of the peoples of the world be fully recognized;

Whereas ICAO continues to work with States and through their regional and international organizations to ensure that the growth of international civil aviation continues to contribute to international peace and development;

The Assembly:

1. *Approves* the development by the Council of a programme of activities that will include a major conference/meeting at ICAO Headquarters on 7 December 1994 along with appropriate publications distributed;

2. *Urges* Member States to establish a national focal point and to launch a programme of activities at the national level, financed by local resources, to celebrate the anniversary in an appropriate way;

3. *Urges* Member States to cooperate with the Regional Offices of ICAO to develop a programme of activities for which funding could be found within the Region;

4. *Authorizes* the Council to work with the United Nations and its agencies to launch activities to highlight the role of civil aviation in their work; and

5. *Declares* 7 December each year, starting in 1994, as International Civil Aviation Day and instructs the Secretary General to inform the Secretary-General of the United Nations accordingly.

A4-3: Policy and programme with respect to the amendment of the Convention

Whereas the Second Session of the Assembly directed the Council to study the Convention and submit proposals for amendment to the Assembly in 1950 and to prepare a plan, including a time schedule, for such a study; and

Whereas the Council and its various subsidiary bodies have made intensive studies on the subject and have come to the conclusion that many of the amendments suggested were not ready for immediate action and that none required any action by the Assembly in 1950; and

Whereas the Council decided not to recommend any amendment to the 1950 Assembly and was of the opinion that the 1950 Assembly should not adopt any amendment to the Convention; and

Whereas the Council requested the views of the Assembly on certain questions of principle, method and procedure which are set out in Part V of the Report of the Council on amendment of the Chicago Convention (A4-WP/20, P/7);

Be it therefore resolved:

1. That the Assembly concludes that an amendment of the Convention may be appropriate when either or both of the following tests is satisfied:

   i) when it is proved necessary by experience;

   ii) when it is demonstrably desirable or useful;

2. That no plans should be initiated in the near future for a general revision of the Convention;

3. That modification of the Convention should be accomplished by specific amendment only;

4. That Article 94 of the Convention should be maintained in its present form;

5. That no specific procedure to be incorporated in protocols of amendment should be adopted by this Assembly;

6. That this resolution does not affect the responsibility of the Council to consider, in accordance with the present resolution, any specific amendment arising from previous resolutions of the Assembly, or proposed by a Contracting State or by any body of the Organization, including the amendments (other than Article 94) submitted to the Council prior to the Fourth Session of the Assembly in pursuance of Assembly Resolution A2-5, and to make proposals to the Assembly thereon;

7. That the Council should not itself initiate any proposal for amendment to the Convention for submission to the Assembly unless in the opinion of the Council such amendment is urgent in character; and

8. That any Contracting State wishing to propose an amendment to the Convention should submit it in writing to the Council at least six months before the opening date of the Assembly to which it is to be presented. The Council shall consider any such proposal and transmit it to the Contracting States together with its comments or recommendations thereon at least three months before the opening date of the Assembly.

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A16-16: French and Spanish texts of the *Convention on International Civil Aviation*

Whereas Resolution A3-2 invited the Council to take action with a view to providing the Organization with texts in French and Spanish of the *Convention on International Civil Aviation*, such texts to be used only for the internal purposes of the Organization;

Whereas the Council, pursuant to that resolution and for the said purposes, adopted the French and Spanish texts of the Convention which are found in Doc 7300/3;

Whereas the International Conference on the Authentic Trilingual Text of the *Convention on International Civil Aviation* (Chicago, 1944) adopted, on 20 September 1968 at Buenos Aires, and opened for signature, on 24 September 1968, a protocol (hereinafter referred to as the “Buenos Aires Protocol”), to which is annexed a text of the said Convention in the French and Spanish languages; and

Whereas it is desirable that the text of the Convention in the French and Spanish languages attached to the Buenos Aires Protocol come into use as soon as possible;

The Assembly:

1. *Urges* all Contracting States to accept the Buenos Aires Protocol as soon as possible;

2. *Resolves* that the text of the Convention in the French and Spanish languages attached to the Buenos Aires Protocol be used henceforth by the Organization;

3. *Recommends* to Contracting States that, for reference purposes in their relations with the Organization or with other Contracting States, they use, in their communications in the French or Spanish language, only the text of the Convention in those languages which is attached to the Buenos Aires Protocol; and

4. *Rescinds* Resolution A3-2.

A22-2: Amendment of the Chicago Convention regarding the authentic Russian text of the Convention

The Assembly of the International Civil Aviation Organization,

Having met in its Twenty-second Session at Montreal on 30 September 1977,

Having noted Resolution A21-13 on the authentic Russian text of the *Convention on International Civil Aviation*,

Having noted that it is the general desire of Contracting States to make a provision that the Convention aforesaid exist in authentic Russian text,

Having considered it necessary to amend, for the purpose aforesaid, the *Convention on International Civil Aviation* done at Chicago on the seventh day of December 1944,

1. *Approves*, in accordance with the provisions of Article 94(a) of the Convention aforesaid, the following proposed amendment to the said Convention:

replace the present text of the final paragraph of the Convention by:

“Done at Chicago the seventh day of December 1944 in the English language. The texts of this Convention drawn up in the English, French, Russian and Spanish languages are of equal authenticity. These texts shall be deposited in the archives of the Government of the United States of America, and certified copies shall be transmitted by that Government to the Governments of all the States which may sign or adhere to this Convention. This Convention shall be open for signature at Washington, D.C.”

2. *Specifies*, pursuant to the provisions of the said Article 94(a) of the said Convention, ninety-four as the number of Contracting States upon whose ratification the proposed amendment aforesaid shall come into force, and

3. *Resolves* that the Secretary General of the International Civil Aviation Organization draw up a Protocol, in the English, French, Russian and Spanish languages each of which shall be of equal authenticity embodying the proposed amendment above-mentioned and the matter hereinafter appearing:

a) The Protocol shall be signed by the President of the Assembly and its Secretary General.

b) The Protocol shall be open to ratification by any State which has ratified or adhered to the said *Convention on International Civil Aviation*.

c) The instruments of ratification shall be deposited with the International Civil Aviation Organization.

d) The Protocol shall come into force in respect of the States which have ratified it on the date on which the 94th instrument of ratification is so deposited.

e) The Secretary General shall immediately notify all Contracting States of the date of deposit of each ratification of the Protocol.

f) The Secretary General shall immediately notify all States parties to the said Convention of the date on which the Protocol comes into force.

g) With respect to any Contracting State ratifying the Protocol after the date aforesaid, the Protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

A22-3: Ratification of the Protocol Amending the Final Clause of the Convention

Whereas the Assembly has decided to amend the Final Clause of the Convention to provide for the authentic text of the Convention in the Russian language; and

Whereas the Assembly is of the opinion that it is highly desirable that the aforesaid amendment should come into force as soon as possible;

The Assembly:

1. *Recommends* to all Contracting States that they ratify the amendment to the Final Clause of the Convention as soon as possible;

2. *Directs* the Secretary General to bring this resolution immediately to the attention of Contracting States with the objective mentioned above.

A24-3: Ratification of the Protocol amending the Final Clause of the *Convention on International Civil Aviation*

Recalling Assembly Resolution A22-3 on the ratification of the Protocol amending the Final Clause of the *Convention on International Civil Aviation* so as to provide for the authentic text of the Convention in the Russian language; and

Considering that it is highly desirable that the aforesaid amendment should come into force as soon as possible;

The Assembly:

Urges all Contracting States to ratify the amendment to the Final Clause of the Convention as soon as possible.

A31-29: Ratification of the Protocol Amending the Final Clause of the Convention

Whereas the Assembly has decided to amend the Final Clause of the Convention to provide for the authentic text of the Convention in the Arabic language; and

Whereas the Assembly is of the opinion that it is highly desirable that the aforesaid amendment should come into force as soon as possible;

The Assembly:

1. *Recommends* to all Contracting States that they ratify the amendment to the Final Clause of the Convention as soon as possible;

2. *Directs* the Secretary General to bring this resolution immediately to the attention of Contracting States with the objective mentioned above.

A32-2: Amendment of the *Convention on International Civil Aviation* regarding the authentic Chinese text

The Assembly of the International Civil Aviation Organization,

Having met in its Thirty-second Session at Montreal on 22 September 1998,

Having noted that it is the general desire of Contracting States to take action to ensure that the *Convention on International Civil Aviation* done at Chicago on 7 December 1944 is available as the authentic Chinese text,

Having considered it necessary to amend, for the purpose aforesaid, the *Convention on International Civil Aviation* done at Chicago on the seventh day of December 1944,

1. *Approves*, in accordance with the provisions of Article 94(a) of the Convention aforesaid, the following proposed amendment which is to replace the present text of the final paragraph of the said Convention:

"Done at Chicago the seventh day of December 1944 in the English language. The texts of this Convention drawn up in the English, Arabic, Chinese, French, Russian and Spanish languages are of equal authenticity. These texts shall be deposited in the archives of the Government of the United States of America, and certified copies shall be transmitted by that Government to the Governments of all the States which may sign or adhere to this Convention. This Convention shall be open for signature at Washington, D.C."

2. *Specifies*, pursuant to the provisions of the said Article 94(a) of the said Convention, one hundred and twenty-four (124) as the number of Contracting States upon whose ratification the proposed amendment aforesaid shall come into force, and

3. *Resolves* that the Secretary General of the International Civil Aviation Organization draw up a Protocol, in the English, Arabic, Chinese, French, Russian and Spanish languages each of which shall be of equal authenticity embodying the proposed amendment above-mentioned and the matter hereinafter appearing:

a) The Protocol shall be signed by the President of the Assembly and its Secretary General.

b) The Protocol shall be open to ratification by any State which has ratified or adhered to the said *Convention on International Civil Aviation*.

c) The instruments of ratification shall be deposited with the International Civil Aviation Organization.

d) The Protocol shall come into force in respect of the States which have ratified it on the date on which the 124th instrument of ratification is so deposited.

e) The Secretary General shall immediately notify all States parties to the said Convention of the date of deposit of each ratification of the Protocol.

f) The Secretary General shall immediately notify all States parties to the said Convention of the date on which the Protocol comes into force.

g) With respect to any Contracting State ratifying the Protocol after the date aforesaid, the Protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

A32-3: Ratification of the Protocol Amending the Final Clause of the *Convention on International Civil Aviation*

Whereas the Assembly has decided to amend the Final Clause of the Convention to provide for the authentic text of the Convention in the Chinese language; and

Whereas the Assembly is of the opinion that it is highly desirable that the aforesaid amendment should come into force as soon as possible;

The Assembly:

1. *Recommends* to all Contracting States that they ratify the amendment to the Final Clause of the Convention as soon as possible; and

2. *Directs* the Secretary General to bring this resolution immediately to the attention of Contracting States with the objective mentioned above.

A23-2: Amendment of the Chicago Convention regarding transfer of certain functions and duties

The Assembly of the International Civil Aviation Organization,

Having met in its Twenty-third Session at Montreal on 6 October 1980, *Having noted* Resolutions A21-22 and A22-28 on lease, charter and interchange of aircraft in international operations,

Having noted the draft amendment to the *Convention on International Civil Aviation* prepared by the 23rd Session of the Legal Committee,

Having noted that it is the general desire of Contracting States to make a provision for the transfer of certain functions and duties from the State of registry to the State of the operator of the aircraft in the case of lease, charter or interchange or any similar arrangements with respect to such aircraft,

Having considered it necessary to amend, for the purpose aforesaid, the *Convention on International Civil Aviation* done at Chicago on the seventh day of December 1944,

1. *Approves*, in accordance with the provisions of Article 94(a) of the Convention aforesaid, the following proposed amendment to the said Convention:

Insert after Article 83 the following new Article 83 *bis*:

"Article 83 *bis*

Transfer of certain functions and duties

a) Notwithstanding the provisions of Articles 12, 30, 31 and 32(a), when an aircraft registered in a contracting State is operated pursuant to an agreement for the lease, charter or interchange of the aircraft or any similar arrangement by an operator who has his principal place of business or, if he has no such place of business, his permanent residence in another contracting State, the State of registry may, by agreement with such other State, transfer to it all or part of its functions and duties as State of registry in respect of that aircraft under Articles 12, 30, 31 and 32(a). The State of registry shall be relieved of responsibility in respect of the functions and duties transferred.

b) The transfer shall not have effect in respect of other contracting States before either the agreement between States in which it is embodied has been registered with the Council and made public pursuant to Article 83 or the existence and scope of the agreement have been directly communicated to the authorities of the other contracting State or States concerned by a State party to the agreement.

c) The provisions of paragraphs (a) and (b) above shall also be applicable to cases covered by Article 77."

2. *Specifies*, pursuant to the provisions of the said Article 94(a) of the said Convention, ninety-eight as the number of Contracting States upon whose ratification the proposed amendment aforesaid shall come into force, and

3. *Resolves* that the Secretary General of the International Civil Aviation Organization draw up a Protocol, in the English, French, Russian and Spanish languages, each of which shall be of equal authenticity, embodying the proposed amendment above-mentioned and the matter hereinafter appearing:

a) The Protocol shall be signed by the President of the Assembly and its Secretary General.

b) The Protocol shall be open to ratification by any State which has ratified or adhered to the said *Convention on International Civil Aviation*.

c) The instruments of ratification shall be deposited with the International Civil Aviation Organization.

d) The Protocol shall come into force in respect of the States which have ratified it on the date on which the ninety-eighth instrument of ratification is so deposited.

e) The Secretary General shall immediately notify all Contracting States of the date of deposit of each ratification of the Protocol.

f) The Secretary General shall immediately notify all States parties to the said Convention of the date on which the Protocol comes into force.

g) With respect to any Contracting State ratifying the Protocol after the date aforesaid, the Protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

A23-3: Ratification of Protocol incorporating Article 83 *bis* into the Chicago Convention

The Assembly,

Having adopted Resolution A23-2 amending the Chicago Convention by the addition of a new Article 83 *bis*,

Urges all Contracting States to complete any necessary changes in their national law and to ratify the amendment as soon as possible.

A25-1: Amendment to the *Convention on International Civil Aviation* (Article 3 *bis*)

The Assembly of the International Civil Aviation Organization,

Having met in its 25th Session (Extraordinary) at Montreal on 10 May 1984,

Having noted that 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;

Having noted that it is desirable to avoid friction and to promote that cooperation between nations and peoples upon which the peace of the world depends;

Having noted that it is necessary that international civil aviation may be developed in a safe and orderly manner;

Having noted that in keeping with elementary considerations of humanity the safety and the lives of persons on board civil aircraft must be assured;

Having noted that in the *Convention on International Civil Aviation* done at Chicago on the seventh day of December 1944 the Contracting States

— recognize that every State has complete and exclusive sovereignty over the airspace above its territory,

— undertake, when issuing regulations for their state aircraft, that they will have due regard for the safety of navigation of civil aircraft, and

— agree not to use civil aviation for any purpose inconsistent with the aims of the Convention, *Having noted* the resolve of the Contracting States to take appropriate measures designed to prevent the violation of other States' airspace and the use of civil aviation for purposes inconsistent with the aims of the Convention and to enhance further the safety of international civil aviation;

Having noted the general desire of Contracting States to reaffirm the principle of non-use of weapons against civil aircraft in flight;

1. *Decides* that it is desirable therefore to amend the *Convention on International Civil Aviation* done at Chicago on the seventh day of December 1944,

2. *Approves*, in accordance with the provision of Article 94(a) of the Convention aforesaid, the following proposed amendment to the said Convention:

Insert, after Article 3, a new Article 3 *bis*:

"Article 3 *bis*

a) The contracting States recognize that every State must refrain from resorting to the use of weapons against civil aircraft in flight and that, in case of interception, the lives of persons on board and the safety of aircraft must not be endangered. This provision shall not be interpreted as modifying in any way the rights and obligations of States set forth in the Charter of the United Nations.

b) The contracting States recognize that every State, in the exercise of its sovereignty, is entitled to require the landing at some designated airport of a civil aircraft flying above its territory without authority or if there are reasonable grounds to conclude that it is being used for any purpose inconsistent with the aims of this Convention; it may also give such aircraft any other instructions to put an end to such violations. For this purpose, the contracting States may resort to any appropriate means consistent with relevant rules of international law, including the relevant provisions of this Convention, specifically paragraph (a) of this Article. Each contracting State agrees to publish its regulations in force regarding the interception of civil aircraft.

c) Every civil aircraft shall comply with an order given in conformity with paragraph (b) of this Article. To this end each contracting State shall establish all necessary provisions in its national laws or regulations to make such compliance mandatory for any civil aircraft registered in that State or operated by an operator who has his principal place of business or permanent residence in that State. Each contracting State shall make any violation of such applicable laws or regulations punishable by severe penalties and shall submit the case to its competent authorities in accordance with its laws or regulations.

d) Each contracting State shall take appropriate measures to prohibit the deliberate use of any civil aircraft registered in that State or operated by an operator who has his principal place of business or permanent residence in that State for any purpose inconsistent with the aims of this Convention. This provision shall not affect paragraph (a) or derogate from paragraphs (b) and (c) of this Article."

3. *Specifies*, pursuant to the provisions of the said Article 94(a) of the said Convention, one hundred and two as the number of Contracting States upon whose ratification the proposed amendment aforesaid shall come into force, and

4. *Resolves* that the Secretary General of the International Civil Aviation Organization draw up a Protocol, in the English, French, Russian and Spanish languages, each of which shall be of equal authenticity, embodying the proposed amendment above-mentioned and the matter hereinafter appearing:

a) The Protocol shall be signed by the President of the Assembly and its Secretary General.

b) The Protocol shall be open to ratification by any State which has ratified or adhered to the said *Convention on International Civil Aviation*.

c) The instruments of ratification shall be deposited with the International Civil Aviation Organization.

d) The Protocol shall come into force in respect of the States which have ratified it on the date on which the one hundred and second instrument of ratification is so deposited.

e) The Secretary General shall immediately notify all Contracting States of the date of deposit of each ratification of the Protocol.

f) The Secretary General shall notify all States parties to the said Convention of the date on which the Protocol comes into force.

g) With respect to any Contracting State ratifying the Protocol after the date aforesaid, the Protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

A25-2: Ratification of Protocol incorporating Article 3 *bis* into the Chicago Convention

The Assembly at its 25th Session (Extraordinary)

Having unanimously approved an amendment to the *Convention on International Civil Aviation* incorporating a new Article 3 *bis* into that Convention

Urges all Contracting States to ratify as soon as practicable the Protocol incorporating Article 3 *bis* into the *Convention on International Civil Aviation* and

Requests the Secretary General to bring this resolution to the attention of all Contracting States.

A27-1: Ratification of the Protocol incorporating Article 3 *bis* into the Chicago Convention

Whereas the Assembly at its 25th Session (Extraordinary) in 1984 unanimously approved an amendment to the *Convention on International Civil Aviation* incorporating a new Article 3 *bis* into that Convention;

Whereas Assembly Resolutions A25-2 and A26-2, as well as Resolutions of the Council of 14 July and 7 December 1988, appealed to all States which have not done so to ratify, as soon as possible, the Protocol incorporating the new Article 3 *bis* into the Convention;

Whereas Assembly Resolution A26-2 noted the slow progress of ratification of the Protocols of Amendment to the Chicago Convention;

Whereas the new Article 3 *bis* embodies fundamental principles essential for the safe development of international civil aviation; and

Whereas it is desirable that the Article come into force as early as possible;

The Assembly:

Appeals urgently to all Contracting States which have not yet done so to ratify, as soon as possible, the Protocol incorporating Article 3 *bis* into the Chicago Convention.

A25-3: Cooperation among Contracting States to ensure the safety of international civil aviation and to advance the aims of the Chicago Convention

The Assembly:

Noting Resolution A25-1 adopted unanimously this day by the Assembly

Recognizing that the safety of international civil aviation requires an acknowledgement by all States of the importance of the safety and lives of persons on board civil aircraft and is enhanced by effective measures of coordination in respect of matters relating to air navigation.

Convinced that practical measures of cooperation among Contracting States are indispensable for ensuring the safety of international civil aviation and advancing the aims of the Chicago Convention.

Conscious of the desirability of improving coordination between military and civil communications systems and air traffic control agencies so as to enhance the safety of civil aviation during the identification and interception of civil aircraft.

Recognizing the importance of encouraging States to achieve harmonization of procedures for the interception of civil aircraft when issuing regulations for their state aircraft.

1. *Calls upon* Contracting States:

   a) to cooperate to the fullest extent practicable in reducing the need for the interception of civil aircraft;

   b) to cooperate to the fullest extent practicable in improving coordination between military and civil communications systems and air traffic control agencies so as to enhance the safety of international civil aviation during the identification and interception of civil aircraft;

   c) to seek as far as practicable to harmonize procedures for the interception of civil aircraft when issuing regulations for their state aircraft;

   d) to seek as far as practicable adherence to uniform navigational and flight operational procedures by flight crew of civil aircraft;

2. *Requests* the Council to ensure that the work being undertaken within the competent organs, including the Air Navigation Commission and the Legal Committee, be continued.

A29-19: Legal aspects of the global air-ground communications

Whereas the Legal Committee, at its 28th Session, considered the subject “legal aspects of global air-ground communications”;

Whereas the Legal Committee interpreted Article 30(a) of the Chicago Convention as recognizing the sovereignty of States in the airspace over their territory and subjecting public correspondence to the regulations of the State overflown;

Whereas the Legal Committee recommended to the Council that it should invite this Assembly to adopt a resolution which reflects the recommendation of the Legal Committee;

The Assembly resolves:

1. that nothing in Article 30(b) of the Chicago Convention shall be taken to preclude the use by unlicensed persons of the radio transmitting apparatus installed upon an aircraft where that use is for non-safety-related air-ground radio transmissions;

2. that all Member States should ensure that such use of such apparatus shall not be prohibited in their air space; and

3. that such use of such apparatus shall be subject to the conditions set out in the Annex hereto.

ANNEX

Whenever a Member State is the State of Registry (or State of the operator under the terms of Article 83 *bis* of the *Convention on International Civil Aviation* when it enters into force and is applied to a specific case) of an aircraft, the radio transmitting apparatus on board that aircraft may, while in or over the territory of another Member State, be used for non-safety air-ground radio transmissions subject to the following conditions:

(i) compliance with the conditions of the licence for the installation and operation of that apparatus issued by the State of Registry (or State of the operator) of the aircraft;

(ii) any person may use that apparatus for non-safety air-ground radio transmissions provided always that control of that apparatus shall be by an operator duly licensed by the State of Registry (or State of the operator) of the aircraft;

(iii) compliance with the requirements of the International Telecommunication Convention and the Radio Regulations adopted thereunder as amended from time to time, including the applicable radio frequencies, the avoidance of harmful interference with other services and priority for aeronautical communications relating to distress, safety and regularity of flight; and

(iv) compliance with any technical and operating conditions set forth in the applicable regulations of the Member State in or over whose territory the aircraft is operating.

MEMBERSHIP OF ICAO

A1-3: Amendment of the Convention (Article 93 *bis*)

Whereas the General Assembly of the United Nations has recommended that the Franco Government of Spain be debarred from membership in specialized agencies established by or brought into relationship with the United Nations and from participation in conference or other activities which may be arranged by the United Nations or by these agencies until a new and acceptable government is formed in Spain; and

Whereas the General Assembly, in approving the draft agreement between the United Nations and ICAO, made it a condition of its approval that ICAO comply with any decision of the General Assembly regarding Franco Spain;

Now therefore the Assembly of ICAO, wishing to conform with the recommendation of the General Assembly and to comply with the condition of the General Assembly to its approval of the draft agreement between the United Nations and ICAO, hereby *approves* the following proposed amendment to the *Convention on International Civil Aviation*, in accordance with Article 94 of the Convention:

"Article 93 *bis*

a) Notwithstanding the provisions of Articles 91, 92 and 93 above,

1. A State whose government the General Assembly of the United Nations has recommended be debarred from membership in international agencies established by or brought into relationship with the United Nations shall automatically cease to be a member of the International Civil Aviation Organization;

2. A State which has been expelled from membership in the United Nations shall automatically cease to be a member of the International Civil Aviation Organization unless the General Assembly of the United Nations attaches to its act of expulsion a recommendation to the contrary.

b) A State which ceases to be a member of the International Civil Aviation Organization as a result of the provisions of paragraph (a) above may, after approval by the General Assembly of the United Nations, be re-admitted to the International Civil Aviation Organization upon application and upon approval by a majority of the Council.

c) Members of the Organization which are suspended from the exercise of the rights and privileges of membership in the United Nations shall, upon the request of the latter, be suspended from the rights and privileges of membership in this Organization."

A1-9: Consideration of applications for membership in ICAO

Whereas universal membership in the International Civil Aviation Organization is desirable to achieve its maximum usefulness in promoting safety in the air and the efficient and orderly development of air transport; and

Whereas it is desirable to expedite consideration of applications for membership; and

Whereas Articles 92(a) and 93 of the Convention contain provisions concerning applications for membership from certain States; and

Whereas since the Convention was signed in December, 1944, the United Nations has been formed; and

Whereas the relationship agreement between this Organization and the United Nations has been approved at this Assembly and this agreement provides for the immediate transmission by the Organization to the United Nations of applications for membership by States other than those provided for in Article 92(a) of the Convention; and

Whereas applications for membership in this Organization may be received, while the Assembly is not in session, from a State other than those provided for in Article 92(a) of the Convention;

Now therefore the Assembly resolves:

That, should any application for membership in this Organization be received, while the Assembly is not in session, from a State other than those provided for in Article 92(a) of the Convention, the Council may, in accordance with Article 93 of the Convention and pending submission of the application to the next Assembly in accordance with that Article, consult with the State or States invaded or attacked during the war of 1939-1945 by the State seeking admission.

THE ORGANIZATION AND ITS BODIES

A13-1: Amendment to Article 50(a) of the Convention increasing the membership of the Council to twenty-seven

The Assembly,

Having met in its Thirteenth (Extraordinary) Session, at Montreal, on the nineteenth day of June 1961,

Having noted that it is the general desire of Contracting States to enlarge the membership of the Council,

Having considered it proper to provide for six additional seats in the Council and, accordingly, to increase the membership from twenty-one to twenty-seven, and

Having considered it necessary to amend, for the purpose aforesaid, the *Convention on International Civil Aviation* done at Chicago on the seventh day of December 1944,

1. *Approves*, in accordance with the provisions of Article 94(a) of the Convention aforesaid, the following proposed amendment to the said Convention:

> "In article 50(a) of the Convention the expression 'twenty-one' shall be deleted and substituted by 'twenty-seven'."

2. *Specifies*, pursuant to the provisions of the said Article 94(a) of the said Convention, fifty-six as the number of Contracting States upon whose ratification the proposed amendment aforesaid shall come into force, and

3. *Resolves* that the Secretary General of the International Civil Aviation Organization draw up a protocol, in the English, French and Spanish languages, each of which shall be of equal authenticity, embodying the proposed amendment above-mentioned and the matter hereinafter appearing:

a) The protocol shall be signed by the President of the Assembly and its Secretary General.

b) The protocol shall be open to ratification by any State which has ratified or adhered to the said *Convention on International Civil Aviation*.

c) The instruments of ratification shall be deposited with the International Civil Aviation Organization.

d) The protocol shall come into force in respect of the States which have ratified it on the date on which the fifty-sixth instrument of ratification is so deposited.

e) The Secretary General shall immediately notify all Contracting States of the date of deposit of each ratification of the protocol.

f) The Secretary General shall immediately notify all States parties or signatories to the said Convention of the date on which the protocol comes into force.

g) With respect to any Contracting State ratifying the protocol after the date aforesaid, the protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

A17A-1: Amendment to Article 50(a) of the Convention increasing the membership of the Council to thirty

The Assembly,

Having met in Extraordinary Session, at New York, on the eleventh day of March 1971,

Having noted that it is the general desire of Contracting States to enlarge the membership of the Council,

Having considered it proper to provide for three additional seats in the Council and, accordingly, to increase the membership from twenty-seven to thirty, and

Having considered it necessary to amend, for the purpose aforesaid, the *Convention on International Civil Aviation* done at Chicago on the seventh day of December 1944,

1. *Approves*, in accordance with the provisions of Article 94(a) of the Convention aforesaid, the following proposed amendment to the said Convention:

> ‘‘In Article 50(a) of the Convention the second sentence shall be deleted and substituted by ‘It shall be composed of thirty contracting States elected by the Assembly’.”

2. *Specifies*, pursuant to the provisions of the said Article 94(a) of the said Convention, eighty as the number of Contracting States upon whose ratification the proposed amendment aforesaid shall come into force, and

3. *Resolves* that the Secretary General of the International Civil Aviation Organization draw up a protocol, in the English, French and Spanish languages, each of which shall be of equal authenticity, embodying the proposed amendment above-mentioned and the matters hereinafter appearing:

a) The protocol shall be signed by the President of the Assembly and its Secretary General.

b) The protocol shall be open to ratification by any State which has ratified or adhered to the said *Convention on International Civil Aviation*.

c) The instruments of ratification shall be deposited with the International Civil Aviation Organization.

d) The protocol shall come into force in respect of the States which have ratified it on the date on which the eightieth instrument of ratification is so deposited.

e) The Secretary General shall immediately notify all Contracting States of the date of deposit of each ratification of the protocol.

f) The Secretary General shall immediately notify all States parties to the said Convention of the date on which the protocol comes into force.

g) With respect to any Contracting State ratifying the protocol after the date aforesaid, the protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

A21-2: Amendment to Article 50(a) of the Convention increasing the membership of the Council to thirty-three

The Assembly,

Having met in its Twenty-first Session, at Montreal on 14 October 1974,

Having noted that it is the general desire of Contracting States to enlarge the membership of the Council,

Having considered it proper to provide for three additional seats in the Council, and accordingly to increase the membership from thirty to thirty-three, in order to permit an increase in the representation of States elected in the second, and particularly the third, part of the election, and

Having considered it necessary to amend, for the purpose aforesaid, the *Convention on International Civil Aviation* done at Chicago on the seventh day of December 1944,

1. *Approves*, in accordance with the provisions of Article 94(a) of the Convention aforesaid, the following proposed amendment to the said Convention:

> "In Article 50(a) of the Convention the second sentence shall be amended by replacing 'thirty' by 'thirty-three'."

2. *Specifies*, pursuant to the provisions of the said Article 94(a) of the said Convention, eighty-six as the number of Contracting States upon whose ratification the proposed amendment aforesaid shall come into force, and

3. *Resolves* that the Secretary General of the International Civil Aviation Organization draw up a protocol, in the English, French and Spanish languages, each of which shall be of equal authenticity, embodying the proposed amendment above-mentioned and the matter hereinafter appearing:

a) The protocol shall be signed by the President of the Assembly and its Secretary General.

b) The protocol shall be open to ratification by any State which has ratified or adhered to the said *Convention on International Civil Aviation*.

c) The instruments of ratification shall be deposited with the International Civil Aviation Organization.

d) The protocol shall come into force in respect of the States which have ratified it on the date on which the 86th instrument of ratification is so deposited.

e) The Secretary General shall immediately notify all Contracting States of the date of deposit of each ratification of the protocol.

f) The Secretary General shall immediately notify all States parties to the said Convention of the date on which the protocol comes into force.

g) With respect to any Contracting State ratifying the protocol after the date aforesaid, the protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

A28-1: Amendment to Article 50(a) of the *Convention on International Civil Aviation*

Having met in its Twenty-eighth Session (Extraordinary) at Montreal on 25 October 1990;

Having noted that it is the desire of a large number of Contracting States to enlarge the membership of the Council in order to ensure better balance by means of an increased representation of Contracting States;

Having considered it appropriate to increase the membership of that body from thirty-three to thirty-six;

Having considered it necessary to amend, for the purpose aforesaid, the *Convention on International Civil Aviation* done at Chicago on the seventh day of December 1944;

The Assembly:

1. *Approves*, in accordance with the provisions of Article 94(a) of the Convention aforesaid, the following proposed amendment to the said Convention:

> "In Article 50(a) of the Convention the second sentence shall be amended by replacing 'thirty-three' by 'thirty-six'."

2. *Specifies*, pursuant to the provisions of the said Article 94(a) of the said Convention, one hundred and eight as the number of Contracting States upon whose ratification the proposed amendment aforesaid shall come into force;

3. *Resolves* that the Secretary General of the International Civil Aviation Organization draw up a Protocol, in the English, French, Russian and Spanish languages, each of which will be of equal authenticity, embodying the amendment above-mentioned and the matter hereinafter appearing:

a) The Protocol shall be signed by the President of the Assembly and its Secretary General.

b) The Protocol shall be open to ratification by any State which has ratified or adhered to the said *Convention on International Civil Aviation*.

c) The instruments of ratification shall be deposited with the International Civil Aviation Organization.

d) The Protocol shall come into force in respect of the States which have ratified it on the date on which the one hundred and eighth instrument of ratification is so deposited.

e) The Secretary General shall immediately notify all Contracting States of the date of deposit of each ratification of the Protocol.

f) The Secretary General shall immediately notify all States parties to the said Convention of the date on which the Protocol comes into force.

g) With respect to any Contracting State ratifying the Protocol after the date aforesaid, the Protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

A28-2: Ratification of the Protocol amending Article 50(a) of the *Convention on International Civil Aviation*

Whereas the Assembly at its Twenty-eighth Session (Extraordinary) has decided to amend Article 50(a) of the Convention to provide for an increase in the membership of the Council; and

Whereas the Assembly is of the opinion that it is highly desirable that the aforesaid amendment should come into force as soon as possible;

The Assembly:

1. *Recommends* to all Contracting States that they ratify urgently the Amendment to Article 50(a) of the Convention; and

2. *Directs* the Secretary General to bring this Resolution to the attention of Contracting States as soon as possible.

A39-4: Amendment to Article 50 (a) of the *Convention on International Civil Aviation*

Having met, in its Thirty-ninth session, at Montréal on 1 October 2016;

Having noted that it is the general desire of Contracting States to enlarge the membership of the Council;

Having considered it proper to provide for four additional seats in the Council and, accordingly, to increase the membership from thirty-six to forty; and

Having considered it necessary to amend, for the purpose aforesaid, the *Convention on International Civil Aviation* done at Chicago on the seventh day of December 1944;

The Assembly:

1. *Approves*, in accordance with the provisions of Article 94 (a) of the Convention aforesaid, the following proposed amendment to the said Convention:

In Article 50 (a) of the Convention the second sentence shall be amended by replacing “thirty-six” by “forty”;

2. *Specifies*, pursuant to the provisions of the said Article 94 (a) of the said Convention, one-hundred and twenty-eight as the number of Contracting States upon whose ratification the proposed amendment aforesaid shall come into force; and

3. *Resolves* that the Secretary General of the International Civil Aviation Organization draw up a Protocol, in the Arabic, Chinese, English, French, Russian and Spanish languages, each of which shall be of equal authenticity, embodying the proposed amendment above-mentioned and the matter hereinafter appearing:

a) the Protocol shall be signed by the President of the Assembly and its Secretary General;

b) the Protocol shall be open to ratification by any State which has ratified or adhered to the said *Convention on International Civil Aviation*;

c) the instruments of ratification shall be deposited with the International Civil Aviation Organization;

d) the Protocol shall come into force in respect of the States which have ratified it on the date on which the one-hundred and twenty-eighth instrument of ratification is so deposited;

e) the Secretary General shall immediately notify all Contracting States to the said Convention of the date of deposit of each ratification of the Protocol;

f) the Secretary General shall immediately notify all Contracting States to the said Convention of the date on which the Protocol comes into force; and

g) with respect to any Contracting State ratifying the Protocol after the date aforesaid, the Protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

A39-5: Ratification of the Protocol amending Article 50 (a) of the *Convention on International Civil Aviation*

Whereas the Assembly has decided to amend Article 50 (a) of the Convention to provide for an increase in the size of the Council; and

Whereas the Assembly is of the opinion that it is highly desirable that the aforesaid amendment should come into force as soon as possible;

The Assembly:

1. *Recommends* to all Contracting States that they ratify most urgently the amendment to Article 50 (a) of the Convention; and

2. *Directs* the Secretary General to bring this resolution to the attention of Contracting States as soon as possible.

A4-1: Obligations of Council Member States

Whereas the Contracting States elected to the Council in 1947 accepted the responsibility of participating fully in the work of the Organization; and

Whereas some of the States so elected found it impossible to meet this responsibility as expected at the time of the election, and failed to take the expected part in the Council's work; and

Whereas notwithstanding these difficulties it is accepted that election to the Council involves an inherent obligation on the part of Contracting States so elected to participate fully in the work of the Organization;

Now therefore this Assembly resolves:

1. That a Contracting State giving notice, in accordance with Rule 45* of the Rules of Procedure for this Assembly, of its desire to stand for election to the Council, is understood to have indicated its intention, if elected, to appoint and support full time representation at the Headquarters of the Organization to ensure the participation of Council Member States in the work of the Organization; and

2. That the Council be directed to report to each session of the Assembly any case of a Council Member State having failed to discharge, since the previous session, its responsibilities as set out in the foregoing paragraph.

A18-2: Amendment to Article 56 of the Convention increasing the membership of the Air Navigation Commission to fifteen

The Assembly,

Having met in its Eighteenth Session at Vienna,

Having noted that it is the general desire of Contracting States to enlarge the membership of the Air Navigation Commission,

Having considered it proper to increase the membership of that body from twelve to fifteen, and

Having considered it necessary to amend, for the purpose aforesaid, the *Convention on International Civil Aviation* done at Chicago on the seventh day of December 1944,

1. *Approves*, in accordance with the provisions of Article 94(a) of the Convention aforesaid, the following proposed amendment to the said Convention:

"In Article 56 of the Convention the expression 'twelve members' shall be replaced by 'fifteen members'."

2. *Specifies*, pursuant to the provisions of the said Article 94(a) of the said Convention, eighty as the number of Contracting States upon whose ratification the aforesaid amendment shall come into force; and

3. *Resolves* that the Secretary General of the International Civil Aviation Organization shall draw up a protocol, in the English, French and Spanish languages, each of which shall be of equal authenticity, embodying the amendment above-mentioned and the matters hereinafter appearing:

a) the protocol shall be signed by the President of the Assembly and its Secretary General;

b) the protocol shall be open to ratification by any State which has ratified or adhered to the said *Convention on International Civil Aviation*;

c) the instruments of ratification shall be deposited with the International Civil Aviation Organization;

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* Now Rule 55.

d) the protocol shall come into force in respect of the States that have ratified it on the date on which the eightieth instrument of ratification is deposited;

e) the Secretary General shall immediately notify all Contracting States of the date of deposit of each ratification of the protocol;

f) the Secretary General shall immediately notify all States parties to the said Convention of the date on which the protocol comes into force;

g) with respect to any Contracting State ratifying the protocol after the date aforesaid, the protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

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 Member 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 Member 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 Member States nominations from which the nineteen members of the Commission may be selected;

2. *Urges* all Member 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 Member 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 Member State in the work of the Commission; and

5. *Declares* that this resolution supersedes Resolution A22-4.

A27-2: Amendment to Article 56 of the *Convention on International Civil Aviation*

The Assembly:

Having noted that it is the general desire of Contracting States to enlarge the membership of the Air Navigation Commission,

Having considered it proper to increase the membership of that body from fifteen to nineteen, and

Having considered it necessary to amend, for the purpose aforesaid, the *Convention on International Civil Aviation* done at Chicago on the seventh day of December 1944,

1. *Approves*, in accordance with the provisions of Article 94(a) of the Convention aforesaid, the following proposed amendment to the said Convention:

> "In Article 56 of the Convention the expression fifteen members shall be replaced by nineteen members;"

2. *Specifies*, pursuant to the provisions of the said Article 94(a) of the said Convention, 108 as the number of Contracting States upon whose ratification the aforesaid amendment shall come into force; and

3. *Resolves* that the Secretary General of the International Civil Aviation Organization shall draw up a protocol, in the English, French, Russian and Spanish languages, each of which shall be of equal authenticity, embodying the amendment above-mentioned and the matters hereinafter appearing:

a) the protocol shall be signed by the President of the Assembly and its Secretary General;

b) the protocol shall be open to ratification by any State which has ratified or adhered to the said *Convention on International Civil Aviation*;

c) the instruments of ratification shall be deposited with the International Civil Aviation Organization;

d) the protocol shall come into force in respect of the States that have ratified it on the date on which the 108th instrument of ratification is deposited;

e) the Secretary General shall immediately notify all Contracting States of the date of deposit of each ratification of the protocol;

f) the Secretary General shall immediately notify all States parties to the said Convention of the date on which the protocol comes into force;

g) with respect to any Contracting State ratifying the protocol after the date aforesaid, the protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

A39-6: Amendment to Article 56 of the *Convention on International Civil Aviation*

Having met, in its Thirty-ninth session, at Montréal on 1 October 2016;

Having noted that it is the general desire of Contracting States to enlarge the membership of the Air Navigation Commission;

Having considered it proper to increase the membership of that body from nineteen to twenty-one; and

Having considered it necessary to amend, for the purpose aforesaid, the *Convention on International Civil Aviation* done at Chicago on the seventh day of December 1944;

The Assembly:

1. *Approves*, in accordance with the provisions of Article 94 (a) of the Convention aforesaid, the following proposed amendment to the said Convention:

"In Article 56 of the Convention the expression 'nineteen members' shall be replaced by 'twenty-one members'";

2. *Specifies*, pursuant to the provisions of the said Article 94 (a) of the said Convention, one-hundred and twenty-eight as the number of Contracting States upon whose ratification the aforesaid amendment shall come into force; and

3. *Resolves* that the Secretary General of the International Civil Aviation Organization shall draw up a protocol, in the Arabic, Chinese, English, French, Russian and Spanish languages, each of which shall be of equal authenticity, embodying the amendment above-mentioned and the matters hereinafter appearing:

a) the Protocol shall be signed by the President of the Assembly and its Secretary General;

b) the Protocol shall be open to ratification by any State which has ratified or adhered to the said *Convention on International Civil Aviation;*

c) the instruments of ratification shall be deposited with the International Civil Aviation Organization;

d) the Protocol shall come into force in respect of the States that have ratified it on the date on which the one-hundred and twenty-eighth instrument of ratification is deposited;

e) the Secretary General shall immediately notify all Contracting States to the said Convention of the date of deposit of each ratification of the Protocol;

f) the Secretary General shall immediately notify all Contracting States to the said Convention of the date on which the Protocol comes into force; and

g) with respect to any Contracting State ratifying the Protocol after the date aforesaid, the Protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

A39-7: Ratification of the Protocol amending Article 56 of the *Convention on International Civil Aviation*

Whereas the Assembly has decided to amend Article 56 of the *Convention on International Civil Aviation* to provide for an increase in the size of the ANC; and

Whereas the Assembly is of the opinion that it is highly desirable that the aforesaid amendment should come into force as soon as possible;

The Assembly:

1. *Recommends* to all Contracting States that they ratify most urgently the amendment to Article 56 of the *Convention on International Civil Aviation*; and

2. *Directs* the Secretary General to bring this resolution to the attention of Contracting States as soon as possible.

A7-5: Revised Constitution of the Legal Committee

The Assembly resolves:

That the Constitution of the Legal Committee as set out below be hereby approved and replace the Constitution approved by the Assembly at its First Session (Resolution A1-46).

Legal Committee — Constitution

"1. The Legal Committee (hereinafter called ''the Committee'') shall be a permanent Committee of the Organization, constituted by the Assembly and responsible to the Council except as otherwise specified herein.

2. The duties and functions of the Committee shall be:

a) to advise the Council on matters relating to the interpretation and amendment of the *Convention on International Civil Aviation*, referred to it by the Council;

b) to study and make recommendations on such other matters relating to public international air law as may be referred to it by the Council or the Assembly;

c) by direction of the Assembly or the Council, or on the initiative of the Committee and subject to the prior approval of the Council, to study problems relating to private air law affecting international civil aviation, to prepare drafts of international air law conventions and to submit reports and recommendations thereon;

d) to make recommendations to the Council as to the representation at sessions of the Committee of non-contracting States and other international organizations, as to the coordination of the work of the Committee with that of other representative bodies of the Organization and of the Secretariat and also as to such other matters as will be conducive to the effective work of the Organization.

3. The Committee shall be composed of legal experts designated as representatives of and by Contracting States, and shall be open to participation by all Contracting States.

4. Each Contracting State represented in meetings of the Committee shall have one vote.

5. The Committee shall determine, subject to the approval of the Council, the general work programme of the Committee and the provisional agenda of each session, provided that the Committee may, during a session, modify the provisional agenda for the better conduct of its work consistently with the provisions of this Constitution. Sessions of the Committee shall be convened at such places and times as may be directed or approved by the Council.

6. The Committee shall adopt rules of procedure. Such rules, and any amendment thereof which affects the relationship of the Committee with other bodies of the Organization or with States or other organizations, shall be subject to approval by the Council.

7. The Committee shall elect its own officers.

8. The Committee may appoint Subcommittees either to meet concurrently with the Committee or, subject to the approval of the Council, at other times and places as it may deem fit."

A8-1: Amendments to Articles 48(a), 49(e) and 61 of the Convention (Frequency of Assembly Sessions)

Whereas Article 48(a) of the *Convention on International Civil Aviation*, signed at Chicago on 7 December 1944, provides that the Assembly shall meet annually; and

Whereas it is desirable that the Organization should be in a position to arrange its programme of Assembly sessions at less frequent intervals than annually if such action appears desirable; and

Whereas it is necessary to amend the said Convention for the purpose above-mentioned; and

Whereas under Article 94(a) of the said Convention any proposed amendment, upon approval by a two-thirds vote of the Assembly, shall come into force in respect of States which have ratified such amendment when ratified by the number of Contracting States specified by the Assembly, and the number so specified shall not be less than two-thirds of the total number of Contracting States;

Now therefore the Assembly, pursuant to Article 94(a) of the said Convention, *approves* the following proposed amendments to the said Convention:

1. In Article 48(a), substitute for the word "annually" the expression "not less than once in three years";

2. In Article 49(e), substitute for the expression "an annual budget" the expression "annual budgets"; and

3. In Article 61, substitute for the expressions "an annual budget" and "vote the budget" the expressions "annual budgets" and "vote the budgets";

Specifies forty-two as the number of Contracting States upon whose ratification the proposed amendments aforesaid shall come into force;

Resolves:

1. That the Secretary General of the International Civil Aviation Organization draw up a protocol embodying the amendments above-mentioned in the English, French and Spanish languages, each of which shall be of equal authenticity;

2. That the protocol shall be signed by the President of this Assembly and its Secretary General;

3. That the protocol shall be open to ratification by any State which has ratified or adhered to the said *Convention*;

4. That certified copies of the protocol shall be transmitted to all States parties or signatories to the said Convention;

5. That the instruments of ratification shall be deposited with the International Civil Aviation Organization;

6. That the protocol shall come into force among the States which have ratified it on the date on which the forty-second instrument of ratification is so deposited;

7. That the Secretary General shall immediately notify all Contracting States of each ratification of the protocol;

8. That the Secretary General shall immediately notify all States parties or signatories to the said Convention of the date on which the protocol comes into force;

9. That with respect to any Contracting State ratifying the protocol after the date aforesaid, the protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization;

Recommends that all Contracting States take urgent action for ratification of the amendments aforesaid.

A14-5: Protocol relating to the amendment of Article 48(a) of the *Convention on International Civil Aviation*

The Assembly of the International Civil Aviation Organization,

Having met in its Fourteenth Session, at Rome, on the twenty-first day of August, 1962;

Having noted that it is the general desire of Contracting States that the minimum number of Contracting States which may request the holding of an extraordinary meeting of the Assembly should be increased from the present figure of ten;

Having considered it proper to increase the said number to one-fifth of the total number of Contracting States;

And having considered it necessary to amend for the purpose aforesaid the *Convention on International Civil Aviation* done at Chicago on the seventh day of December 1944,

Approved, on the fourteenth day of September of the year one thousand nine hundred and sixty-two, in accordance with the provisions of Article 94(a) of the Convention aforesaid, the following proposed amendment to the said Convention:

> "In Article 48(a) of the Convention, the second sentence be deleted and substituted by 'An extraordinary meeting of the Assembly may be held at any time upon the call of the Council or at the request of not less than one-fifth of the total number of contracting States addressed to the Secretary General'."

Specified, pursuant to the provisions of the said Article 94(a) of the said Convention, sixty-six as the number of Contracting States upon whose ratification the proposed amendment aforesaid shall come into force; and

Resolved that the Secretary General of the International Civil Aviation Organization draw up a protocol, in the English, French and Spanish languages, each of which shall be of equal authenticity, embodying the proposed amendment above-mentioned and the matter hereinafter appearing.

Consequently, pursuant to the aforesaid action of the Assembly,

This protocol has been drawn up by the Secretary General of the Organization;

This protocol shall be open to ratification by any State which has ratified or adhered to the said *Convention on International Civil Aviation*;

The instruments of ratification shall be deposited with the International Civil Aviation Organization;

This protocol shall come into force in respect of the States which have ratified it on the date on which the sixty-sixth instrument of ratification is so deposited;

The Secretary General shall immediately notify all Contracting States of the date of deposit of each ratification of this protocol;

The Secretary General shall immediately notify all States parties or signatories to the said Convention of the date on which this protocol comes into force;

With respect to any Contracting State ratifying this protocol after the date aforesaid, the protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

In faith whereof, the President and the Secretary General of the Fourteenth Session of the Assembly of the International Civil Aviation Organization, being authorized thereto by the Assembly, sign this protocol.

Done at Rome on the fifteenth day of September of the year one thousand nine hundred and sixty-two in a single document in the English, French and Spanish languages, each of which shall be of equal authenticity. This protocol shall remain deposited in the archives of the International Civil Aviation Organization; and certified copies thereof shall be transmitted by the Secretary General of the Organization to all States parties or signatories to the *Convention on International Civil Aviation* aforementioned.

STANDING RULES OF PROCEDURE OF THE ASSEMBLY

— Resolutions A6-12, A12-4 and A14-1
— Decisions by the 12th, 16th, 18th, 21st, 22nd, 25th and 36th Sessions of the Assembly (see Reports of the Executive Committee of each of the sessions)

Note.— The text of these Rules of Procedure and amendments thereto has not been reproduced in this publication. The current version of the Standing Rules of Procedure of the Assembly appears in Doc 7600.

A22 Decision: Russian text of the Standing Rules of Procedure of the Assembly

(see Doc 9210 A22-EX, page 37, paragraph 13:1)

A25 Decision: Arabic text of the Standing Rules of Procedure of the Assembly

(see Doc 9437 A25-Res., P-Min., page 22, paragraph 9)

A16-13: Frequency and site of ordinary sessions of the Assembly

Whereas the Assembly has reviewed Resolutions A4-6 (second sentence of Resolving Clause 4) and A14-4 and has decided that, pursuant to A15-2, they should be consolidated and then cancelled;

The Assembly resolves that the triennial arrangement of ordinary sessions of the Assembly should be regarded as the normal practice of the Organization, with the understanding that intervening ordinary sessions might be convened by decision of the Assembly or Council. The Council should give careful consideration to suggestions or invitations of Contracting States to hold triennial ordinary sessions of the Assembly away from the Headquarters of the Organization, taking into account the benefits to be derived by the Organization and the Contracting States, the nature of offers to defray all or a portion of the additional expense to the Organization, and all pertinent considerations.

A22 Decision: Feasibility of establishing a system of rotation of sites for the ordinary sessions of the Assembly in the various ICAO regions

(see Doc 9210 A22-EX, page 12, paragraph 7:11)

A1-23: Authorization to the Council to act as an arbitral body

Whereas the Interim Agreement on International Civil Aviation provides, under Article III, Section 6(8), that one of the functions of the Council shall be:

> “When expressly requested by all the parties concerned, act as an arbitral body on any differences arising among Member States relating to International civil aviation matters which may be submitted to it. The Council may render an advisory report or, if the parties concerned so expressly decide, they may obligate themselves in advance to accept the decision of the Council. The procedure to govern the arbitral proceedings shall be determined in agreement between the Council and all the interested parties”.

Whereas the *Convention on International Civil Aviation* contains no such provision and the competence of the Council of the Organization in the settlement of disputes, as accorded to it by Article 84 of the Convention, is limited to decisions on disagreements relating to the interpretation or application of the Convention and its Annexes;

Now therefore the First Assembly resolves:

1. That pending further discussion and ultimate decision by the Organization as to the methods of dealing with international disputes in the field of civil aviation, the Council be authorized to act as an arbitral body on any differences arising among Contracting States relating to international civil aviation matters submitted to it, when expressly requested to do so by all parties to such differences; and

2. That the Council, on such occasions, be authorized to render an advisory report, or a decision binding upon the parties, if the parties expressly decide to obligate themselves in advance to accept the decision of the Council as binding; and

3. That the procedure to govern the arbitral procedures shall be determined in agreement between the Council and all the interested parties.

A5-3: Delegation of authority to the Council to extend invitations to non-contracting States and International Organizations to participate in future sessions of the Assembly

The Fifth Session of the Assembly resolves:

That the authority to extend invitations to non-contracting States and public and private international organizations to attend future sessions of the Assembly is hereby delegated to the Council, which, in its discretion, may re-delegate the authority.

A8-4: Amendment to Article 45 (Permanent seat of the Organization)

Whereas Article 45 of the *Convention on International Civil Aviation*, signed at Chicago on 7 December 1944, provides that the permanent seat of the Organization shall be at such place as shall be determined at the final meeting of the Interim Assembly of the Provisional International Civil Aviation Organization;

Whereas, accordingly, the said Interim Assembly, on the sixth day of June 1946, took a decision in the matter which, in effect, determined that the permanent seat shall be at Montreal;

Whereas the Assembly is of the opinion that circumstance may arise under which it would be desirable to transfer, otherwise than temporarily, the permanent seat of the Organization elsewhere; and

Whereas such transfer cannot be effected without amendment of the Convention;

The Assembly considering that the Convention should be amended to ensure that in the event of such a transfer of the permanent seat becoming necessary the same may be effected without undue delay;

Therefore approves the following proposed amendment to the said Convention: — At the end of Article 45 of the Convention the full stop be *substituted* by a comma, and the following be *added*, namely "and otherwise than temporarily by decision of the Assembly, such decision to be taken by the number of votes specified by the Assembly. The number of votes so specified will not be less than three-fifths of the total number of contracting States."

Specifies forty-two as the number of Contracting States upon whose ratification the proposed amendment aforesaid shall come into force;

Resolves:

1. That the Secretary General of the International Civil Aviation Organization draw up a protocol embodying the amendment above-mentioned in the English, French and Spanish languages, each of which shall be of equal authenticity;

2. That the protocol shall be signed by the President of this Assembly and its Secretary General;

3. That the protocol shall be open to ratification by any State which has ratified or adhered to the said *Convention on International Civil Aviation*;

4. That certified copies of the protocol shall be transmitted to all States parties or signatories to the said Convention;

5. That the instruments of ratification shall be deposited with the International Civil Aviation Organization;

6. That the protocol shall come into force among the States which have ratified it on the date on which the forty-second instrument of ratification is so deposited;

7. That the Secretary General shall immediately notify all Contracting States of each ratification of the protocol;

8. That the Secretary General shall immediately notify all States parties or signatories to the said Convention of the date on which the protocol comes into force;

9. That with respect to any Contracting State ratifying the protocol after the date aforesaid, the protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization;

Recommends that all Contracting States take urgent action for ratification of the amendment aforesaid.

A8-5: Consideration of proposals to move the permanent seat

Whereas an amendment to Article 45 of the Convention has been adopted by this session of the Assembly pursuant to which, after it has been duly ratified, it will be possible to move the permanent seat of the Organization on a decision to be taken by the Assembly, such decision to be taken by the number of votes specified by the Assembly. The number of votes so specified will not be less than three-fifths of the total number of Contracting States; and

Whereas it is deemed to be of the greatest importance that all the Contracting States should have full opportunity to give adequate consideration to any proposal to move the seat of the Organization;

The Assembly resolves:

that no proposal to move the permanent seat of the Organization should be considered by any future session of the Assembly unless notice thereof, with all pertinent documentation, has been despatched to all the Contracting States at least one hundred and twenty days prior to the convening of such session of the Assembly.

A31-2: Increasing the effectiveness of ICAO

Whereas ICAO has for over 50 years effectively and efficiently fulfilled its functions in accordance with Part II of the *Convention on International Civil Aviation* (the Chicago Convention);

Whereas the fundamental objectives of the Organization expressed in Article 44 of the Chicago Convention and the functions of the Council expressed in Articles 54 and 55 remain paramount;

Whereas the Organization is facing new and rapidly evolving challenges of a technological, economic, social and legal nature; and

Whereas there is a need for the Organization to respond effectively to these challenges at a time of financial difficulties being experienced by the aviation community;

The Assembly:

1. *Expresses appreciation* to the Council and the Secretary General for the progress made in developing a Strategic Action Plan for the Organization;

2. *Endorses* the decisions already taken by the Council to continue to develop the Strategic Action Plan and to establish an oversight mechanism which includes an annual review of progress;

3. *Directs* the Council and the Secretary General, within their respective competencies, to:

   a) intensify efforts to develop the Strategic Action Plan on a continuing basis in association with a systematic planning process which improves effectiveness, transparency and accountability and which drives the evolution of the Programme Budget; and

   b) make the Strategic Action Plan available to Contracting States and present the current version, along with a progress report on implementation during the triennium concerned, to each ordinary session of the Assembly;

4. *Directs* the Council to:

   a) streamline the working methods and procedures of the Assembly with a view to increased transparency and efficiency, and reduced duration of Assembly Sessions, for effect commencing with the next ordinary session;

   b) undertake an intensive review of the decision-making processes, working methods and procedures of the Council and its subsidiary bodies with a view to streamlining, delegating authority and improving the cost-effectiveness of the Organization; and

   c) ensure the effectiveness of the oversight mechanism, with independent reporting procedure to the Council, to provide programme effectiveness, transparency and accountability;

5. *Invites* the Secretary General, within his or her competence, to continue to take initiatives for improving the effectiveness and efficiency of the Organization through procedural, managerial and administrative reforms, and to report thereon to the Council;

6. *Invites* the Council and the Secretary General, in implementing Clauses 3 through 5 above, to take due account of the non-exhaustive list of considerations in the **Appendix** to this resolution; and

7. *Invites* the Council to inform States of progress on implementation of Clauses 3 through 5 of this resolution by 1 May 1997, and to provide a full report to the next ordinary session of the Assembly.

APPENDIX

List of considerations for achieving a more effective ICAO

Systematic planning process (Clause 3 a) of the resolution)

a) establish a direct and transparent linkage between the Strategic Action Plan and the Programme Budget;

b) establish procedures for the development of the Programme Budget which focus on the allocation of resources at a strategic level rather than on administrative detail (''top down'' rather than ''bottom up'');

c) establish procedures for setting objectives, expected results, priorities and targets, together with the application of performance indicators;

d) develop, within the framework of the Strategic Action Plan, more specific plans by the relevant subsidiary bodies (for example by adapting the Technical Work Programme in the air navigation field) and by the various offices of the Secretariat;

e) undertake reviews of progress on implementation of the Strategic Action Plan on an ongoing basis within the Secretariat and on a periodic basis by the Council and subsidiary bodies; and

f) update and roll forward the Strategic Action Plan itself at least triennially.

Working methods and procedures of the Assembly (Clause 4 a) of the resolution)

a) simplify the Agenda and reduce documentation, with focus on matters of strategy and high-level policy, main areas of priority and allocation of resources;

b) respect deadlines set for preparing and distributing documentation;

c) provide more extensive briefing to elected officers;

d) streamline reporting procedures, in particular avoiding non-essential duplication of presentation and consideration of the same documents in different bodies;

e) eliminate the requirement for minutes of meetings of Commissions (as with suspension in the present Session);

f) improve the procedures for presenting general statements and the observance of indicated meeting hours; and

g) introduce more modern and efficient voting procedures, especially for the election of the Council.

Note.— Where amendments to the Standing Rules of Procedure of the Assembly (Doc 7600) are required, States need to be advised well in advance of the next ordinary session of the Assembly in order that the amendments can be adopted at the outset of the Session for immediate effect.

Decision-making processes, working methods and procedures of the Council (Clause 4 b) of the resolution)

The review should have as its central themes:

a) the concept of the Council continuing to discharge its functions and mandate in accordance with the Chicago Convention, and focusing particularly on high policy issues; and

b) the Secretary General carrying out his or her responsibilities in taking managerial actions and decisions as chief executive officer of the Organization in accordance with Article 54(h) of the Chicago Convention.

Oversight mechanism (Clause 4 c) of the resolution)

The emphasis here is on a vigorous **procedure** for reporting **independently and directly** to the Council on the effectiveness, transparency and accountability of all ICAO programmes. In accordance with common audit practice, the Secretary General would have the opportunity to comment on the independent reports, but not to alter them.

Other measures for improving the effectiveness and efficiency of the Organization (Clause 5 of the resolution)

a) introduce procedures for more timely development or amendment as required of instruments of air law, ICAO Standards and Recommended Practices, and Regional Air Navigation Plans;

b) increase emphasis on encouraging national ratification of instruments of air law and implementation of ICAO Standards and Recommended Practices to the greatest extent possible worldwide;

c) improve and speed up communications with Contracting States, particularly as they relate to Standards and Recommended Practices, including more widespread use of electronic transmission;

d) strengthen the degree of autonomy given to the regional planning process and the associated authority and resources given to the ICAO Regional Offices, while ensuring adequate coordination at the global level;

e) examine the relationship between ICAO and other bodies (aviation and relevant non-aviation, global and regional) with a view to defining respective areas of responsibility, eliminating overlap and establishing joint programmes where relevant;

f) provide for adequate participation in ICAO activities by all interested parties in the aviation community, including service providers and industry;

g) streamline the scheduling and documentation, and reduce the duration, of ICAO meetings in general; and

h) consider the advisability and feasibility of calling on external expertise as required to assist in any of the above.

A32-1: Increasing the effectiveness of ICAO (measures for continuing improvement in the 1999-2001 triennium and beyond)

Whereas ICAO has for over 50 years effectively and efficiently fulfilled its functions in accordance with Part II of the *Convention on International Civil Aviation* (the Chicago Convention);

Whereas the fundamental objectives of the Organization expressed in Article 44 of the Chicago Convention and the functions of the Council expressed in the Convention, in particular in Articles 54 and 55 remain paramount;

Whereas the Organization is facing new and rapidly evolving challenges of a technological, economic, social and legal nature;

Whereas the response to these challenges affects the safety of international civil aviation; and

Whereas there is a need for ICAO to meet these challenges effectively within the constraints under which the Organization operates;

The Assembly:

1. *Expresses appreciation* to the Council and the Secretary General for the progress made in implementing Resolution A31-2, Increasing the effectiveness of ICAO;

2. *Endorses* the decisions already taken by the Council in this regard;

3. *Directs* the Council and the Secretary General, within their respective competencies and the limits of the budget approved by the Assembly, and without weakening the Organization or having adverse effects on its functioning, to:

a) continue the work that will ensure that ICAO is effective in meeting the challenges of a rapidly changing aviation sector and promoting safety and security worldwide;

b) ensure that high priority programmes which affect the safety of the travelling public are fully funded and staffed;

c) ensure that the Office for Programmes Evaluation, Audit and Management Review (EAO) functions as it has been designed, i.e., to improve programme management, transparency and accountability;

d) examine ICAO programmes critically to determine priorities and contemporary validity, and eliminate or downsize those programme activities which are no longer priorities for the work of ICAO, or which could be accomplished by other organizations, or by contracting out;

e) streamline the Panels and consolidate their work where possible; and

f) focus their efforts on:

1) improvement of the process of developing and adopting SARPs giving special regard to global, functional, and operational requirements;

2) evaluating on a regular basis the results of technical cooperation programmes in order to identify their impact on the improvement of SARPs implementation;

4. *Directs* the Council to:

a) continue streamlining the Assembly process by focussing on policy guidance and work programme developments, and eliminating redundancies in its agenda;

b) in accordance with Articles 54 and 55 of the Convention, lay greater emphasis in its work programme on policy decisions of ICAO, in such areas as the carrying out of decisions of the Assembly, administration of finances, adoption of SARPs, reports of infractions to the Assembly and preparation of Diplomatic Conferences within the framework of ICAO;

c) continue the evaluation of the character, working methods and procedures of ICAO, especially of its governing bodies, including a comparison with other similar UN organizations, taking the assistance of an outside body, if necessary and appropriate, for example from the Joint Inspection Unit of the United Nations;

d) consider whether a reduction in the number of meetings of the Council and its subsidiary bodies could realize gains in the effectiveness of Council oversight of the Organization as well as reduce the cost of servicing the Council; and

e) identify possible cost savings in the Secretariat.

5. *Invites* the Council and the Secretary General, within their respective jurisdictions, to:

a) continue the work flowing from Assembly Resolution A31-2;

b) expand that work to encompass an examination of ways of removing impediments to greater efficiency within the Secretariat; and

c) examine, after identifying what, in ICAO, constitutes administrative costs and programme support costs, the scope of reducing administrative costs substantially of the regular programme budget over the next two triennial budget cycles, keeping in view the ongoing exercise in the United Nations and other agencies.

6. *Invites* the Secretary General to:

a) consider whether it is convenient and cost-effective to implement a programme of staff awards and incentives;

b) enhance the performance of the Regional Offices; and

c) consider the possibility of consolidating Regional Offices and functions to improve programme delivery. This procedure should be considered in the light of new technologies and new approaches to the problems of the various regions.

7. *Invites* the Council to inform States of progress on implementation of clauses 3 through 6 of this resolution by 1 May 2000, and to provide a full report to the next ordinary session of the Assembly.

A33-3: Increasing the effectiveness of ICAO (to face new challenges)

Whereas the present situation created by the tragic events of 11 September 2001 imposes on ICAO the need to respond quickly and without delay to the new threats and demands in order to ensure that it makes an effective contribution to the safety, security and efficiency of flights worldwide;

Whereas ICAO has bodies of experts that deal continuously with the issues of safety and security, advising and working close to the Council;

Whereas this Organization has in the Council a resident deliberative body elected representing all regions of the world, a fact that enhances further its legitimacy;

Whereas the ICAO Council is a political body with internationally recognized legitimacy to deal with international civil aviation matters; and

Whereas Contracting States could exercise their sovereignty in the light of the Council's authority through a mechanism that can permit them to request a review of newly introduced SARPs;

The Assembly:

Directs the Council to seek ways to shorten the process for the approval and adoption of SARPs considered of key importance for the safety and security of civil aviation, whenever deemed necessary.

A11-16: Efficiency in the preparation and conduct of meetings

The Assembly, concerned with the increasing burden on States, both financial and in personnel, *requests* the Council:

1. To continue its study of the matter of increased efficiency in the preparation and conduct of the meetings of the Organization, for example, through more cogent and concise documentation, limitations on the agenda and all reasonable reductions in the duration of meetings; and

2. To seek the cooperation of Contracting States in this connection.

A31-1: Official emblem and seal of ICAO

The Assembly:

Having considered the recommendation of the Council regarding the emblem and seal of ICAO,

Resolves that the designs reproduced below shall be the official emblem and official seal of the International Civil Aviation Organization,

Declares that this resolution supersedes Resolution A21-4.

Official Emblem Official Seal

RELATIONS WITH CONTRACTING STATES

A1-14: Improvement of liaison with Contracting States

Whereas it is essential to improve liaison between the Organization and the Contracting States for the accomplishment of the objectives of the Organization; and

Whereas the Interim Council has brought to the attention of the First Assembly of the Organization certain steps which might be taken to improve the existing facilities for liaison; and

Whereas such improvement can be achieved only with the cooperation of all Contracting States, each taking appropriate action within its own territory;

Now therefore the First Assembly Recommends:

1. That the Contracting States furnish complete information on the steps taken to date to provide liaison facilities with the Organization;

2. That Contracting States within their respective national administrations designate an official or officials with the specific responsibility for establishing, where necessary, and for coordinating facilities for liaison with the Organization;

3. That the Contracting States provide the Organization, at such intervals as may be decided by the Council, with reports on the progress made in implementing Standards, Practices and Procedures adopted by the Organization or the reasons for non-implementation;

4. That the Contracting States provide the Organization with information, documents and publications requested by the Organization, in accordance with the Convention, without undue delay; and

5. That Contracting States by arrangement with the Organization second employees of their national administrations to Headquarters or to Regional Offices of the Organization for training and experience in the Organization's activities.

A2-26: General *Convention on the Privileges and Immunities of the Specialized Agencies* and Annex thereto relating to ICAO

Whereas Section 37 of the general *Convention on Privileges and Immunities of Specialized Agencies* approved by the Second General Assembly of United Nations provides that:

> "the present Convention becomes applicable to each specialized agency when it has transmitted to the Secretary-General of the United Nations the final text of the relevant annex and has informed him that it accepts the standard clauses, as modified by this annex and undertakes to give effect to Sections 8, 18, 22, 23, 24, 31, 32, 42 and 45 and any provisions of the Annex,"; and

Whereas pursuant to Section 35 of the said Convention Draft Annex III to this Convention and relating to the International Civil Aviation Organization is recommended to the said Organization; and

Whereas the privileges and immunities defined by the general Convention, as amended by the Annex relating to ICAO are essential for an efficient exercise of the functions of the Organization;

The Assembly:

1. *Approves* as the final text of the Annex relating to ICAO the text recommended by the Second General Assembly of the United Nations, which appears as Annex III to the said general Convention;

2. *Accepts* the "standard clauses" of the said general *Convention on Privileges and Immunities of Specialized Agencies* as modified by the said Annex;

3. *Undertakes* to give effect to Sections 8, 18, 22, 23, 24, 31, 32, 42 and 45 and to Section 2(iii) of the said Annex;

4. *Directs* the Secretary General that

   a) the text of the annex approved pursuant to the above paragraph 1, be transmitted to the Secretary-General of the United Nations,

   b) the Secretary-General of the United Nations be informed that

      — the Organization accepts the "standard clauses" as modified by the annex, and

      — the Organization undertakes to give effect to Sections 8, 18, 22, 23, 24, 31, 32, 42 and 45 and to Section 2(iii) of the Annex; and

5. *Directs* the Secretary General that, pursuant to Section 42 of the "standard clauses", the text of the general Convention together with the Annex relating to ICAO be communicated to the Contracting States, which are not members of United Nations and that these States be invited to accede thereto in respect of ICAO by depositing an instrument of accession to the Convention in respect thereof either with the Secretary-General of the United Nations or with the Secretary General of ICAO.

A2-27: Recommendation to Contracting States to accord to ICAO the privileges and immunities provided in the general *Convention on the Privileges and Immunities of the Specialized Agencies* and Annex III thereto, pending their formal approval of that Convention and Annex

Whereas the Second General Assembly of the United Nations recognized as necessary that the specialized agencies enjoy at the earliest possible date, the privileges and immunities essential for an efficient exercise of their functions; and

Whereas a considerable delay will necessarily ensue before the Convention becomes operative in the case of such agencies; and

Whereas the Second General Assembly of the United Nations has recommended to the Member States of the United Nations that, pending their formal accession to the general Convention concerning the Privileges and Immunities of Specialized Agencies, including the annexes relating to each agency, they should immediately accord as far as possible to, or in connection with, the specialized agencies, the benefit of the privileges and immunities provided in the said general Convention and its annex, "it being understood that the specialized agencies may take any necessary parallel action in regard to those of their members, which are not members of the United Nations";

The Assembly,

Recommends to the States, members of the International Civil Aviation Organization, that pending their formal approval of the general Convention concerning the Privileges and Immunities of Specialized Agencies, including the annex relating to ICAO, they should immediately accord as far as possible to, or in connection with, ICAO the benefit of the privileges and immunities provided in the said general Convention and Annex.

A26-3: *Convention on the Privileges and Immunities of the Specialized Agencies*

Whereas by Resolution A2-26 the Assembly accepted the *Convention on Privileges and Immunities of the Specialized Agencies*;

Whereas by Resolution A2-27 the Assembly recommended to Contracting States that they should immediately accord as far as possible to, or in connection with, ICAO the benefit of the privileges and immunities provided in the said Convention;

Whereas some Contracting States have not yet become parties to the Convention;

Whereas the United Nations General Assembly in Resolution 39/27 adopted on 30 November 1984 renewed its earlier request made in Resolution 239C(III) of 18 November 1948 to Member States that have not done so to take necessary action to exempt their nationals employed by the United Nations from national income taxation with respect to their salaries and emoluments paid to them by the United Nations;

The Assembly:

1. *Urges* all Contracting States which have not done so to take steps to become parties to the *Convention on the Privileges and Immunities of the Specialized Agencies*;

2. *Urges* all Contracting States to take such measures as are within their powers to apply the principles of the said Convention;

3. *Requests* the Secretary General to bring this resolution to the attention of all Contracting States; and

4. *Requests* the Council to report to the next ordinary session of the Assembly on the implementation of this resolution.

A33-5: Confirmation of the 1986 *Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations*

Whereas the *Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations* was adopted on 21 March 1986 by a conference convened by the General Assembly of the United Nations;

Whereas Article 83 of said Convention provides that it is subject to ratification by States and to acts of formal confirmation by international organizations;

Whereas the Convention was signed on behalf of ICAO by the President of the Council on 29 June 1987;

Whereas by Resolution 53/100 (*United Nations Decade of International Law*) the General Assembly of the United Nations, inter alia, encouraged States to consider ratifying or acceding to the Convention, international organizations that have signed the Convention to deposit an act of formal confirmation, and other organizations entitled to do so to accede to it at an early date; and

Whereas this Assembly considers that the Convention would provide additional clarity and certainty as to the legal regime to govern treaty relationships between ICAO and States or between ICAO and other international organizations parties to the Convention, and would therefore enhance the functioning of the Organization;

The Assembly:

1. *Decides* that ICAO should formally confirm the *Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations* (1986);

2. *Authorizes* the President of the Council to sign an act of formal confirmation of the said Convention for deposit on behalf of ICAO; and

3. *Urges* States which have not yet done so to ratify the Convention so that it would enter into force as soon as possible.

A1-15: Public information policy in ICAO

Whereas it is recognized that the International Civil Aviation Organization is dependent for its continued existence upon the active participation of Contracting States, and that that participation, in turn, is influenced to an appreciable extent by the support of public opinion in Contracting States; and

Whereas the creation of a special information group for the worldwide dissemination of news and information on the Organization's activities, as recommended by the First Interim Assembly of the Provisional Organization in Resolution No. XIV, has not been fully implemented by the Interim Council;

Whereas an agreement with the United Nations has been approved by the First Assembly of the Organization, under which it is hoped that the United Nations will assist in implementing any approved information programme of the Organization; and

Whereas for this purpose the United Nations will require the full assistance of the information group of this Organization;

Now therefore the Assembly resolves:

a) That the public information policy of the Organization should be directed primarily toward ensuring that individuals and groups directly concerned with international civil aviation are kept informed of the activities and aims of the Organization; and secondarily toward the general public of Contracting States as a whole, within the limitations of the budget and as far as practicable in cooperation with the public relations organization of the United Nations, with a view to obtaining the widest publicity for the Organization's activities;

b) That the Regional Offices should participate in the information programme to the extent practicable without interference with the performance of their primary duties connected with air navigation matters and without augmentation of their staffs;

c) That in giving effect to a) and b) the fullest use should be made of the services rendered by the officials already responsible for publicity in the field of civil aviation in the various Contracting States.

A19-1: Shooting down of a Libyan civil aircraft by Israeli fighters on 21 February 1973

The Assembly,

Having considered the item concerning the Libyan civil aircraft shot down on 21 February 1973 by Israeli fighters over the occupied Egyptian territory of Sinai,

Condemning the Israeli action which resulted in the loss of 106 innocent lives,

Convinced that this action affects and jeopardizes the safety of international civil aviation and therefore emphasizing the urgency of undertaking an immediate investigation of the said action,

1. *Directs* the Council to instruct the Secretary General to institute an investigation in order to undertake fact findings and to report to the Council at the earliest date;

2. *Calls upon* all parties involved to cooperate fully in the investigation.

A20-1: Diversion and seizure by Israeli military aircraft of a Lebanese civil aircraft

The Assembly

Having considered the item concerning the forcible diversion and seizure by Israeli military aircraft on 10 August 1973 of a Lebanese civil aircraft chartered by Iraqi Airways;

Considering that Israel, by this action, violated Lebanese airspace, jeopardized air traffic at Beirut civil airport and committed a serious act of unlawful interference with international civil aviation;

Noting that the United Nations Security Council, by its Resolution 337 (1973) adopted on 15 August 1973, has condemned Israel for violating Lebanon's sovereignty and for the forcible diversion and seizure of a Lebanese civil aircraft and has called on ICAO to take due account of the above-mentioned resolution when considering adequate measures to safeguard international civil aviation;

Noting that the ICAO Council, on 20 August 1973, condemned Israel for its action;

Recalling that the United Nations Security Council in its Resolution 262 in 1968 condemned Israel for its premeditated action against Beirut civil airport which resulted in the destruction of thirteen commercial and civil aircraft, and recalling that the Assembly of ICAO in its Resolution A19-1 condemned the Israeli action which resulted in the loss of 108 innocent lives and that the Council, by its Resolution of 4 June 1973, strongly condemned the Israeli action and urged Israel to comply with the aims and objectives of the Chicago Convention;

1. *Strongly condemns* Israel for violating Lebanon's sovereignty and for the forcible diversion and seizure of a Lebanese civil aircraft and for violating the Chicago Convention;

2. *Urgently calls* upon Israel to desist from committing acts of unlawful interference with international civil air transport and airports and other facilities serving such transport;

3. *Solemnly warns* Israel that if it continues committing such acts the Assembly will take further measures against Israel to protect international civil aviation.

A24-5: Extraordinary Session of the Council

The Assembly

Having considered the report of the President of the Council (A24-WP/49) on the Extraordinary Session of the Council held on 15 and 16 September 1983 regarding the tragic incident which occurred on 1 September 1983 to Korean Airlines Flight 007,

Endorses the resolutions adopted and decisions taken at that session[*], and

Urges all Member States to cooperate fully in their implementation.

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[*] Reproduced in the Action of the Council (Extraordinary Session), Doc 9428-C/1079, pages 21-25.

A21-7: The airport of Jerusalem

Whereas Jerusalem airport lies in the occupied Arab territories and is registered under the jurisdiction of Jordan in ICAO Middle East Air Navigation Plan;

Recalling that Articles 1, 5 and 6 of the *Convention on International Civil Aviation* provide that Contracting States recognize that every State has complete and exclusive sovereignty over the airspace above its territory and that no scheduled air services, or non-scheduled international air services for the purpose of taking on or discharging passengers, cargo or mail, may be operated over or into the territory of a Contracting State except with the special permission or other authorization by that State;

The Assembly resolves that all Contracting States should, in implementation of the above relevant Articles of the Convention, take all necessary measures to refrain from operating, or giving permission to any airline to operate any air service, whether scheduled or non-scheduled, to or from Jerusalem airport, unless prior permission is granted pursuant to the provisions of the said Articles.

A23-5: The airport of Jerusalem

Whereas Israel passed a legislation altering the geographic, demographic, and historic character and status of Jerusalem;

Whereas Jerusalem airport is an integral part of Jerusalem which lies in the occupied Arab territories;

Whereas the Security Council of the United Nations, in its Resolution No. 478 of 20 August 1980, considered these Israeli measures null and void;

Whereas Article 5 of the Agreement concluded between the United Nations and ICAO, contained in Doc 7970, affirms the obligation of ICAO to work toward the realization of United Nations objectives;

Whereas the ICAO Assembly Resolution A21-7 of 1974 recognizes the Arab sovereignty over Jerusalem Airport;

Whereas the Council, in its 86th Session (December 1975), deeply deplored the Israeli disregard of the above-mentioned Assembly resolution;

Whereas the Israeli measures are contrary to the ICAO Assembly Resolution A21-7 of 1974, and the Council decision taken at its 86th Session on 17 December 1975;

Whereas Israel persists in challenging and defying ICAO resolutions;

The Assembly

1. *Reaffirms* its Resolution A21-7 (1974) and the Council decision taken at its 86th Session, on 17 December 1975.

2. *Considers* the alteration of geographic, demographic and historic character and status of Jerusalem null and void.

3. *Deeply deplores* the action of Israel in formally annexing Jerusalem including its airport.

4. *Urges* Israel to rescind such measures and abide by the ICAO Assembly resolutions.

5. *Directs* the Council to take the necessary measures to implement Assembly Resolution A21-7 and Council decision taken at its 86th Session on 17 December 1975.

A22-5: Sabotage and destruction of a Cuban civil aircraft on scheduled service in the Caribbean with the loss of 73 passengers and crew

The Assembly,

Considering that the criminal sabotage perpetrated on 6 October 1976 against a scheduled Cuban transport aircraft takes its place among those acts of individual aggression against an aircraft which have caused the greatest number of victims, with the death of all the crew and passengers, a total of 73 persons;

Considering that in Resolution A20-2 the International Civil Aviation Organization has condemned all acts of unlawful interference against civil aviation;

Considering, furthermore, that it is appropriate that exemplary action be taken against an act of this gravity, in order to demonstrate the determination of the States to prosecute and suppress without hesitation any such attack against the safety of air transport and the lives of crew and passengers;

1. *Condemns* the criminal sabotage perpetrated against the Cuban aircraft CU-T 1201 causing the death of 73 persons.

2. *Urges* the States which are in a position to do so to prosecute and punish with the greatest severity those criminals who committed this deed, so that the penalty may correspond to the magnitude of the crime and constitute a deterrent for the future.

3. *Extends* its deepest sympathy and condolences to the families of the victims of this tragic disaster and of all other disasters caused by criminal acts against civil aviation.

A28-7: Aeronautical consequences of the Iraqi invasion of Kuwait

The Assembly:

Recalling that the *Convention on International Civil Aviation* is based on the belief 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, yet its abuse can become a threat to the general security; and that it is desirable to avoid friction and to promote that cooperation between nations and peoples upon which the peace of the world depends;

Bearing in mind the provisions and principles of the *Convention on International Civil Aviation*;

Noting United Nations Security Council condemnation of the invasion of Kuwait and Security Council Resolution 662 which decided that annexation of Kuwait by Iraq has no legal validity and is considered null and void and called upon all States, International Organizations and Specialized Agencies not to recognize that annexation and to refrain from any action or dealing that might be interpreted as an indirect recognition of the annexation;

Noting further Security Council Resolution 661 which calls upon all States to take appropriate measures to protect assets of the legitimate Government of Kuwait and its agencies;

Noting further Security Council Resolution 670 which affirmed that the specialized agencies are required to take such measures as may be necessary to give effect to the terms of Resolution 661;

Noting further that Security Council Resolution 670 affirmed that Decree No. 377 of the Revolutionary Command Council of 16 September 1990, which, inter alia, purported to impound assets of foreign companies, is null and void;

1. *Condemns* the violation of the sovereignty of the airspace of Kuwait and the plunder of Kuwait International Airport by Iraqi armed forces including the seizure and removal to Iraq of 15 aircraft of Kuwait Airways and their purported registration by Iraq;

2. *Calls upon* Iraq to facilitate the early recovery by their owners of foreign registered aircraft stranded at Kuwait International Airport;

3. *Declares* that the unilateral registration of aircraft of Kuwait Airways by Iraqi aircraft is null and void and calls upon the Iraqi government to return the Kuwaiti aircraft to the legitimate Government of Kuwait;

4. *Requests* all States in whose territory any of these aircraft are found to hand them over to the legitimate Government of Kuwait;

5. *Requests* all States not to supply Iraq, its companies or nationals, whether directly or indirectly, with any spare parts, equipment or supplies or services to enable Iraq to use the aircraft;

6. *Requests* the Council to follow up this matter with Contracting States with respect to the steps to be taken for the implementation of this Resolution so that the matter may be kept under continuing review.

A32-6: Safety of navigation

Having considered that on August 31, 1998, an object propelled by rockets was launched by a certain Contracting State and a part of the object hit the sea in the Pacific Ocean off the coast of Sanriku in northeastern Japan;

Having considered that the impact area of the object was in the vicinity of the international airway A590 which is known as composing NOPAC Composite Route System, a trunk route connecting Asia and North America where some 180 flights of various countries fly every day;

Having considered that the launching of such an object vehicle was done in a way not compatible with the fundamental principles, standards and recommended practices of the *Convention on International Civil Aviation*; and

Noting that it is necessary that international aviation should be developed in a safe and orderly manner, and that the Contracting States will take appropriate measures to enhance further the safety of international civil aviation;

The Assembly:

1. *Urges* all Contracting States to reaffirm that air traffic safety is of paramount importance for the sound development of international civil aviation;

2. *Urges* all Contracting States to strictly comply with the provisions of the *Convention on International Civil Aviation*, its Annexes and its related procedures, in order to prevent a recurrence of such potentially hazardous activities;

and

3. *Instructs* the Secretary General to immediately draw the attention of all Contracting States to this resolution.

A35-1: Acts of terrorism and destruction of Russian civil aircraft resulting in the deaths of 90 people — passengers and crew members

Whereas the terrorist acts committed on 24 August 2004 on board Russian civil aircraft on scheduled passenger flights represent, in principle, a new form of terrorism which uses terrorist-suicide bombers who carry explosive devices on board aircraft;

Given the need for unification of international efforts to combat the threat which uses terrorist-suicide bombers to carry out terrorist acts, both on aircraft and in other public areas;

Aware of all the difficulties in identifying terrorist-suicide bombers and detecting explosive devices on their bodies;

Convinced of the need to adopt adequate measures to counter such acts of terrorism;

Welcoming the resolve of all States to prosecute the organizers and perpetrators of such acts; and

Recalling its Resolutions A22-5, A27-9, A33-1 and A33-2;

The Assembly:

1. *Strongly condemns* the terrorist acts on board Russian passenger aircraft that took many human lives;

2. *Extends* its deepest sympathy and condolences to the families of those who perished as a result of these acts of terrorism;

3. *Urges* Contracting States to cooperate actively in holding to account and punishing severely those responsible for aiding, supporting or harbouring those who perpetrated these attacks, as well as those who organized and sponsored them; and

4. *Calls upon* Contracting States to study the ways and means to reinforce the prevention of terrorist attacks by means of explosives, in particular by enhancing international cooperation and information exchange in developing technical means of detection of explosives, giving increased attention to the detection of explosive devices on the human body.

A39-18: Consolidated statement of continuing ICAO policies related to aviation security

A33-1: Declaration on misuse of civil aircraft as weapons of destruction and other terrorist acts involving civil aviation

A35-2: Application of Article IV of the *Convention on the Marking of Plastic Explosives for the Purpose of Detection*

RELATIONS WITH INTERNATIONAL ORGANIZATIONS AND OTHER BODIES

A1-10: Relations with public international organizations

Whereas there is a number of public international organizations whose activities affect or are affected by those of this Organization; and

Whereas the work of the Organization and the advancement of international civil aviation will be enhanced by close cooperation with such organizations;

Now therefore, this Assembly:

1. *Authorizes* the Council to make appropriate arrangements with public international organizations whose activities affect international civil aviation, particularly with regard to technical collaboration, exchange of information and documents, attendance at meetings, and such other matters as may promote effective cooperation, provided that such arrangements can be implemented without any increase in the approved budget of the year in question;

2. *Suggests* that such arrangements may, with advantage, be established through informal working arrangements rather than formal agreements wherever practicable;

3. *Requests* the Council to report to the next Assembly on the nature and scope of each arrangement entered into pursuant to this resolution.

A1-11: Relations with private international organizations

Whereas there is a number of private international organizations whose activities affect, or are affected by, those of the International Civil Aviation Organization; and

Whereas the work of the Organization and the advancement of international civil aviation may be enhanced by cooperation with such other bodies;

Now therefore this Assembly:

A. *Resolves*

1. That the Council is hereby authorized in the exercise of its discretion to make appropriate arrangements with private international organizations whose activities affect international civil aviation, and

   a) which have a wide and well-established international representation and possess a governing international body having a permanent character and authorized representatives;

b) whose aims and objectives are not in conflict with the general principles laid down in the *Convention on International Civil Aviation*;

2. That the extent of the cooperation provided for by any such arrangements shall be governed by the degree to which specific matters within the respective responsibilities of the two organizations are of interest to both;

3. That cooperation, in respect of those matters in which both organizations have a common interest, may be in the following forms or in such other forms as may appear desirable to the Council:

a) exchange of information and documentation;

b) reciprocal representation and participation in the work of technical meetings, committees or working groups;

4. That participation in the work of the Organization must necessarily be on a non-voting basis, provided that such arrangements can be implemented without any increase in the approved budget for the year in question;

B. *Suggests* that such arrangements may, with advantage, be established through informal working arrangements rather than formal agreements wherever practicable;

C. *Requests* the Council to report to the next Assembly on the nature and scope of any arrangement entered into pursuant to this resolution.

A1-2: Approval of the Agreement with the United Nations

Whereas the Interim Council of PICAO has negotiated a draft agreement of relationship between ICAO and the United Nations in accordance with Resolution XXI of the Interim Assembly of PICAO and has submitted this agreement to the Assembly of ICAO for approval; and

Whereas it is the wish of the Assembly of ICAO to enter into an agreement with the United Nations in the terms submitted by the Interim Council of PICAO;

Now therefore the Assembly of ICAO hereby *approves* the agreement of relationship with the United Nations and resolves:

a) to authorize the Council to enter into such supplementary arrangements with the Secretary General of the United Nations for the implementation of the agreement, in accordance with Article XIX thereof, as may be found desirable in the light of the operating experience of the two organizations;

b) to authorize the Council to enter into negotiations with the United Nations for the conclusion of further appropriate arrangements between ICAO and the United Nations with respect to air matters within the competence of ICAO, as provided for in Article XX. Such arrangements, however, shall be subject to final approval by the Assembly;

c) to authorize the President of the Council to sign with the appropriate official of the United Nations a protocol bringing the agreement of relationship between the United Nations and ICAO into force;

d) to authorize the Council to enter into negotiations with the United Nations for revising the agreement of relationship, as provided for in Article XXI thereof. Revisions negotiated by the Council shall be subject to the final approval of the Assembly.

A2-24: Relations with the United Nations

Whereas the Assembly has reviewed the recommendations of the General Assembly of the United Nations in Resolutions 125 (II) and 165 (II) of that body and the recommendations of the Economic and Social Council in its resolutions adopted on March 10, 1948; and

Whereas the Assembly has examined the statement of the Organization's relations with the United Nations contained in the Report of the Council (A2-P/5) and in the documentation on this subject submitted to the Second Assembly (A2-AD/1);

The Assembly:

1. *Agrees* with the reported actions taken by the Council consequent upon the recommendations of the United Nations, and with the view of the Council regarding the feasibility of consolidating at present ICAO's budget with the budget of the United Nations;

2. *Approves* of the manner in which the Agreement between ICAO and the United Nations has thus far been implemented; and

3. *Directs* the Council to continue to maintain close and cooperative relationship with the United Nations to fulfil the objectives set forth in the agreement with that organization.

A2-25: Supplementary Agreement covering the use of the United Nations laissez-passer by ICAO officials

Whereas the Agreement between the United Nations and the International Civil Aviation Organization dated May 13, 1947, contains no provision for the use by ICAO officials of the United Nations "laissez-passer"; and

Whereas pursuant to Resolution A1-2 of the First Assembly the Council of ICAO has negotiated with the United Nations a Supplementary Agreement to the Agreement dated May 13, 1947, covering the use of the United Nations "laissez-passer" by ICAO officials, and the said Supplementary Agreement is subject to the final approval of the Assembly;

The Assembly:

1. *Approves* the Supplementary Agreement to the Agreement between the United Nations and the International Civil Aviation Organization, dated May 13, 1947, the said Supplementary Agreement covering the use of the United Nations "laissez-passer" by ICAO officials; and

2. *Authorizes* the President of the Council subsequent to the approval of the said Supplementary Agreement by the General Assembly of the United Nations, to sign with the appropriate official of the United Nations a protocol bringing the Supplementary Agreement into force.

A5-5: Coordination of activities between the United Nations and ICAO relating to emergency action to assist in the maintenance of international peace and security

The Assembly,

Acting in accordance with the provisions of Article 64 of the *Convention on International Civil Aviation* entitled “Security Arrangements” and Article 49(i) relating thereto;

Recalling (a) that under Article VII of the Agreement between the United Nations and the International Civil Aviation Organization, the International Civil Aviation Organization agrees to cooperate with the Economic and Social Council in furnishing such information and rendering such assistance to the Security Council as that Council may request, including assistance in carrying out decisions of the Security Council for the maintenance and restoration of international peace and security; (b) that Article XX of the Agreement between the United Nations and the International Civil Aviation Organization foresaw the possibility of further arrangements being concluded between the United Nations and ICAO with respect to air matters within the competence of the Organization directly affecting world security, as contemplated in the *Convention on International Civil Aviation*;

Taking note of General Assembly Resolution 377 (V), entitled “Uniting for Peace”, which provides that the General Assembly may make recommendations to members for collective measures for the maintenance of International peace and security if the Security Council fails to act; and

Taking note that, in accordance with the ECOSOC Resolution dated 14 March 1951 on emergency action, the Secretary-General of the United Nations has consulted with the Secretary General of ICAO as to the specific arrangements that might most appropriately be made to cover action on an emergency basis;

Therefore declares:

That the International Civil Aviation Organization agrees to cooperate with and to render all possible assistance to the principal organs of the United Nations with respect to matters within the competence of the Organization directly affecting international peace and security, as contemplated in the *Convention on International Civil Aviation*, due account being taken of the special position of the members of the International Civil Aviation Organization who are not members of the United Nations.

A9-16: Tenth Anniversary of the United Nations

The Assembly, noting that the United Nations will celebrate its Tenth Anniversary at San Francisco between 20 and 26 June 1955,

1. *Expresses* its deep appreciation of the contribution to world peace and welfare made by the United Nations; and

2. *Reaffirms* the intention of the International Civil Aviation Organization to cooperate fully with the United Nations in accordance with the spirit of the *Convention on International Civil Aviation* and of the Charter of the United Nations and with the terms of the Agreement establishing the relationship between the two organizations.

A27-17: Relationship between ICAO and Regional Civil Aviation Bodies

Whereas in Resolution A10-5 the Assembly established a policy framework to govern relations, including financial arrangements, between ICAO and the European Civil Aviation Conference (ECAC);

Whereas in Resolution A18-21 the Assembly, inter alia*,* invited the Council to extend such policy and arrangements to other regional civil aviation bodies and in Resolution A21-8 invited regional bodies to consider inviting to their meetings States not members of the body in question;

Whereas pursuant to Resolutions A10-5 and A18-21 ICAO has established a close and beneficial relationship with ECAC, the African Civil Aviation Commission (AFCAC) and the Latin American Civil Aviation Commission (LACAC), which has furthered the universal aims and objectives of the *Convention on International Civil Aviation* and facilitated the development of regional fora within which States can cooperate and coordinate on air transport issues of common concern;

Whereas the financial arrangements incorporated in A10-5 should be modified to take account of changes in circumstances since their adoption, the growth and development of the regional bodies and to allow those bodies to assume full responsibility for their own financial affairs;

Whereas the continued viability and operation of regional bodies serves the interests of international civil aviation;

The Assembly:

1. *Resolves* that:

   a) the Organization supports the work and activities of any existing or future regional civil aviation bodies wherever such support is requested by the regional body concerned and duly approved, taking into account the resources of ICAO and the implementation of its Work Programme;

   b) any financial support to regional civil aviation bodies by the Organization, such as in continued provision of Secretariat services, should be approved by the Assembly as part of the Organization's Regular Programme budgets and identified in the Budget as support for regional bodies.

2. *Directs* the Council:

   a) to conclude with each regional civil aviation body appropriate working arrangements that reflect the above principles and ensure a close working relationship, including cooperation and coordination, harmonization of Work Programmes to avoid unnecessary duplication and attendance at certain of each others' meetings, as agreed;

   b) to incorporate in such working arrangements, wherever practicable and so agreed, provision for cost sharing of common facilities and services to Member States; and

   c) to give sympathetic consideration to requests by regional bodies for assistance in air transport matters of regional interest.

3. *Invites* regional civil aviation bodies, pursuant to their rules of procedure, to give sympathetic consideration to the possibility of inviting ICAO Contracting States not members of the regional body in question to participate as observers in its meetings.

4. *Declares* that the present resolution supersedes Resolution A10-5, Resolving Clause 1 a) of Resolution A18-21 and Resolution A21-8.

A37-21: Cooperation with regional organizations and regional civil aviation bodies

Whereas Resolution A1-10, which was adopted at the first Assembly in 1947 and is still applicable, authorizes the Council to make appropriate arrangements with public international organizations whose activities affect international civil aviation, through informal working arrangements, wherever practicable;

Whereas Resolution A27-17, pertaining to the relationship between ICAO and the regional civil aviation bodies states, inter alia, that ICAO supports the work and activities of any existing or future regional civil aviation bodies and directs the Council to conclude with each civil aviation body appropriate working arrangements;

Whereas in pursuance of these Resolutions, ICAO has developed various arrangements of cooperation with the regional civil aviation bodies;

Whereas ICAO's Policy on Regional Cooperation provides that ICAO is committed to render assistance, advice and other forms of support, to the extent possible, to Contracting States in carrying out their responsibilities pertaining to the Convention on International Civil Aviation and ICAO Strategic Objectives; and

Whereas ICAO will implement its Policy on Regional Cooperation through close partnerships with regional organizations and regional civil aviation bodies;

The Assembly:

1. *Endorses* ICAO's Policy and Framework on Regional Cooperation;

2. *Encourages* regional organizations and regional civil aviation bodies to enter into suitable arrangements with ICAO, in accordance with ICAO's Policy and Framework on Regional Cooperation;

3. *Urges* States to support their regional organizations and regional civil aviation bodies in entering into suitable arrangements with ICAO;

4. *Encourages* States to implement Standards and Recommended Practices of the Annexes to the *Convention on International Civil Aviation* both individually and through regional cooperation;

5. *Encourages* States which do not have a regional body to endeavour to form one;

6. *Directs* the Council to ensure, through cooperative arrangements, that both ICAO and the regional civil aviation bodies encourage States to harmonize operational regulations, requirements and procedures based on Standards and Recommended Practices;

7. *Requests* the Secretary General to implement the Action Plan approved by the Council to improve cooperation with regional organizations and regional civil aviation bodies;

8. *Requests* the Secretary General to establish a synergy between ICAO and each regional civil aviation body in accordance with arrangements as reflected by Memoranda of Cooperation concluded by them, thereby obviating duplication of work;

9. *Requests* the Secretary General to organize periodic meetings between ICAO and the regional civil aviation bodies and periodic examination of progress; and

10. *Requests* that the Council deliver to the next ordinary session of the Assembly a report on the overall implementation of ICAO's Policy on Regional Cooperation and progress made.

A22-7: Statute of the Joint Inspection Unit

Having considered Resolution 31/192 of the General Assembly of the United Nations;

Having noted the limited value of the Joint Inspection Unit to ICAO because of the role played by the ICAO Council, which supervises the activities of the Organization on a permanent basis;

Considering that it is appropriate, in order to maintain uniformity and coordination within the United Nations system of organizations, that ICAO continue to use the services of the Joint Inspection Unit after 31 December 1977;

The Assembly resolves:

1. to accept the Statute of the Joint Inspection Unit, which will continue to be responsible to the Council insofar as the activities of the Unit relating to ICAO are concerned;

2. that the competence of the Unit shall continue to extend over the functions of the Secretary General, but not over those of the Assembly, the Council and its subordinate bodies;

3. to authorize the Secretary General to transmit this resolution to the Secretary-General of the United Nations.

A21-12: International Civil Service Commission

Whereas the United Nations General Assembly, in Resolution 3042 (XXVII), decided to establish in principle an International Civil Service Commission as an organ for the regulation and coordination of conditions of service in the United Nations common system;

Whereas the Agreement between the United Nations and the International Civil Aviation Organization of 1 October 1947, in Article XII, recognizes that the eventual development of a single unified international civil service is desirable from the standpoint of effective administrative coordination; and

Whereas, according to Articles 58 and 65 of the *Convention on International Civil Aviation*, the Assembly has the power to lay down rules under which the Council shall determine matters relating to the personnel of the Organization and to give approval to the Council for entering into arrangements which may facilitate the work of the Organization,

The Assembly resolves that the Council, after considering the statutory and operational arrangements for the International Civil Service Commission, is authorized to enter into such agreements or arrangements as may be appropriate in the interest of the Organization.

A29-11: Use of space technology in the field of air navigation

A39-1: Consolidated statement of continuing ICAO policies and practices related to environmental protection — General provisions, noise and local air quality

A39-2: Consolidated statement of continuing ICAO policies and practices related to environmental protection — Climate change

A21 Decision: Resolutions of the United Nations concerning invitations to liberation movements to attend meetings of the Specialized Agencies

(see Doc 9119 A21-Min. P/1-12, p. 110, paragraph 19)

A38-6: Support of the ICAO policy on radio frequency spectrum matters

A22-6: Participation of the Palestine Liberation Organization (PLO) in ICAO as an observer

The Assembly,

Having considered the United Nations General Assembly's Resolution 3237 of 22 November 1974 concerning the right of the Palestine Liberation Organization to participate as an observer in the sessions and the work of the UN General Assembly and all international conferences convened under the auspices of UN General Assembly and/or other organs of the United Nations;

Noting that the Palestine Liberation Organization has been in effect participating, as an observer in the World Population conference, the World Food conference, the United Nations conference on the Law of the Sea, the United Nations Crime conference and the United Nations Habitat conference;

Noting also that the Palestine Liberation Organization has been participating as an observer, in the sessions and the work of Food and Agriculture Organization, UNESCO, International Labour Organization and World Health Organization;

Considers that the Palestine Liberation Organization is entitled to participate as an observer:

a) In the sessions and the work of the ICAO Assembly and other international conferences convened under the auspices of ICAO; and

b) In the regional meetings dealing with matters related to its territories;

Directs the Council to take the necessary steps for the implementation of this resolution.

GENERAL POLICY ON SPECIAL PROGRAMMES

A37-1: Principles for a code of conduct on the sharing and use of safety information

Whereas ensuring the safety of international civil aviation is the responsibility of Member States both collectively and individually;

Whereas the Convention and its Annexes provide the legal and operational framework upon which Member States can build a civil aviation safety system based on mutual trust and recognition, requiring that all Member States fulfil their obligations in implementing the Standards and Recommended Practices (SARPs) and in adequately performing safety oversight;

Recalling that mutual trust between States, as well as public confidence in the safety of air transportation is contingent upon access to adequate information regarding the implementation of international SARPs;

Recalling that transparency and the sharing of such information are fundamental tenets of a safe air transportation system and that one of the objectives of sharing information is to ensure a consistent, fact-based and transparent response to safety concerns at the State and at the global levels;

Recognizing that the safety information in the possession of individual States, aviation industry and aviation organizations regarding the existence of operational hazards has the potential to provide a clearer perspective on existing and emerging areas of risk and the opportunity for timely interventions to improve safety when shared and acted upon collectively;

Recognizing that there is a need to develop principles of confidentiality and transparency to ensure that safety information is used in an appropriate, fair and consistent manner, solely to improve aviation safety and not for inappropriate purposes, including for the purpose of gaining economic advantage; and

Mindful that the use of such information for other than safety-related purposes may inhibit the provision of such information, with an adverse effect on aviation safety;

The Assembly:

1. *Instructs* the Council to develop a Code of Conduct for the Sharing and Use of Safety Information based on the following principles, among others:

   a) Member States will collect and share relevant and appropriate safety information to ensure that they can effectively discharge their individual and collective responsibilities for the safety of international civil aviation;

   b) Member States will utilize safety information to assist in ensuring that operations under their oversight are conducted in full compliance with applicable SARPs and other regulations;

   c) Member States, aviation industry and aviation organizations will ensure that shared safety information is used in an appropriate, fair and consistent manner, solely to improve aviation safety;

   d) Member States, aviation industry and aviation organizations will use caution in disclosing information, keeping in mind equally the need for transparency and the possibility that such disclosure may inhibit the future provision of such information; and

e) Member States receiving safety information from another State, will agree to provide levels of confidentiality and uphold principles for disclosure equivalent to those provided by the State generating the information.

A29-11: Use of space technology in the field of air navigation

Whereas the exploration and use of outer space for peaceful purposes is of great interest to international civil aviation and affects matters falling within the Organization's competence under the terms of the Chicago Convention;

Whereas the General Assembly of the United Nations has recognized that the UN Specialized Agencies can perform various useful functions with regard to space activities and that their interest should be welcomed and encouraged;

Whereas the principles for the participation by ICAO in programmes for the exploration and use of outer space have been established at the 15th, 16th and 22nd Sessions of the Assembly;

Whereas ICAO is responsible for developing the position of international civil aviation on all matters related to the study of questions involving the use of space technology for air navigation purposes, including the determination of international civil aviation's particular requirements in respect of the application of space technology;

Whereas in Resolution A22-20 the Assembly established the responsibility of ICAO for stating the position of international civil aviation on all related outer space matters and requested the Council to continue its work in regard to the planning and use of space technology for air navigation, and to take steps aimed at an active continuation of the work of determining the operational and technical requirements for international satellite air navigation systems;

Whereas knowledge and further experience have been gained by States and International Organizations in the use of space technology for air navigation, through work accomplished within the framework of ICAO on questions concerning the use of space technology for air navigation purposes;

Whereas a global concept of future communications, navigation and surveillance/air traffic management (CNS/ATM) systems based on satellite technology has been endorsed by ICAO Member States and approved by the Council;

Whereas, according to the ICAO CNS/ATM systems concept, use of satellite technology will assist in overcoming inherent limitations in the existing air navigation systems and satisfy, on a global basis, international civil aviation requirements in the foreseeable future; and

Noting the result of collaboration of Contracting States in using space technology for air navigation on a broad international basis, and the need for such collaboration to continue in the future;

The Assembly:

1. *Resolves* that ICAO continue to be responsible for:

a) stating the position of international civil aviation on all related outer space matters; and

b) monitoring and coordinating the work performed by States on regional and global planning on these matters in order that the introduction of the future ICAO CNS/ATM systems takes place in an orderly and efficient manner globally and in a balanced way taking due account of safety as well as economic considerations;

2. *Requests* the Council to continue its work to determine the operational, technical, financial, managerial and legal institutional requirements for global satellite systems for civil aviation purposes, taking due account of the provisions of Resolution A27-10, Appendix J, regarding the coordination of aeronautical systems and subsystems;

3. *Urges* that Contracting States continue keeping the Organization informed regarding the programmes and the progress achieved in the exploration and use of outer space that are of interest to international civil aviation;

4. *Requests* the Secretary General to ensure that the international civil aviation positions and requirements are made known to all organizations dealing with relevant space activities and to continue to arrange for the Organization to be represented at appropriate conferences and meetings connected with or affecting the particular interests of international civil aviation in this field;

5. *Declares* that Resolution A22-20 is superseded by this resolution.

A39-1: Consolidated statement of continuing ICAO policies and practices related to environmental protection — General provisions, noise and local air quality

Whereas in Resolution A38-17 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 A38-17 consists of an introductory text and a number of Appendices concerning specific but interrelated subjects; and

Considering the need to reflect developments that have taken place since the 38th Session of the Assembly in the field of aircraft noise and engine emissions;

The Assembly:

1. *Resolves* that the Appendices attached to this Resolution and listed below, together with A39-2: *Consolidated statement of continuing ICAO* policies *and practices related to environmental protection – Climate change* and A39-3: *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Global Market-based Measure (MBM) scheme*, constitute the consolidated statement of continuing ICAO policies and practices related to environmental protection, as these policies exist at the close of the 39th 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 A39-2: *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*, and A39-3: *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Global Market-based Measure (MBM) scheme*, supersede Resolutions A38-17 and A38-18.

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, aircraft recycling, the use of clean, renewable and sustainable energy sources, 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;

Recognizing that the work of the Organization on the environment contributes to ten of 17 United Nations Sustainable Development Goals (SDGs);

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;

Acknowledging that substantial progress has been achieved in addressing the effects of aviation on the environment, and that aircraft produced today are 80 per cent more fuel efficient and 75 per cent quieter than they were in the 1960s;

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, both in terms of local air quality and the global climate;

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 continue 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, aircraft fuel consumption, aviation system fuel efficiency, and aircraft engine Particulate Matter (PM) and Oxides of Nitrogen (NO_x) emissions, reflecting the work of the Organization, action plans submitted by States, the ICAO Global Air Navigation Plan, ICAO Standards and Recommended Practices, and 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;

Welcoming the recommendation by CAEP on a new standard for non-volatile particulate matter (nvPM) emissions;

Welcoming the recommendation by CAEP on a new global CO_2 emissions certification Standard for aeroplanes that, once adopted, will constitute Annex 16, Volume III — *Aeroplane CO_2 Emissions*;

Recognizing that the CO_2 emissions certification standard is a technical comparison of aviation technologies designed for use in CO_2 emissions certification processes, and was not designed to serve as a basis for operating restrictions or emissions levies;

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 adoption by the Council in March 2014 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 Maximum Take-off Mass (MTOM);

3. *Welcomes* the adoption by the Council in March 2014 of the new Standard for noise to be implemented for Tilt-rotors on or after 1 January 2018;

4. *Welcomes* the development of the new aeroplane CO_2 Standard to be implemented on or after 1 January 2020 for new aeroplane types, except those new aeroplane types of less than or equal to 60 tonnes MTOM and with a maximum passenger seating capacity of 19 seats or less, which would have an applicability data of on or after 1 January 2023;

5. *Welcomes* the development of the new aeroplane CO_2 Standard to be implemented on or after 1 January 2023 for in-production aeroplanes with a production cut-off date of 1 January 2028;

6. *Urges* States to recognize that the CO_2 emissions certification Standard was not designed to serve as a basis for operating restrictions or emissions levies;

7. *Welcomes* the development of the new nvPM emissions Standard for all turbofan and turbojet aircraft engines with rated thrust greater than 26.7kN and for which the date of manufacture of the individual engine is on or after 1 January 2020;

8. *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;

9. *Requests* the Council to ensure that 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;

10. *Urges* Member States from regions of the world that are currently under-represented in CAEP to participate in the Committee's work;

11. *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;

12. *Urges* Member States to follow, where appropriate, the ICAO provisions developed pursuant to Resolving Clause 8 of this Appendix; and

13. *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;

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; and

Take note that the CAEP analysis of Trends in aircraft noise show that, under an advanced technology improvements scenario, an increase in aircraft operations may no longer result in an increase in noise contour area after 2030;

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. *Welcomes* the progress achieved to date in addressing aircraft noise and encourages States, manufacturers and operators to continue to engage in the work of ICAO in addressing aircraft noise, and to continue to pursue technologies and policies that reduce the impact of aircraft noise in the communities that surround airports;

3. *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;

4. *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;

5. *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;

6. *Invites* States to keep the Council informed of their policies and programmes to alleviate the problem of aircraft noise in international civil aviation;

7. *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

8. *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 standards contained in Annex 16, Volume I, Chapter 4 and Chapter 14, 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 and Chapter 14 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 the standard contained in Annex 16, Volume I, Chapter 14, when implemented, will increase 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;

Recognizing that the update of the 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*; and

Recognizing that the ICAO Circular *Community Engagement on Aviation Environmental Management* complements the current policy of aircraft noise management at and around airports;

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;

Recognizing the ongoing work to develop a new supersonic noise Standard for future aircraft, and the work to understand the current state of sonic boom knowledge, research and supersonic aeroplane projects;

Recognizing that the airworthiness certification of a supersonic aeroplane could occur in the 2020-2025 timeframe;

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 are 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 nvPM 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.

A39-2: 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;

Acknowledging that the work of the Organization on the environment contributes to 10 of the 17 United Nations Sustainable Development Goals (SDGs), including SDG 13 "*Take urgent action to combat climate change and its impacts"*;

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);

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; the Organization will update the information contained in the IPCC special report;

Acknowledging that international aviation emissions, currently accounting for less than 2 per cent of total global CO_2 emissions, are projected to increase as a result of the continued growth of air transport;

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);

Whereas the Paris Agreement, which was adopted by the Conference of the Parties to the UNFCCC in December 2015, enhances the implementation of the UNFCCC including its objective, and aims to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty, including by holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change;

Recognizing the global aspirational goals for the international aviation sector of improving fuel efficiency by 2 per cent per annum and keeping the net carbon emissions from 2020 at the same level, as adopted by the ICAO Assembly at its 37th Session in 2010 and reaffirmed at its 38th Session in 2013, as well as the work being undertaken to explore a long-term global aspirational goal for international aviation in light of the 2°C and 1.5°C temperature goals of the Paris Agreement;

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 are needed to deliver a sustainable path for aviation;

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 CO_2 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;

Recalling the UNFCCC and the Paris Agreement and *acknowledging* its principle of common but differentiated responsibilities and respective capabilities, in light of different national circumstances;

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 prejudge the outcome of negotiations under the UNFCCC or the Paris Agreement, nor represent the position of the Parties to those agreements;

Noting that, to promote sustainable growth of international aviation and to achieve its global aspirational goals, a comprehensive approach, consisting of a basket of measures including technology and standards, sustainable alternative fuels, operational improvements 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 1960s;

Welcoming the agreement by the Committee on Aviation Environmental Protection (CAEP) on the CO_2 emissions certification Standard for aeroplanes;

Recognizing the work being undertaken to consider the environmental aspects of aircraft end-of-life such as through aircraft recycling;

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 CO_2 emissions;

Welcoming the assessment of the environmental benefits of the Aviation System Block Upgrades (ASBUs) completed for Block 0 and being undertaken for Block 1;

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) through which progress has been registered, including five pathways for the certification of aviation alternative fuels to date, and the first airport-hub for such fuels;

Recognizing that the technological feasibility of drop-in sustainable alternative fuels for aviation is proven and that the introduction of appropriate policies and incentives to create a long-term market perspective is required;

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

Acknowledging the need to explore and facilitate the civil aviation sector's access to renewable energy including through its cooperation with the Sustainable Energy for All (SE4ALL) initiative, as part of the Organization's contribution to SDG 7 "*Ensure access to affordable, reliable, sustainable and modern energy for all"*;

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, and that the guiding principles were elaborated as listed in the Annex to Assembly Resolution A38-18, which are reproduced in the Annex to this Resolution;

Noting that, consistent with Assembly Resolution A38-18, a substantial strategy for capacity-building and other technical and financial assistance was undertaken by the Organization, in line with the *No Country Left Behind* (NCLB) initiative, to assist the preparation and submission of States' action plans, including the holding of regional seminars, the development and update of ICAO Doc 9988, *Guidance on the development of States' Action Plans on* CO_2 *Emissions Reduction Activities*, an interactive web-interface, the ICAO Fuel Savings Estimation Tool (IFSET) and the ICAO Environmental Benefits Tool (EBT);

Welcoming that, as of 8 June 2016, 94 Member States that represent more than 88 per cent of global international air traffic voluntarily prepared and submitted action plans to ICAO;

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;

Recognizing the assistance provided by ICAO in partnership with other organizations to facilitate Member States' action to reduce aviation emissions, as well as the continuous search for potential assistance partnerships with other organizations;

Recognizing the importance of work being undertaken to identify 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 the ICAO Carbon Emissions Calculator, to support the assessment of emissions from passengers travelling by air and welcoming its expansion to add air cargo emissions;

The Assembly:

1. *Resolves* that this Resolution, together with Resolution A39-1: *Consolidated statement of continuing ICAO policies and practices related to environmental protection – General provisions, noise and local air quality* and Resolution A39-3: *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Global Market-based Measure (MBM) scheme*, supersede Resolutions A38-17 and A38-18 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, 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. *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;

5. *Agrees* that the goals mentioned in paragraph 4 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;

6. *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;

7. *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;

8. *Agrees* to review, at its 40th Session, the goal outlined in paragraph 6 above in light of progress towards the goal, studies regarding the feasibility of achieving the goal, and relevant information from States;

9. *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 40th 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;

10. *Further encourages* States to submit voluntary action plans outlining respective policies and actions, and annual reporting on international aviation CO_2 emissions to ICAO;

11. *Invites* those States that choose to prepare or update action plans to submit them to ICAO as soon as possible preferably by the end of June 2018 and once every three years thereafter, in order that ICAO can continue to compile the quantified 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 respective national capacities and circumstances, quantified information on the expected environmental benefits from the implementation of the measures chosen from the basket, and information on any specific assistance needs;

12. *Encourages* States that have already submitted action plans to share information contained in action plans and build partnerships with other Member States in order to support those States that have not prepared action plans, and to make the submitted action plans available to the public, taking into account the commercial sensitivity of information contained in States' action plans;

13. *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 2018, in order for States to conduct necessary studies and to voluntarily submit action plans to ICAO;

14. *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 CO_2 emissions;

15. *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, and to regularly report CO_2 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;

16. While recognizing that no effort should be spared to obtain means to support the reduction and stabilization of CO_2 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;

17. *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) build further partnerships with other international organizations to meet the assistance needs of ICAO's Member States, including through the ICAO Action Plan Buddy Programme, and 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 2018 and at the 40th Session of the Assembly; and

c) continue to initiate specific measures to assist developing States as well as to facilitate access to financial resources, technology transfer and capacity-building;

18. *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 Assessment reports, and ensure that future assessments undertaken by IPCC and other relevant United Nations bodies include updated information, if any, on aircraft-induced effects on the atmosphere;

b) consider policies to encourage the introduction of more fuel-efficient aircraft in the market, and work together through ICAO to exchange information and develop guidance for best practices on aircraft end-of-life such as through aircraft recycling;

c) accelerate investments on research and development to bring to market more efficient technology by 2020;

d) accelerate the development and implementation of fuel efficient routings and air navigation procedures to reduce aviation emissions, and work with ICAO to bring the environmental benefits to all regions and States, taking into account the Aviation System Block Upgrades (ASBUs) strategy;

e) reduce legal, security, economic and other institutional barriers to enable implementation of the new air traffic management operating concepts for the environmentally efficient use of airspace;

f) set a coordinated approach in national administrations for policy actions and investment to accelerate the appropriate development, deployment and use of clean and renewable energy sources for aviation, including the use of sustainable alternative fuels, in accordance with their national circumstances;

g) consider the use of incentives to encourage the deployment of clean and renewable energy sources for aviation, including sustainable alternative fuels;

h) 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;

i) recognize existing approaches to assess the sustainability of all alternative fuels in general, including those for use in aviation which should achieve net GHG emissions reduction on a life cycle basis, contribute to local social and economic development; competition with food and water should be avoided; and

j) adopt measures to ensure the sustainability of alternative fuels for aviation, building on existing approaches or combination of approaches, monitor, at a national level, the sustainability of the production of alternative fuels for aviation, and work together through ICAO and other relevant international bodies, to exchange information and best practices, including for the harmonization on the sustainability criteria of aviation alternative fuels;

19. *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 the developing world;

d) 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 various programmes;

e) adopt the CO_2 emissions certification Standard for aeroplanes as soon as possible;

f) update medium- and long-term technological goals for aircraft fuel burn;

g) maintain and update guidance on operational measures to reduce international aviation emissions, and place emphasis on increasing fuel efficiency in all aspects of the ICAO's Global Air Navigation Plan (GANP); encourage States and stakeholders to develop air traffic management that optimizes environmental benefits, and promote and share best practices applied at airports;

h) continue to develop and update the necessary tools and guidance to assess the benefits associated with air traffic management improvements, and assess the environmental benefits associated with the implementation of the Aviation System Block Upgrades (ASBUs) strategy;

i) encourage Member States and invite industry, financial institutions and other international organizations to actively participate in exchange of information and best practices, and facilitate the establishment of partnerships and the definition of policies that will further promote the transition to clean, renewable sources of energy for aviation, including sustainable alternative fuels, through regional seminars;

j) continue to maintain the ICAO Global Framework for Aviation Alternative Fuels (GFAAF);

k) continue 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;

l) 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;

m) cooperate with other relevant international initiatives, including the Sustainable Energy for All (SE4ALL) initiative, to facilitate the aviation's access to renewable energy;

n) identify the potential impacts of climate change on international aviation operations and related infrastructure and identify adaptation measures to address the potential climate change impacts, 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, including the ICAO Carbon Emissions Calculator that also incorporates cargo emissions, 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 CO_2 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 CO_2 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.

A39-3: Consolidated statement of continuing ICAO policies and practices related to environmental protection — Global Market-based Measure (MBM) scheme

Whereas Assembly Resolution A38-18 decided to develop a global market-based measure (GMBM) scheme for international aviation, for decision by the 39th Session of the Assembly;

Recalling that Assembly Resolution A38-18 requested the Council, with the support of Member States, to finalize the work on the technical aspects, environmental and economic impacts and modalities of the possible options for a GMBM 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 United Nations Framework Convention on Climate Change (UNFCCC);

Also recalling that Assembly Resolution A38-18 requested the Council, with the support of Member States, to identify the major issues and problems, including for Member States, and make a recommendation on a GMBM scheme that appropriately addresses them and key design elements, including a means to take into account special circumstances and respective capabilities, 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;

Recognizing that ICAO is the appropriate forum to address emissions from international aviation, and the significant amount of work undertaken by the Council, its Environment Advisory Group (EAG) and its Committee on Aviation Environmental Protection (CAEP) to develop a recommendation for a GMBM scheme and its design elements and implementation mechanisms, including the analyses of various approaches for distribution of obligations;

Further recalling that Assembly Resolution A38-18 requested the Council, with the support of Member States, to organize seminars, workshops on a GMBM scheme for international aviation participated by officials and experts of Member States as well as relevant organizations;

Recognizing the convening of two rounds of Global Aviation Dialogues (GLADs) seminars held in 2015 and 2016 for all regions;

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;

Recognizing that MBMs should not be duplicative and international aviation CO_2 emissions should be accounted for only once;

Emphasizing that the decision by the 38th Session of the Assembly to develop a global MBM scheme for international aviation reflects the strong support of Member States for a global solution for the international aviation industry, as opposed to a possible patchwork of State and regional MBMs;

Reaffirming the concern with the use of international civil aviation as a potential source for the mobilization of revenue for climate finance to the other sectors, and that MBMs should ensure the fair treatment of the international aviation sector in relation to other sectors;

Recalling the UNFCCC and the Paris Agreement and *acknowledging* its principle of common but differentiated responsibilities and respective capabilities, in light of different national circumstances;

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

Welcoming the adoption of the Paris Agreement under the UNFCCC and *recognizing* that the work related to a global MBM scheme for international aviation and its implementation will contribute to the achievement of the goals set out in the Paris Agreement;

Whereas the UNFCCC and the Paris Agreement provide for mechanisms, such as the Clean Development Mechanism (CDM) and a new market mechanism under the Paris Agreement, to contribute to the mitigation of GHG emissions to support sustainable development, which benefit developing States in particular;

Welcoming the cooperation between the UNFCCC and ICAO on the development of CDM methodologies for aviation;

Recognizing that this Resolution does not set a precedent for or prejudge the outcome of negotiations under the UNFCCC, the Paris Agreement, or other international agreements, nor represent the position of the Parties to the UNFCCC, the Paris Agreement, or other international agreements;

The Assembly:

1. *Resolves* that this Resolution, together with Resolution A39-1: *Consolidated statement of continuing ICAO policies and practices related to environmental protection – General provisions, noise and local air quality* and Resolution A39-2: *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*, supersede Resolutions A38-17 and A38-18 and constitute the consolidated statement of continuing ICAO policies and practices related to environmental protection;

2. *Acknowledges* the progress achieved on all elements of the basket of measures available to address CO_2 emissions from international aviation, including aircraft technologies, operational improvements, sustainable alternative fuels and a GMBM scheme and any other measures, and *affirms* the preference for the use of aircraft technologies, operational improvements and sustainable alternative fuels that provide the environmental benefits within the aviation sector;

3. *Also acknowledges* that, despite this progress, the environmental benefits from aircraft technologies, operational improvements and sustainable alternative fuels may not deliver sufficient CO_2 emissions reductions to address the growth of international air traffic, in time to achieve the global aspirational goal of keeping the global net CO_2 emissions from international aviation from 2020 at the same level;

4. *Emphasizes* the role of a GMBM scheme to complement a broader package of measures to achieve the global aspirational goal, without imposing inappropriate economic burden on international aviation;

5. *Decides* to implement a GMBM scheme in the form of the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) to address any annual increase in total CO_2 emissions from international civil aviation (i.e. civil aviation flights that depart in one country and arrive in a different country) above the 2020 levels, taking into account special circumstances and respective capabilities;

6. *Requests* the Council to continue to ensure all efforts to make further progress on aircraft technologies, operational improvements and sustainable alternative fuels be taken by Member States and reflected in their action plans to address CO_2 emissions from international aviation, and to monitor and report the progress on implementation of action plans, and that a methodology should be developed to ensure that an aircraft operator's offsetting requirements under the scheme in a given year can be reduced through the use of sustainable alternative fuels, so that all elements of the basket of measures are reflected;

7. *Request* the Council to continuously monitor the implementation of all elements of the basket of measures, and consider the necessary policies and actions to ensure that progress is achieved in all of the elements in a balanced way with an increasing percentage of emissions reductions accruing from non-MBM measures over time;

8. *Acknowledges* special circumstances and respective capabilities of States, in particular developing States, in terms of vulnerability to the impacts of climate change, economic development levels, and contributions to international aviation emissions, among other things, while minimizing market distortion;

9. *Decides* the use of a phased implementation for the CORSIA to accommodate the special circumstances and respective capabilities of States, in particular developing States, while minimizing market distortion, as follows:

a) Pilot phase applies from 2021 through 2023 to States that have volunteered to participate in the scheme. States participating in this phase may determine the basis of their aircraft operator's offsetting requirements from paragraph 11 e) i) below;

b) First phase applies from 2024 through 2026 to States that voluntarily participate in the pilot phase, as well as any other States that volunteer to participate in this phase, with the calculation of offsetting requirements in paragraph 11 a) below;

c) All States are strongly encouraged to voluntarily participate in the pilot phase and the first phase, noting that developed States, which have already volunteered, are taking the lead, and that several other States have also volunteered;

d) The Secretariat will make public on the ICAO website updated information on the States that volunteered to participate in the pilot phase and first phase;

e) Second phase applies from 2027 through 2035 to all States that have an individual share of international aviation activities in RTKs in year 2018 above 0.5 per cent of total RTKs or whose cumulative share in the list of States from the highest to the lowest amount of RTKs reaches 90 per cent of total RTKs, except Least Developed Countries (LDCs), Small Island Developing States (SIDS) and Landlocked Developing Countries (LLDCs) unless they volunteer to participate in this phase;

f) States that are exempted or have not yet participated are strongly encouraged to voluntarily participate in the scheme as early as possible, in particular those States that are members of a regional economic integration organization. States who decide to voluntarily participate in the scheme, or decide to discontinue the voluntary participation from the scheme, may only do so from 1 January in any given year and they shall notify ICAO of their decision by no later than 30 June of the preceding year;

g) Starting in 2022, the Council will conduct a review of the implementation of the CORSIA every three years, including its impact on the growth of international aviation, which serves as an important basis for the Council to consider whether it is necessary to make adjustments to the next phase or compliance cycle and, as appropriate, to recommend such adjustments to the Assembly for its decision;

10. *Decides* that the CORSIA shall apply to all aircraft operators on the same routes between States with a view to minimizing market distortion, as follows:

a) all international flights on the routes between States, both of which are included in the CORSIA by paragraph 9 above, are covered by the offsetting requirements of the CORSIA;

b) all international flights on the routes between a State that is included in the CORSIA and another State that is not included in the CORSIA by paragraph 9 above are exempted from the offsetting requirements of the CORSIA, while retaining simplified reporting requirements; and

c) all international flights on the routes between States, both of which are not included in the CORSIA by paragraph 9 above, are exempted from the offsetting requirements of the CORSIA, while retaining simplified reporting requirements;

11. *Decides* that the amount of CO_2 emissions required to be offset by an aircraft operator in a given year from 2021 is calculated every year as follows:

a) an aircraft operator's offset requirement = [% Sectoral × (an aircraft operator's emissions covered by CORSIA in a given year × the sector's growth factor in the given year)] + [% Individual × (an aircraft operator's emissions covered by CORSIA in a given year × that aircraft operator's growth factor in the given year)];

b) where the sector's growth factor = (total emissions covered by CORSIA in the given year – average of total emissions covered by CORSIA between 2019 and 2020) / total emissions covered by CORSIA in the given year;

c) where the aircraft operator's growth factor = (the aircraft operator's total emissions covered by CORSIA in the given year – average of the aircraft operator's emissions covered by CORSIA between 2019 and 2020) / the aircraft operator's total emissions covered by CORSIA in the given year;

d) where the % Sectoral = (100% – % Individual) and;

e) where the % Sectoral and % Individual will be applied as follows:

i) from 2021 through 2023, 100% sectoral and 0% individual, though each participating State may choose during this pilot phase whether to apply this to:

a) an aircraft operator's emissions covered by CORSIA in a given year, as stated above, or

b) an aircraft operator's emissions covered by CORSIA in 2020;

ii) from 2024 through 2026, 100 % sectoral and 0% individual;

iii) from 2027 through 2029, 100 % sectoral and 0% individual;

iv) from 2030 through 2032, at least 20% individual, with the Council recommending to the Assembly in 2028 whether and to what extent to adjust the individual percentage;

v) from 2033 through 2035, at least 70% individual, with the Council recommending to the Assembly in 2028 whether and to what extent to adjust the individual percentage;

f) the aircraft operator's emissions and the total emissions covered by CORSIA in the given year do not include emissions exempted from the scheme in that year;

g) the scope of emissions in paragraphs 11 b) and 11 c) above will be recalculated at the start of each year to take into account routes to and from all States that will be added due to their voluntary participation or the start of a new phase or compliance cycle;

12. *Decides* that a new entrant[1] is exempted from the application of the CORSIA for three years or until the year in which its annual emissions exceed 0.1 per cent of total emissions in 2020, whichever occurs earlier. From the subsequent year, the new entrant is included in the scheme and treated in the same way as the other aircraft operators;

13. *Decides* that, notwithstanding with the provisions above, the CORSIA does not apply to low levels of international aviation activity with a view to avoiding administrative burden: aircraft operators emitting less than 10 000 metric tonnes of CO_2 emissions from international aviation per year; aircraft with less than 5 700 kg of Maximum Take-off Mass (MTOM); or humanitarian, medical and firefighting operations;

14. *Decides* that the emissions that are not covered by the scheme, as the results of phased implementation and exemptions, are not assigned as offsetting requirements of any aircraft operators included in the scheme;

15. *Notes* the work of the Council, with the technical contribution of CAEP, on: a) the monitoring, reporting and verification (MRV) system; b) recommended criteria for emissions units to be purchased by aircraft operators that take into account developments in the UNFCCC process; c) and registries under the CORSIA, and *requests* the Council, with the technical contribution of CAEP, to complete its work as soon as possible including the provision of capacity-building and assistance, so as to enable the full implementation of the CORSIA from 2020;

16. *Decides* a three year compliance cycle, starting with the first cycle from 2021 to 2023, for aircraft operators to reconcile their offsetting requirements under the scheme, while they report the required data to the authority designated by the aircraft operator's State of registry every year;

17. *Decides* on the need to provide for safeguards in the CORSIA to ensure the sustainable development of the international aviation sector and against inappropriate economic burden on international aviation, and *requests* the Council to decide the basis and criteria for triggering such action and identify possible means to address these issues;

18. *Decides* that a periodic review of the CORSIA is undertaken by the Council, for consideration by the Assembly, every three years from 2022 for the purpose referred to in paragraph 9 g) above and to contribute to the sustainable development of the international aviation sector and the effectiveness of the scheme. This will involve, inter alia:

a) assessment of: progress towards achieving the ICAO's global aspirational goal; the scheme's market and cost impact on States and aircraft operators and on international aviation; and the functioning of the scheme's design elements;

b) consideration of the scheme's improvements that would support the purpose of the Paris Agreement, in particular its long-term temperature goals; and update the scheme's design elements to improve implementation, increase effectiveness, and minimize market distortion, taking into account the consequential impact of changing the scheme's design elements, e.g., to MRV requirements; and

c) a special review by the end of 2032 on termination of the scheme, its extension or any other improvements of the scheme beyond 2035, including consideration of the contribution made by aircraft technologies, operational improvements and sustainable alternative fuels towards achieving the ICAO's environmental objectives;

19. *Determines* that the CORSIA or any other scheme decided by the Assembly is to be the market-based measure applying to CO_2 emissions from international aviation;

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[1] A new entrant is defined as any aircraft operator that commences an aviation activity falling within the scope of the scheme on or after its entry into force and whose activity is not in whole or in part a continuation of an aviation activity previously performed by another aircraft operator.

20. *Requests* the following actions be taken, with a view to establishing necessary mechanisms for implementation of the CORSIA from 2020:

Regarding the implementation of the MRV system,

a) the Council to develop, with the technical contribution of CAEP, the SARPs and related guidance material for the implementation of the MRV system under the CORSIA, including simplified MRV procedures, for adoption by the Council by 2018;

b) all Member States whose aircraft operator undertakes international flights to develop the necessary arrangements, in accordance with the MRV SARPs, for implementation from 1 January 2019;

Regarding the Emissions Unit Criteria (EUC),

c) the Council to develop, with the technical contribution of CAEP, the SARPs and related guidance material for Emissions Unit Criteria (EUC) to support the purchase of appropriate emissions units by aircraft operators under the scheme, taking into account relevant developments in the UNFCCC and Article 6 of the Paris Agreement, for adoption by the Council as soon as possible but not later than 2018;

d) the Council to establish, with the technical contribution of CAEP, a standing technical advisory body on the Emissions Unit Criteria (EUC) to make recommendations to the Council on the eligible emissions units for use by the CORSIA;

e) the Council, with the technical contribution of CAEP, to periodically review the EUC SARPs and related guidance material, as appropriate, to promote compatibility with future relevant decisions under the Paris Agreement;

Regarding the establishment of Registries,

f) the Council to develop, with the technical contribution of CAEP, policies and related guidance material to support the establishment of registries under the scheme, for adoption by the Council by 2018;

g) the Council to establish a consolidated central registry under the auspices of ICAO, for operationalization no later than 1 January 2021;

h) Member States to develop necessary arrangements for the establishment of their own registries or group registries established by groups of States, or to arrange for participation in other registries, in accordance with the ICAO guidance;

Regarding the governance of the CORSIA,

i) the Council to oversee the functioning of the CORSIA, with support provided by the standing technical advisory body and CAEP as needed;

Regarding the regulatory framework,

j) Member States to take necessary action to ensure that the necessary national policies and regulatory framework be established for the compliance and enforcement of the scheme by 2020.

21. *Decides* that emissions units generated from mechanisms established under the UNFCCC and the Paris Agreement are eligible for use in CORSIA, provided that they align with decisions by the Council, with the technical contribution of CAEP, including on avoiding double counting and on eligible vintage and timeframe;

22. *Decides* that ICAO and Member States take all necessary actions in providing the capacity-building and assistance and building partnerships for implementation of the CORSIA from 2020, including:

Regarding the implementation of the MRV system,

a) the Council to take necessary action to expand the provision of capacity-building and assistance for the preparation and implementation of Member States' action plans, in order to accommodate capacity building and assistance for implementation of the MRV system by Member States from 1 January 2019, including organization of seminars and training in all regions from 2017, and facilitation of financial support where needed, in particular for those States that volunteer to participate in the pilot phase and require support to do so;

b) Member States to build partnerships among themselves to cooperate on the implementation of the MRV system;

Regarding the establishment of Registries,

c) the Council to take necessary action to expand the provision of capacity-building and assistance for the preparation and implementation of Member States' action plans, in order to accommodate capacity building and assistance for establishment of registries by States, including organization of seminars and training in all regions from 2017, and facilitation of financial support where needed, in particular for those States that volunteer to participate in the pilot phase and require support to do so;

d) Member States to build partnerships among themselves to cooperate on the establishment of their own registries or group registries established by groups of States, and possible pilot implementation;

23. *Decides* that the CORSIA will use emissions units that meet the Emissions Unit Criteria (EUC) in paragraph 20 above;

24. *Requests* the Council to promote the use of emissions units generated that benefit developing States, and *encourages* States to develop domestic aviation-related projects;

25. *Requests* the Council to explore further development of aviation-related methodologies for use in offsetting programmes, including mechanisms or other programmes under the UNFCCC, and *encourages* States to use such methodologies in taking actions to reduce aviation CO_2 emissions, which could further enable the use of credits generated from the implementation of such programmes by the CORSIA, without double-counting of emissions reduction.

A39-15: Consolidated statement of continuing ICAO policies in the air transport field

A36-14: Use of cross-polar routes

A36-21: Preventing the introduction of invasive alien species

Whereas the global community has increasingly recognized the threat to biological diversity posed by invasive alien species;

Whereas international transportation, including civil air transportation, represents a potential pathway for the introduction of invasive alien species; and

Whereas the Convention on Biological Diversity, the Global Invasive Species Programme and other intergovernmental and non-governmental international organizations are currently working on means to effectively assess and manage alien species that threaten ecosystems, habitats and native species;

The Assembly:

1. *Urges* all Contracting States to support one another's efforts to reduce the risk of introducing, through civil air transportation, potentially invasive alien species to areas outside their natural range;

2. *Requests* the ICAO Council to continue working with the appropriate organizations in this regard; and

3. *Declares* that this resolution supersedes Resolution A35-19.

A27-12: Role of ICAO in the suppression of illicit transport of narcotic drugs by air

Whereas drug abuse and illicit trafficking in narcotic drugs and psychotropic substances continue to create serious international problems demanding urgent and constant attention;

Whereas the United Nations General Assembly called upon the specialized agencies to participate actively in the implementation of the UN General Assembly Resolutions 39/143, 40/121 and 41/127, "International campaign against traffic in drugs";

Whereas in the Declaration of the International Conference on Drug Abuse and Illicit Trafficking of 26 June 1987 States committed themselves to vigorous international actions against drug abuse and illicit trafficking as an important goal of their policies;

Whereas the International Conference on Drug Abuse and Illicit Trafficking adopted the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control, as a programme of future work at the national, regional and international levels;

Whereas Resolution A26-12 urged the Council to continue expeditiously its efforts to explore ICAO's possible role in the matter and to present a report to the next ordinary session of the Assembly;

The Assembly:

1. *Endorses* the action taken by the Council through the Air Transport Committee, Air Navigation Commission, the Tenth Session of the Facilitation Division and by the Secretariat to implement Assembly Resolution A26-12 and the Comprehensive Multidisciplinary Outline adopted by the International Conference on Drug Abuse and Illicit Trafficking;

2. *Urges* the Council to elaborate with a high degree of priority concrete measures in order to prevent and to eliminate possible use of illicit drugs and abuse of other drugs or substances by crew members, air traffic controllers, mechanics and other staff of international civil aviation;

3. *Urges* the Council to continue its work in order to prevent illicit transport of narcotic drugs and psychotropic substances by air;

4. *Requests* the Council to continue to follow closely the work of the United Nations and other agencies in the implementation of the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control and to assure active cooperation of the Organization in the implementation of all programmes relevant for international civil aviation;

5. *Requests* the Council, in the light of any further study which may be necessary, to propose specific actions and measures, including the preparation of necessary guidance material on all drug-related problems which may be encountered in international civil aviation;

6. *Calls upon* all Contracting States to continue their efforts to prevent the illicit trafficking of drugs by air, to take appropriate legislative measures to ensure that the crime of illicit transport of narcotic drugs and other psychotropic substances by air is punishable by severe penalties and to become parties, as soon as practicable, to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;

7. *Requests* the Council to present a report on the implementation of this Resolution to the next ordinary session of the Assembly; and

8. *Declares* that this Resolution supersedes Resolution A26-12.

A39-15: Consolidated statement of continuing ICAO policies in the air transport field

A29-15: Smoking restrictions on international passenger flights

Whereas ICAO Assemblies have demonstrated a concern for and a contribution to human welfare in the quality of life and in the environment in which human beings work and engage in other pursuits, including matters related to engine emissions, the ozone layer and aircraft noise;

Whereas ICAO Assemblies have recognized a responsibility to achieve maximum compatibility between civil aviation operation and the quality of the human environment;

Whereas States have been recognizing increasingly and taking action against the known health hazards caused by tobacco smoke at the work place, in public buildings and transportation systems;

Whereas the build-up of “tar” and other residue from tobacco smoke on aircraft may adversely affect oxygen masks and contaminate environmental control systems;

Whereas the World Health Organization (WHO) and the International Labour Organization (ILO), consider that occupational safety and health are interrelated and cannot be separated; and

Whereas the World Health Organization (WHO) unanimously adopted a Resolution urging Member States to ban smoking in public conveyances where protection against involuntary exposure to tobacco smoke cannot be ensured and requested its Director General to collaborate with ICAO;

The Assembly:

1. *Requests* the ICAO Council to intensify its studies into the safety aspects of banning smoking on board aircraft;

2. *Requests* the ICAO Council, with the assistance and cooperation of the World Health Organization, to take appropriate measures to promote a smoke-free travel environment on all international flights;

3. *Urges* all Contracting States, in the meantime, to take necessary measures as soon as possible to restrict smoking progressively on all international passenger flights with the objective of implementing complete smoking bans by 1 July 1996;

4. *Requests* the ICAO Council to report on the implementation of this Resolution in all its aspects to the next ordinary session of the Assembly.

A35-12: Protection of the health of passengers and crews and prevention of the spread of communicable disease through international travel

Whereas Article 44 of the *Convention on International Civil Aviation* states that “The aims and objectives of the Organization are to develop the principles and techniques of international air navigation and to 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 Article 14 of the *Convention on International Civil Aviation* states that “Each contracting State agrees to take effective measures to prevent the spread by means of air navigation of cholera, typhus (epidemic), smallpox, yellow fever, plague, and such other communicable diseases as the contracting States shall from time to time decide to designate, and to that end contracting States will keep in close consultation with the agencies concerned with international regulations relating to sanitary measures applicable to aircraft”;

Whereas the worldwide transmission of communicable diseases by means of air transport, and the threat thereof, have increased in past years;

Whereas Assembly Resolution A29-15 urges all contracting States to take necessary measures to restrict smoking progressively on all international passenger flights with the objective of implementing complete smoking bans by 1 July 1996;

Whereas the increasing number of elderly and handicapped persons travelling by air and the increasing duration of international flights may pose additional risks to the health of passengers and may give rise to more frequent medical emergencies on board;

Whereas ICAO forecasts a five per cent annual increase in the number of passengers in the foreseeable future, thus potentially increasing the occurrence of medical emergencies during air travel;

Whereas the communication technologies have made possible in-flight diagnosis and treatment of passengers by doctors based at ground facilities;

Whereas health issues are becoming a consideration for some in their decision to fly or not, with a potential for highly detrimental impact on the economy of airlines and airports; and

Whereas there is a need to coordinate for global application the considerable activity and progress on health issues by ICAO, some Contracting States, the European Civil Aviation Conference (ECAC), the World Health Organization (WHO), the World Tourism Organization (WTO-OMT) and international organizations such as the Aerospace Medical Association (AsMA), International Academy of Aviation and Space Medicine (IAASM), International Air Transport Association (IATA), Airports Council International (ACI) and other interested organizations;

The Assembly:

1. *Declares* that the protection of the health of passengers and crews on international flights is an integral element of safe air travel and that conditions should be in place to ensure its preservation in a timely and cost-effective manner;

2. *Requests* the Council to review existing SARPs related to passenger and crew health and develop new SARPs where appropriate with due consideration of global health issues and recent developments in air transport operations;

3. *Requests* the Council to establish suitable institutional arrangements to coordinate efforts by Contracting States and other members of the international civil aviation community aimed at protecting the health of passengers and crews;

4. *Requests* the Council as a matter of priority to develop Standards and Recommended Practices in the appropriate Annexes to the Convention in order to address contingency plans to prevent the spread of communicable diseases by air transport;

5. *Urges* all Contracting States, in the meantime, to ensure the implementation of existing SARPs related to the health of passengers and crews; and

6. *Requests* the Council to support further research on the consequences of air transport on the health of passengers and crews; and

7. *Requests* the Council to report on the implementation of this resolution in all aspects to the next ordinary session of the Assembly.

A37-13: Prevention of spread of communicable disease through air travel

Whereas Article 14 of the *Convention on International Civil Aviation* states that “Each contracting State agrees to take effective measures to prevent the spread by means of air navigation of cholera, typhus (epidemic), smallpox, yellow fever, plague, and such other communicable diseases as the contracting States shall from time to time decide to designate, and to that end contracting States will keep in close consultation with the agencies concerned with international regulations relating to sanitary measures applicable to aircraft”;

Whereas Article 14(1) of the World Health Organization International Health Regulations (2005) states that “WHO shall cooperate and coordinate its activities, as appropriate, with other competent intergovernmental organizations or international bodies in the implementation of these Regulations, including through the conclusion of agreements and other similar arrangements”;

Whereas ICAO Resolution A35-12 states that ‘the protection of the health of passengers and crews on international flights is an integral element of safe air travel and that conditions should be in place to ensure its preservation in a timely and cost-effective manner’;

Whereas Article 44 of the *Convention on International Civil Aviation* states that "The aims and objectives of the Organization are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to …[m]eet the needs of the peoples of the world for safe, regular, efficient and economical air transport";

Whereas Annex 6 — *Operation of Aircraft*, Annex 9 — *Facilitation*, Annex 11 — *Air Traffic Services,* Annex 14 — *Aerodromes*, Volume I — *Aerodrome Design and Operations* to the *Convention on International Civil Aviation* and the *Procedures for Air Navigation Service — Air Traffic Management* (Doc 4444) contain several Standards and Recommended Practices and Procedures relating to health measures that should be taken by Contracting States to manage public health emergencies of international concern and to prevent the spread of communicable disease by air travel; and

Whereas the ICAO Cooperative Arrangement for the Prevention of Spread of Communicable Disease through Air Travel (CAPSCA) project is an appropriate measure to improve and harmonize preparedness plans;

The Assembly:

1. *Urges* Contracting States and regional safety oversight organizations to ensure that the public health sector and the aviation sector collaborate to develop a national preparedness plan for aviation which addresses public health emergencies of international concern and which is integrated with the general national preparedness plan;

2. *Urges* Contracting States to develop a national preparedness plan for aviation that is in compliance with the World Health Organization International Health Regulations (2005) and which are based on scientific principles and on the guidelines from ICAO and the World Health Organization;

3. *Urges* Contracting States, and regional safety oversight organizations as appropriate, to establish requirements for the involvement of stakeholders such as airport operators, aircraft operators and air navigation service providers in the development of a national preparedness plan for aviation; and

4. *Urges* Contracting States to join and participate in the Cooperative Arrangement for the Prevention of Spread of Communicable Disease through Air Travel (CAPSCA) project, where available, to ensure that its goals are achieved, unless equivalent measures are already in place.

A39-28: Performance-based criteria and guidance material on aircraft disinsection and vector control measures

Whereas the most recent outbreaks of vector-borne diseases have resulted in Contracting States imposing chemical disinsection requirements;

Whereas the World Health Organization has not issued recommendations regarding non-chemical disinsection methods;

Whereas there is strong evidence that chemicals are becoming increasingly ineffective in combatting vector-borne diseases as insect resistance to chemicals increases;

Whereas the lack of World Health Organization-recommended non-chemical disinsection methods leads to Contracting States continuing to require only chemical disinsection methods;

Whereas despite past Assemblies having encouraged development of performance-based criteria for disinsection requirements, in collaboration with the World Health Organization, insufficient progress has been made in this regard;

The Assembly:

1. *Directs* that the Council engage with the World Health Organization to develop:

   a) performance-based criteria to evaluate all disinsection methods, including non-chemical means of disinsection;

   b) recommendations regarding non-chemical disinsection methods; and

   c) guidance on the components of a scientifically-based risk assessment model for Contracting States to use in determining whether to employ vector control measures that include but are not limited to aircraft disinsection.

2. *Urges* Contracting States to require pest management control programmes around airports and related facilities, which would mitigate the need to impose aircraft disinsection requirements;

3. *Urges* Contracting States to encourage airport reporting to the ICAO Airport Vector Control Registry and to keep the information current;

4. *Requests* the Council to report on the implementation of this Resolution at the next Assembly; and

5. *Declares* that this Resolution supersedes Resolution A37-14.

A27-13: Safeguarding international public air transport

Whereas the *Convention on International Civil Aviation*, signed at Chicago in 1944, in its Preamble recognizes as a fundamental objective "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", this principle being established in Article 44 of the Convention, and *whereas* Article 13 or any other Article of the *Convention on International Civil Aviation* must be interpreted and applied in conformity and consistently with the guiding principles stated;

Considering the essential importance which international air transport has for world peace and the economy of the developing countries and the extraordinary effort entailed for these countries to maintain their own air transport system;

Whereas the Third Air Transport Conference adopted Recommendation 9 in which the need was established to protect air carriers against detention of their aircraft when there is no evidence or presumption of negligence or guilt;

Whereas air transport is a service in the general interest, the strengthening of which and the preservation of its continuity falling within the scope of the exercise of the power of States and the performance of their activities for the benefit of the common good;

Whereas air transport operators have as their essential purpose the provision of a public service which has legal status and enjoys a special regime established in the *Convention on International Civil Aviation*;

The Assembly:

1. *Reaffirms* the public-service character of the service provided by air transport operators, recognizing that the essential purpose of such a service is to satisfy the common good of peoples in whose development States, carriers and users are equally interested;

2. *Declares* as detrimental to the principles established in the *Convention on International Civil Aviation* any improper detention of an aircraft assigned to commercial air transport where there is no evidence or presumption of negligence or guilt on the part of the air carriers concerned.

A33-20: Coordinated approach in providing assistance in the field of aviation war risk insurance

A24-1: International Day of Peace

Whereas the third Tuesday of September has been declared by the United Nations as the International Day of Peace;

Whereas peace is a primary aim of all individuals and States and of all organizations of the United Nations family;

Whereas civil aviation is an essential instrument of international communication among States and peoples and, as it is stated in the preamble of the *Convention on International Civil Aviation*, it can greatly help to create and preserve friendship and understanding among the nations and peoples of the world.

The ICAO Assembly:

Decides henceforth to commemorate this day, which this year was also the opening day of its 24th Session, with a warm invitation to all peoples working for Civil Aviation to be deeply and constantly aware of the contribution that their work can make to the achievement of international cooperation and peace in the world.

A29-3: Global Rule Harmonization

Whereas the interdependence of international civil aviation makes aviation a prime candidate for benefits to be derived from the concept of globalization of which global harmonization of national rules for the application of ICAO standards is an important element;

Whereas international aviation now comprises: mega-air carriers, both national and multinational, and various alliances of airlines for global operation; transnational ownership of airlines; and multinational manufacture of aeronautical products;

Whereas States have agreed in the Aircraft Agreement of the General Agreement on Tariffs and Trade (GATT) to ensure that civil aircraft certification requirements and specifications on operating and maintenance procedures are not barriers to trade;

Whereas global harmonization of national rules in international civil aviation is desirable for effective implementation of the GATT obligation;

Whereas individual States interpret and apply the ICAO safety standards differently resulting in dissimilar operations which can be costly;

Whereas a relatively small number of States generally reply to the ICAO Secretariat's requests for comments or agreement on ICAO proposed standards, resulting in decisions being based on a relatively small number of responses with consequences neither helpful to achieve rule harmonization nor in the best interest of the safe and orderly development of international civil aviation;

Whereas global rule harmonization could facilitate the implementation of the Protocol Article 83 *bis* of the *Convention on International Civil Aviation* that authorizes States to transfer to each other by agreement certain safety functions; and

Whereas certain States have initiated bilateral and multilateral programmes in the interest of harmonizing national rules, to correct costly incompatibility problems and to facilitate more effective competition in international civil aviation;

The Assembly:

1. *Urges* States and Groups of States, which have not already done so, to take positive action to promote global harmonization of national rules for the application of ICAO standards;

2. *Urges* States to use in their own national regulations, as far as practicable, the precise language of ICAO regulatory standards in their application of ICAO standards and seek harmonization of national rules with other States in respect of higher standards they have in force or intend to introduce;

3. *Urges* all States to respond to the ICAO Council's requests for comments and agreement or disagreement on ICAO proposed standards to prevent decisions being taken on the basis of a small number of responses; and

4. *Requests* the ICAO Council to pursue the enhancement of ICAO Standards and to study the feasibility of establishing a multilateral monitoring mechanism.

A33-11: A global design code for aircraft

Whereas Article 33 of the Convention requires recognition by States of certificates of airworthiness issued by States of registry provided that the requirements under which they were issued are equal to or above the minimum standards established pursuant to the Convention;

Whereas the ICAO Council in 1972 agreed that the international airworthiness Standards adopted by the Council are recognized as being the complete international code necessary to bring into force and effect the rights and obligations which arise under Article 33 of the Convention;

Whereas the ICAO Council further agreed that national codes of airworthiness containing the full scope and extent of detail considered necessary by individual States are required as the basis for the certification by individual States of airworthiness of each aircraft;

Recognizing that the cost of repetitive certifications imposed on aircraft manufacturers and operators to meet the requirements of many different national aviation authorities could be significantly reduced by avoiding such duplications;

Recognizing that the joint efforts of the United States Federal Aviation Administration and the European Joint Aviation Authorities has brought together many of the major States of design in an effort to establish a globally harmonized design code and to study the feasibility of a harmonized aircraft certification process;

The Assembly:

1. *Endorses* the effort to establish a globally harmonized design code and to study the feasibility of a harmonized aircraft certification process;

2. *Urges* all States of design and other Contracting States to participate in the international harmonization projects as initiated by FAA/JAA;

3. *Urges* the Secretary General to ensure ICAO participation in the harmonization projects to the extent practicable; and

4. *Requests* the Secretary General to bring this resolution to the attention of all Contracting States.

A39-15: Consolidated statement of continuing ICAO policies in the air transport field

A35-15: Consolidated statement of continuing ICAO policies and practices related to a global air traffic management (ATM) system and communications, navigation and surveillance/air traffic management (CNS/ATM) systems

Whereas it is considered desirable to consolidate Assembly resolutions on the Organization's policies and practices related to CNS/ATM in order to facilitate their implementation and practical application by making their text more readily available and logically organized;

The Assembly:

1. *Resolves* that the Appendices attached to this resolution constitute the consolidated statement of continuing ICAO policies and practices related to CNS/ATM, as these policies exist at the close of the 35th Session of the Assembly;

2. *Resolves* to continue to adopt, at each ordinary session of the Assembly for which a Technical Commission is established, a consolidated statement of continuing ICAO policies and practices related to CNS/ATM; and

3. *Declares* that this resolution supersedes A33-15.

APPENDIX A

General policy

Whereas ICAO is the only international organization in a position to effectively coordinate global CNS/ATM activities;

Whereas the ICAO CNS/ATM systems should be utilized to serve the interests and the objectives of civil aviation throughout the world;

Whereas Contracting States should have equal rights to benefit from global systems incorporated within the ICAO CNS/ATM systems; and

Considering the Statement of ICAO Policy on CNS/ATM Systems Implementation and Operation developed and adopted by the ICAO Council on 9 March 1994;

The Assembly:

1. *Resolves* that nothing should deprive a Contracting State from its right to benefit from the ICAO CNS/ATM systems or cause discrimination between provider and user States;

2. *Resolves* that States' sovereignty and borders should not be affected by the ICAO CNS/ATM systems implementation;

3. *Urges* that provisions and guidance material relating to all aspects of the ICAO CNS/ATM systems should be sought and developed through the convening of adequate meetings, conferences, panels and workshops with the participation of Contracting States; and

4. *Urges* that the proposed provisions covering all aspects of the ICAO CNS/ATM systems be presented to all Contracting States well in advance to give them enough opportunity to prepare themselves as far as practicable.

APPENDIX B

Harmonization of the implementation of the ICAO CNS/ATM systems

Considering the international character of civil aviation and the regional interactions of air navigation services;

Considering Recommendations 4/5, 6/2, 7/1, 8/4 and 8/5 of the 10th Air Navigation Conference, Recommendations 4/4 and 4/5 of the third meeting of the Special Committee for the Monitoring and Coordination of Development and Transition Planning for the Future Air Navigation System (FANS Phase II), Recommendation 4/4 of the fourth meeting of the FANS (Phase II) Committee, and Recommendations 1/1, 1/5, 1/13, 2/8, 4/1, 6/9, 6/13 and 7/3 of the 11th Air Navigation Conference;

Considering that these recommendations have been noted or approved by the Council of ICAO, which has instructed the Secretary General of ICAO to take all appropriate measures;

Recognizing the role which regions must play in the planning and implementation of the ICAO CNS/ATM systems;

Conscious of the delay which certain regions could experience in the transition to these systems;

Noting with satisfaction the trials and demonstrations programmes and the progress being achieved by all regions with regard to the implementation of advanced ATM systems;

Believing that the contribution of all regions would guarantee a better evaluation of the trials and would favour the evolution of the ICAO CNS/ATM systems in order to ensure that the systems become interoperable and contribute to a global, seamless ATM system that allows adaptation to efficiently meet regional and local needs;

Noting that economic and institutional issues, in particular cost/benefit analysis, and facility financing, cost recovery and cooperative aspects, need to be addressed by States individually and/or collectively; and

Noting that for an early realization of benefits to users and for globally coordinated and harmonious CNS/ATM systems in support of a global ATM system implementation, certain States will require technical and financial assistance and *recognizing* the statement concerning the central role ICAO shall play in coordinating technical cooperation arrangements as well as in facilitating the provision of assistance to States with regard to the technical, financial, managerial, legal and cooperative aspects of implementation;

The Assembly:

1. *Calls upon* States, PIRGs and the aviation industry to use the ICAO Global ATM Operational Concept as the common framework to guide planning and implementation of CNS/ATM systems and to focus all such development work on the Global ATM Operational Concept;

2. [*]*Calls* upon States and regional safety oversight organizations (RSOOs) to establish a framework for joint planning and cooperation at the subregional level for joint development of CNS/ATM systems;

3. *Urges* the Council to ensure that ICAO develop the transition strategies, ATM requirements and SARPs necessary to support the implementation of a global ATM system;

4. *Urges* the Council to continue considering without delay the economic, institutional, legal and strategic aspects related to the implementation of the ICAO CNS/ATM systems;

5. *Urges* the Council to take the steps necessary to ensure that the future global ATM system is performance-based and that the performance objectives and targets for the future system are developed in a timely manner;

6. *Calls upon* States, in a position to do so, and *invites* international organizations concerned, users and service providers to:

   a) spare no effort in cooperating in and facilitating the execution of the research, development, trials and demonstrations (RDT&D) programme in close cooperation with States with limited resources; and

   b) validate the concept components identified in the Global ATM Operational Concept;

7. *Requests* the Council, as a matter of high priority within the budget adopted by the Assembly, to ensure that adequate resources are made available to the ICAO Regional Offices, particularly those which are accredited to the developing States, taking into account the increased support they will be called upon to provide to the regional planning and implementation groups, which are the main bodies for the regional planning of the transition to the ICAO CNS/ATM systems; and

8. *Further requests* the Council to continue to urge States, international organizations and financial institutions to mobilize resources in order to assist States requiring technical cooperation in the planning and implementation of the ICAO CNS/ATM systems.

A39-15: Consolidated statement of continuing ICAO policies in the air transport field

[*] New resolving clause added by the Assembly at its 37th Session (c.f. A37-WP/398).

A32-12: Follow-up to the 1998 Worldwide CNS/ATM Systems Implementation Conference

Considering that the Worldwide CNS/ATM Systems Implementation Conference (Rio de Janeiro, 1998) succeeded in focussing the attention of the world aviation community as never before on the primary issues of financing and management of CNS/ATM systems;

Recognizing that the conference made clear the needs and available resources, while recommending a plan of action to permit the safe and orderly growth of civil aviation well into the 21st Century;

Convinced that the key to future work within ICAO's global framework will be a spirit of cooperation by all who are involved in implementing CNS/ATM systems (as emphasized in the Declaration on Global Air Navigation Systems for the Twenty-first Century adopted by the conference);

Aware that increasing levels of cooperation will be necessary at the national, subregional and global levels to ensure transparency and interoperability between CNS/ATM systems elements (so that the goal of a seamless, global air traffic management system can be achieved);

Considering that, in most cases, the financing and subsequent operation of CNS/ATM systems, in particular in the developing world, can be of common benefit to lenders, borrowers, and users alike;

Noting that the initial follow-up actions agreed by the Council are to be channelled mainly through ICAO's regional planning process;

Further noting that the specific longer-term follow-up activities envisaged in the conference's Declaration focussed, inter alia, on the role of ICAO's planning and implementation regional groups (PIRGs) (which provide a platform for formal recognition of new air navigation facilities and services);

The Assembly:

1. *Encourages* Contracting States to display the spirit of cooperation enshrined in the Declaration on Global Air Navigation Systems for the Twenty-first Century adopted by the conference and to commit resources as a matter of priority when following up its recommendations;

2. *Invites* the cooperation and commitment of concerned international organizations, of users and of service providers in undertaking their follow-up actions to the conference; and

3. *Requests* the Council, as a matter of high priority within the budget adopted by the Assembly, to ensure that the necessary resources are made available to complete the follow-up work envisaged by the conference, and to support, and coordinate with, follow-up action taken by States and other CNS/ATM partners.

A29-13: Improvement of Safety Oversight

The Assembly:

Recalling that Contracting States are responsible both for safety oversight of air carriers based in their territory and for safety oversight of aircraft on their national registries;

Recognizing that, while not all Contracting States have air carriers based in their territory, those that do differ substantially in their degree of development and national resources;

Recognizing that many Contracting States may not have the regulatory framework or financial and technical resources to carry out the minimum requirements of the Chicago Convention and its Annexes;

Noting that many Contracting States might experience difficulty in carrying out their responsibilities under international law for safety oversight of air carrier operations;

Recognizing that some Contracting States cannot implement effective oversight without drawing badly needed resources from some other public use, that many others operate substantial fleets but still lack all the resources necessary to provide effective oversight, and that even the most highly developed Contracting States are unable to undertake oversight of every aircraft that flies into their territory;

Noting that these oversight shortcomings are complicated by the increasing movement of the operational bases of aircraft across national boundaries and the increasingly multinational character of many air carrier operations;

Recognizing that the safety standards drawn up under the Chicago Convention require effective government oversight for their effective implementation;

Decides to:

1. *Reaffirm* that individual State's responsibility for safety oversight is one of the tenets of the Convention;

2. *Call* on Contracting States to reaffirm their safety oversight obligations, especially the important safety provisions contained in Annexes 1 and 6 of the Chicago Convention;

3. *Urge* Contracting States to review their national legislation implementing those obligations and to review their safety oversight procedures to ensure effective implementation;

4. *Call* on all 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 responsibilities for safety oversight of air carrier operations.

A39-15: Consolidated statement of continuing ICAO policies in the air transport field

A32-11: Establishment of an ICAO universal safety oversight audit programme

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

Whereas Article 33 of the *Convention on International Civil Aviation* requires Contracting States to recognize as valid certificates of airworthiness and personnel licenses issued by another Contracting State, provided that the requirements under which such documents were issued are equal to or above the minimum standards established from time to time under the Convention;

Whereas Article 37 of the Convention 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;

Recalling Assembly Resolution A29-13 concerning the improvement of safety oversight;

Recalling the objectives of the ICAO safety oversight programme, which seeks to ensure that Contracting States are adequately discharging their responsibility for safety oversight over aircraft operations, the licensing and training of personnel, and aircraft airworthiness;

Recalling that ultimate responsibility for safety oversight rests with Contracting States, who shall continuously review their respective safety oversight capabilities;

Considering the recommendations of the Directors General of Civil Aviation Conference on a Global Strategy for Safety Oversight, relating to the enhancement of the ICAO safety oversight programme, and which called for a universal safety oversight audit programme comprising regular, mandatory, systematic and harmonized safety audits to be carried out by ICAO, and for greater transparency in the release of audit results;

Recognizing the Assembly's decision on the disposition of cash surpluses contained in Assembly Resolution A32-24; and

Considering that, as recommended by the DGCA Conference, the Council of ICAO endorsed the establishment of such a universal safety oversight audit programme;

The Assembly:

1. *Resolves* that a universal safety oversight audit programme be established, comprising regular, mandatory, systematic and harmonized safety audits, to be carried out by ICAO; that such universal safety oversight audit programme shall apply to all Contracting States; and that greater transparency and increased disclosure be implemented in the release of audit results;

2. *Directs* the Council to bring into effect, from 1 January 1999, a universal safety oversight audit programme accordingly, including a systematic reporting and monitoring mechanism on the implementation of safety-related Standards and Recommended Practices;

3. *Urges* all Contracting States to agree to audits to be carried out upon ICAO's initiative, but always with the consent of the State to be audited, by signing a bilateral Memorandum of Understanding with the Organization, as the principle of sovereignty should be fully respected;

4. *Urges* all Contracting States to ensure that the results of the audits be used for safety-related purposes only;

5. *Directs* the Council to apply the resources made available in order to implement the ICAO universal safety oversight audit programme; and

6. *Requests* the Council to report to the next ordinary session of the Assembly on the implementation of the programme, to review its progress and the experience gained, and to present to that session proposals for funding the programme on a long-term basis.

A33-9: Resolving deficiencies identified by the Universal Safety Oversight Audit Programme and encouraging quality assurance for technical cooperation projects

Whereas the ICAO Universal Safety Oversight Audit Programme (USOAP) has been successful in meeting the mandate given by Resolution A32-11;

Whereas the primary objective of ICAO continues to be that of ensuring the safety of international civil aviation;

Whereas promoting the implementation of international standards contributes to this objective;

Whereas the findings of the audits conducted under USOAP have indicated that several States experience difficulties in the implementation of ICAO SARPs and the critical elements of a State's safety oversight system;

Whereas the audit findings have also indicated that several of the States experiencing problems require assistance to overcome the safety concerns identified by the audits;

Recalling that Assembly Resolution A29-13 called on all 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 responsibilities for safety oversight of air carrier operations;

Recalling that the 29th Session of the Assembly reaffirmed that Contracting States are responsible both for safety oversight of air carriers based in their territory and for safety oversight of aircraft on their national registries;

Recognizing that some States do not have the available resources, financial or human, to resolve their deficiencies without assistance;

Recognizing that the Technical Co-operation Bureau (TCB) can provide the required assistance to States in need;

Recognizing that ICAO can provide valuable assistance to States and International Organizations in organizing bilateral and multilateral cooperative agreements to remedy deficiencies;

Recognizing that States which plan to carry out remedial projects with the assistance of third parties, would like to have an independent quality assurance over the project activities in order to achieve a high probability of success;

Recognizing that ICAO has developed the required expertise and experience to provide a quality assurance function; and

Recognizing that, where assistance is to be provided to States by parties other than TCB, ICAO can play a significant role by providing a quality assurance function;

The Assembly:

1. *Requests* the Secretary General to ensure that all the expertise of the Organization be used, to the extent possible within budgetary constraints, to provide assistance to States in need. This would include, but not be limited to:

   a) the provision of appropriate information and guidance on possible financial and technical sources of assistance;

   b) the fostering, in particular at the Regional Office level, of the implementation of ICAO SARPs, with whatever assistance is appropriate;

c) the utilization of the operational and technical expertise resident in ICAO to conduct seminars on safety oversight;

d) the continuation of the development of material to be used in the training of officials within the framework of TRAINAIR; and

e) the development of guidance material to rectify deficiencies that would be acceptable to all Contracting States;

2. *Urges* the Secretary General to ensure that ICAO provides, when requested, reasonable assistance within available resources, to help States to obtain the necessary financial resources to fund assistance projects by Contracting States, industry organizations or independent consultants;

3. *Requests* the Secretary General to support, foster and facilitate the use of bilateral and multilateral agreements for projects between States and international or regional organizations;

4. *Requests* the Secretary General to ensure that the Technical Co-operation Bureau utilizes, to the extent possible, contributions to their projects of useful material, such as manuals and other training material, and human resources to facilitate completion of a project;

5. *Requests* the Secretary General to develop the concept of a Quality Assurance Function with regard to large-scale ICAO technical cooperation projects provided to States and to all technical cooperation projects related to deficiencies identified by USOAP audits;

6. *Requests* the Secretary General to consider that the Quality Assurance Function be carried out by an independent competent Office of ICAO;

7. *Requests* the Secretary General to make available the Quality Assurance Function to States with regard to safety oversight-related implementation projects performed by parties other than ICAO, on request of States on a reimbursement basis; and

8. *Requests* the Secretary General to solicit information from States that have successfully resolved major deficiencies and publish the results, so that other Contracting States may benefit from each other's experience.

A36-6: State Recognition of the Air Operator Certificate of Foreign Operators and Surveillance of their Operations

Whereas the Convention and its Annexes provide the legal and operational framework for Contracting States to build a civil aviation safety system based on mutual trust and recognition, requiring that all Contracting States fulfil their obligations in implementing the Standards and Recommended Practices as far as practicable and in adequately performing safety oversight;

Whereas Article 37 of the Convention 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;

Recalling that recognition as valid of certificates and licences of other Contracting States is governed by Article 33 of the Convention and applicable Standards;

Recalling that ultimate responsibility for safety oversight rests with Contracting States, who shall continuously review their respective safety oversight capabilities;

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

Recalling Assembly Resolution A35-7, which, inter alia, urged Contracting States to share critical safety information and reminded them of the need for surveillance of all aircraft operations;

Recalling the Directors General of Civil Aviation Conference on a Global Strategy for Aviation Safety in 2006, that called upon States to base the recognition as valid of certificates and licences of other States exclusively on safety considerations and not for the purpose of gaining economic advantage; and recommended, inter alia, that:

a) ICAO should develop guidelines and procedures to assist States in securing the highest practicable degree of uniformity in the recognition of certificates and licences as valid and in the surveillance of foreign aircraft operations in their territory;

b) States should establish operating rules, in accordance with the Convention and on a non-discriminatory basis, governing the admission and surveillance of foreign air operators within their territories;

c) States should include a safety clause in their bilateral air service agreements based on the model safety clause developed by ICAO.

Whereas the Convention establishes the basic principles to be followed by governments to ensure that international air transport services may be developed in an orderly and harmonious manner and it is therefore one of the purposes of ICAO to support principles and arrangements in order that international air transport services may be established on the basis of equality of opportunity, sound and economic operation, mutual respect of the rights of States and taking into account the general interest;

Recognizing that the non-harmonization of operational requirements and measures governing admission of air operators from other States may have a detrimental impact on the safety, efficiency and regularity of their operations; and

Recognizing that the uncoordinated development of national policies and programmes for the surveillance of air operators from other States could hinder the role of international civil aviation in socio-economic development;

The Assembly:

1. *Reminds* Contracting States of the need for exercising safety oversight of their operators in full compliance with applicable SARPs, as well as assuring themselves that foreign operators flying in their territory receive adequate oversight from their own State and taking appropriate action when necessary to preserve safety;

2. *Urges* all Contracting States to establish requirements and procedures for the authorization and surveillance of operations by an operator certificated by another Contracting State, and to take appropriate action when necessary to preserve safety;

3. *Urges* all Contracting States to insert into their bilateral agreements on air services a clause on aviation safety, taking into account the model clause attached to the Resolution adopted by the Council on 13 June 2001;

4. *Urges* Contracting States to recognize as valid the Air Operator Certificate (AOC) issued by other Contracting States for the purpose of flight over their territories, including landings and take-offs, provided that the requirements under which the certificate was issued are equal to or above the minimum applicable Standards specified in Annex 6, Parts I and III, Section II;

5. *Urges* the Secretary General to continue to develop guidelines and procedures to verify the conditions for recognition as valid of certificates and licences, in keeping with Article 33 of the Convention and applicable Standards;

6. *Urges* Contracting States to establish operating rules governing the admission of foreign air operators within their territories, in accordance with the Convention and on a non-discriminatory basis, and in harmonisation with ICAO Standards, guidelines and procedures, having due regard to the need to minimize the cost and burden to the Contracting States and to the operator;

7. *Urges* Contracting States to refrain from unilateral implementation of specific operational requirements and measures governing admission of operators from other Contracting States which would adversely affect the orderly development of international civil aviation.

A34-1: Use of funds in the separate account established under Resolving Clause 3 of Assembly Resolution A33-27

A39-14: Regional cooperation and assistance to resolve safety deficiencies, establishing priorities and setting measurable targets

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

Whereas ensuring the safety of international civil aviation is also the responsibility of Member States both collectively and individually;

Whereas in accordance with Article 37 of the *Convention on International Civil Aviation* each Member State undertakes to collaborate in securing the highest practicable degree of uniformity in regulation, standards, procedures and organization in relation to aircraft, personnel, airports, airways and auxiliary services in all matters in which uniformity will facilitate and improve air navigation;

Whereas the improvement of the safety of international civil aviation on a worldwide basis requires the active collaboration of all stakeholders;

Whereas the Convention and its Annexes provide the legal and operational framework for Member States to build a civil aviation safety system based on mutual trust and recognition, requiring that all Member States implement the SARPs as far as practicable and adequately perform safety oversight;

Whereas the results of the audits and ICAO Coordinated Validation Missions (ICVMs) conducted under the Universal Safety Oversight Audit Programme Continuous Monitoring Approach (USOAP-CMA) indicate that several Member States have not yet been able to establish a satisfactory national safety oversight system and some Member States have been identified as having significant safety concerns (SSCs);

Whereas ICAO plays a leadership role in facilitating the implementation of SARPs and the rectification of safety-related deficiencies by coordinating support and harnessing resources among aviation safety partners;

Recognizing that the ICAO Plans of Action developed for individual Member States serve as platforms to provide, in coordination with other stakeholders, direct assistance and guidance to those States in resolving their SSCs as well as addressing low effective implementation (EI) of critical elements;

Whereas ICAO has a Policy on Regional Cooperation which is committed to render assistance, advice and any other form of support, to the extent possible, in the technical and policy aspects of international civil aviation to Member States in carrying out their responsibilities pertaining to the *Convention on International Civil Aviatio*n and ICAO Strategic Objectives, inter alia by promoting regional cooperation through close partnerships with regional organizations and regional civil aviation bodies;

Recognizing that not all Member States have the requisite human, technical and financial resources to adequately perform safety oversight;

Recognizing that the establishment of subregional and regional aviation safety and safety oversight bodies, including regional safety oversight organizations (RSOOs), has great potential to assist States in complying with their obligations under the Chicago Convention through economies of scale and harmonization on a larger scale resulting from the collaboration among Member States in establishing and operating a common safety oversight system;

Recalling that Member States are responsible for implementing ICAO Standards and may, in this respect, decide on a voluntary basis to delegate certain functions to RSOOs, and that, when applicable, the word “States” should be read to include RSOOs;

Acknowledging the recognition given in Annex 19 to RSOOs and their role in discharging delegated State safety management functions on behalf of States;

Recognizing that groups of Member States may decide to establish regional aviation systems, the legal basis of which may be an international Treaty and would encompass common rules and oversight applicable in the participating States;

Recognizing that the assistance available to Member States experiencing difficulties in correcting deficiencies identified through the safety oversight audits, particularly with priority given to those States with SSCs, would be greatly enhanced by coordination amongst all Member States, ICAO and other concerned parties in civil aviation operations; and

Recognizing that established regional aviation safety groups (RASGs) have the objective of establishing objectives, priorities and indicators and the setting of measurable targets to address safety-related deficiencies in each region while ensuring consistency of action and coordination of efforts;

The Assembly:

1. *Directs* the Council, in partnership with all aviation safety partners, to implement a comprehensive assistance programme that will help Member States to correct deficiencies identified through USOAP-CMA, with priority given to the resolution of SSCs;

2. *Directs* the Council to promote the concepts of regional cooperation, including the strengthening of RSOOs and RASGs, as well as the establishment of objectives, priorities and indicators and the setting of measurable targets to address SSCs and safety-related deficiencies;

3. *Directs* the Council to take the appropriate actions to ensure that the specificities of a regional aviation system established by a group of Member States are recognized and integrated in the ICAO framework;

4. *Directs* the Council to continue to partner with Member States, industry and other aviation safety partners for coordinating and facilitating the provision of financial and technical assistance to States and subregional and regional safety and safety oversight bodies, including RSOOs and RASGs, in order to enhance safety and strengthen safety oversight capabilities;

5. *Directs* the Council to continue the analysis of relevant safety-critical information for determining effective means of providing assistance to States and subregional and regional safety and safety oversight bodies, including RSOOs and RASGs;

6. *Directs* the Secretary General to continue to foster coordination and cooperation between ICAO, RASGs, RSOOs and other organizations with aviation safety-related activities in order to reduce the burden on States caused by repetitive audits or inspections and to decrease the duplication of monitoring activities;

7. *Urges* Member States to give the highest priority to the resolution of SSCs in order to ensure that there are no immediate safety risks to international civil aviation and that the minimum requirements established by the Standards set forth in the ICAO Annexes are met;

8. *Urges* Member States to utilize the Flight Procedures Programme, where available, for PBN implementation;

9. *Urges* Member States to develop and further strengthen regional and subregional cooperation in order to promote the highest degree of aviation safety;

10. *Calls* upon all Member States and relevant aviation safety partners, wherever possible, to assist requesting States with financial and technical resources to ensure the immediate resolution of identified SSCs and the longer-term sustainability of the State safety oversight system;

11. *Encourages* Member States to establish partnerships with other States, industry, financial institutions and other aviation safety partners to strengthen safety oversight capabilities, in order to better discharge State responsibilities and foster a safer international civil aviation system;

12. *Encourages* Member States to foster the creation of regional or subregional partnerships to collaborate in the development of solutions to common problems to build State safety oversight capability, and to participate in, or provide tangible support for, the strengthening and furtherance of subregional and regional aviation safety and safety oversight bodies, including RSOOs;

13. *Requests* the Secretary General to play a leading role in coordinating efforts to assist States to resolve SSCs through the development of ICAO Plans of Action and/or specific project proposals and to assist States to obtain the necessary financial resources to fund such assistance projects;

14. *Requests* the Council to report to the next ordinary session of the Assembly on the overall implementation of the comprehensive assistance programme; and

15. *Declares* that this resolution supersedes Resolution A38-5.

A37-5: The Universal Safety Oversight Audit Programme (USOAP) continuous monitoring approach

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

Whereas Article 37 of the Convention requires each Contracting State to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures and organization in relation to all matters in which such uniformity will facilitate and improve air navigation;

Whereas safety oversight, and the safety of international civil aviation in general, is the responsibility of Contracting States, both collectively and individually, it also depends on the active collaboration of ICAO, Contracting States, industry and all other stakeholders in the implementation of the Global Aviation Safety Plan (GASP);

Whereas the DGCA/06 Conference made recommendations to allow public access to appropriate information on safety oversight audits and to develop an additional mechanism to rapidly resolve significant safety concerns (SSCs) identified under USOAP;

Whereas the High Level Safety Conference (HLSC) 2010 made recommendations for ICAO to develop criteria for the sharing of SSCs with interested stakeholders and to assess how the information on SSCs could be shared with the public in a form which would allow them to make an informed decision about the safety of air transportation;

Whereas the HLSC 2010 made recommendations for ICAO to enter into new agreements and amend existing agreements for the sharing of confidential safety information with international entities and organizations in order to reduce the burden on States caused by repetitive audits or inspections and to decrease the duplication of monitoring activities;

Recalling that the 32nd Session of the Assembly resolved that a Universal Safety Oversight Audit Programme (USOAP) be established, comprising regular, mandatory, systematic and harmonized safety oversight audits to be carried out by ICAO;

Whereas the implementation of the USOAP has been a major achievement for aviation safety, successfully meeting the mandate given by Resolutions A32-11 and A35-6 and providing the ability to evaluate contracting States' oversight capabilities and identify areas of improvement;

Recalling that Assembly Resolution A33-8 requested the Council to ensure the long-term financial sustainability of the USOAP, phasing in all of its activities into the Regular Programme budget;

Recalling the objectives of the USOAP, which seeks to ensure that Contracting States are adequately discharging their responsibilities for safety oversight;

Recognizing that it is essential that the USOAP continue to cover all safety-related Annex provisions in order to promote the adequate implementation of safety-related Standards and Recommended Practices;

Recognizing that the Secretary General has taken appropriate steps to ensure the establishment of an independent quality assurance mechanism to monitor and assess Programme quality;

Recognizing that the effective implementation of State action plans is essential to enhance the overall safety of global air navigation;

Recognizing the safety enhancement contributions resulting from audits conducted by international and regional organizations, including those organizations that have agreements with ICAO such as the European Aviation Safety Agency (EASA), International Air Transport Association (IATA) and European Organisation for the Safety of Air Navigation (EUROCONTROL);

Recognizing that transparency and the sharing of safety information is one of the fundamental tenets of a safe air transportation system; and

Recognizing that regional safety oversight organizations (RSOOs) have an important role in the USOAP CMA and that, wherever applicable, the word "States" below should be read to include RSOOs;

The Assembly:

1. *Expresses its appreciation* to the Secretary General on the successful implementation of the USOAP Comprehensive System Approach;

2. *Directs* the Secretary General, from 1 January 2011, to evolve the USOAP to a continuous monitoring approach (CMA), which will incorporate the analysis of safety risk factors and be applied on a universal basis in order to assess States' oversight capabilities;

3. *Directs* the Secretary General to ensure that the CMA continues to maintain as core elements the key safety provisions contained in Annex 1 — *Personnel Licensing*, Annex 6 — *Operation of Aircraft*, Annex 8 — *Airworthiness of Aircraft*, Annex 11 — *Air Traffic Services*, Annex 13 — *Aircraft Accident and Incident Investigation,* and Annex 14 — *Aerodromes*;

4. *Directs* the Secretary General to continue to ensure the maintenance of the quality assurance mechanism established to monitor and assess Programme quality, and the transparency of all aspects of the continuous monitoring process;

5. *Directs* the Council to develop criteria for the sharing of SSCs with interested stakeholders and assess how the information on SSCs could be shared with the public in a form which would allow them to make an informed decision about the safety of air transportation;

6. *Directs* the Secretary General to make all safety oversight-related information generated by the CMA available to all Contracting States through the ICAO restricted website;

7. *Directs* the Secretary General to continue to foster coordination and cooperation between USOAP and audit programmes of other organizations related to aviation safety for the sharing of confidential safety information in order to reduce the burden on States caused by repetitive audits or inspections and to decrease the duplication of monitoring activities;

8. *Directs* the Secretary General to continue to enhance the Flight Safety Information Exchange (FSIX), for the purpose of facilitating the sharing of safety-critical information among Contracting States, industry and other stakeholders, as appropriate;

9. *Calls on* all Contracting States able to do so to second qualified and experienced technical staff to ICAO on a long- or short-term basis, with a view to enabling the Organization to continue to successfully implement the Programme;

10. *Urges* all Contracting States to submit to ICAO, in a timely manner, and keep up to date all the information and documentation requested by ICAO for the purpose of ensuring the effective implementation of the USOAP-CMA;

11. *Urges* all Contracting States to cooperate with ICAO and as much as practicable to accept continuous monitoring activities scheduled by the Organization, including audits and validation missions, in order to facilitate the smooth functioning of the USOAP-CMA;

12. *Urges* all Contracting States to share with other Contracting States critical safety information which may have an impact on the safety of international air navigation and to facilitate access to all relevant safety information;

13. *Encourages* Contracting States to make full use of available safety information when performing their safety oversight functions, including during inspections as provided for in Article 16 of the Convention;

14. *Reminds* Contracting States of the need for surveillance of all aircraft operations, including foreign aircraft within their territory and to take appropriate action when necessary to preserve safety;

15. *Directs* that the Council report to the next ordinary session of the Assembly on the overall implementation of the USOAP-CMA; and

16. *Declares* that Resolutions A35-6: *Transition to a comprehensive systems approach for audits in the ICAO Universal Safety Oversight Audit Programme (USOAP)* and A36-4: *Application of a continuous monitoring approach for the ICAO Universal Safety Oversight Audit Programme (USOAP) beyond 2010*, as well as articles one to six of A36-2: *Unified strategy to resolve safety-related deficiencies* have been superseded by this resolution.

A37-16: The Safety Fund (SAFE)

Whereas under Article 44 of the *Convention on International Civil Aviation* the aims and objectives of ICAO *inter alia* are to foster planning and development of international air transport so as to ensure the safe and orderly growth of international civil aviation, meet the needs of the people of the world for safe, regular and economical air transport, and promote safety of flight in international air navigation;

Whereas Articles 69 to 76 of the Convention provide that the Council may make arrangements as appropriate with a view to finding means for the improvement of air navigation facilities of Contracting States as required so as to ensure safe, regular, efficient and economical operation of international air services;

Whereas, under Article 70 of the Convention, the Council may, in the circumstances arising under the provision of Article 69, make arrangements with Contracting States relating to the financing of air navigation facilities;

Considering that, in some cases, Contracting States may not have access to the necessary resources for improvements to their air navigation facilities, in particular for the remedy of safety-related deficiencies identified through the ICAO Universal Safety Oversight Audit Programme (USOAP);

Whereas most developing States experience difficulties in gaining access to many financial market sources, particularly foreign capital markets, for funding their airport and air navigation services infrastructure, including safety-related components of that infrastructure;

Whereas the High-level Safety Conference (HLSC) 2010 identified several States and regions of the world that are in need of assistance in the development of sustainable levels of aviation safety, and particularly in the development of funding models that would guarantee sustainability in the provision of infrastructure and services for adequate air transport activity;

Whereas the HLSC 2010 made a recommendation that ICAO should work with States and Regional Organizations requiring assistance to develop appropriate funding models to ensure the sustainable provision of infrastructure and services based on the level of activity for adequate air transport activity; and

Whereas the Council decided to establish the Safety Fund (SAFE) with the objective of improving the safety of civil aviation through the use of a performance-based approach which will limit administrative costs and will not impose any costs on the Regular Programme Budget of the Organization, while ensuring that voluntary contributions to the fund are used in a responsible, useful and timely manner;

The Assembly:

1. *Expresses appreciation* to Contracting States and international organizations for their contributions to ICAO Funds associated with improving the safety of civil aviation;

2. *Urges* Contracting States, international organizations and public and private parties associated with international civil aviation to make voluntary contributions to SAFE;

3. *Requests* that the Council support the smooth functioning of the SAFE through consistent monitoring of progress made by the SAFE in funding safety-related projects; and

4. *Requests* that the Council make every effort to attract contributions to the SAFE from States and other contributors.

A34-1: Use of funds in the separate account established under Resolving Clause 3 of Assembly Resolution A33-27

A31-9: Implementation of the ICAO programme for the prevention of controlled flight into terrain (CFIT)

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

Whereas it is known that controlled flight into terrain has constituted a serious and increasing problem over the past two decades;

Whereas it has been demonstrated that there has been a higher proportion of controlled flight into terrain accidents in domestic operations than in international operations;

Whereas it is acknowledged that major efforts are being made to develop and to implement a controlled flight into terrain prevention programme, and that the ICAO Standards relating to ground proximity warning systems (GPWS) have been updated;

Whereas the Industry CFIT Task Force has established a primary objective of a fifty per cent reduction in the global CFIT accident rate by 1998;

Whereas it is apparent that, even with the development and implementation of a controlled flight into terrain prevention programme including updated ground proximity warning system (GPWS) requirements, these measures will not be fully effective unless States implement the programme in domestic as well as in international operations;

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 uniformity will facilitate and improve air navigation;

Whereas Assembly Resolution A29-3 urges States and groups of States, which have not already done so, to take positive action to promote global harmonization of national rules for the application of ICAO Standards;

Whereas Assembly Resolution A29-13 calls on Contracting States to reaffirm their safety oversight obligations, especially the important safety provisions contained in Annexes 1 and 6 of the Chicago Convention;

Whereas Assembly Resolution A29-13 urges Contracting States to review their national legislation implementing those obligations and to review their safety oversight procedures to ensure effective implementation;

The Assembly:

1. *Directs* the Council to continue to develop the ICAO programme for the prevention of CFIT as a matter of high priority;

2. *Urges* States to implement the ICAO programme for the prevention of CFIT including the related ICAO provisions, particularly those concerning the carriage of GPWS, in domestic as well as in international operations; and

3. *Urges* States to take all necessary measures to assist in achieving the primary objective of a fifty per cent reduction in the global CFIT accident rate by the year 1998.

A39-12: ICAO global planning for safety and air navigation

A38-4: Protecting information from safety data collection and processing systems in order to maintain and improve aviation safety

A37-6: Runway safety

Whereas runway accidents constitute a large portion of all accidents and have resulted in a great number of fatalities;

Whereas runway excursions are the highest single occurrence category of all accidents over the last ten years for all commercial and general aviation operations of fixed-wing aircraft above 5 700 kg certified maximum take-off mass;

Whereas there are several areas of technological development underway in the aviation industry that show great promise in the prevention and mitigation of runway accidents and serious incidents;

The Assembly:

1. *Urges* States to take measures to enhance runway safety, including the establishment of runway safety programmes using a multidisciplinary approach, that include at least regulators, aircraft operators, air navigation services providers, aerodrome operators and aircraft manufacturers to prevent and mitigate the effects of runway excursions, runway incursions and other occurrences related to runway safety;

2. *Resolves* that ICAO shall actively pursue runway safety using a multidisciplinary approach; and

3. *Invites* States to monitor runway safety events and related precursors as part of the safety data collection and processing system established under their State Safety Programmes.

Associated Practices

1. The runway safety programmes should be based on inter-organizational safety management including the creation of local runway safety teams that address prevention and mitigation of runway excursions, runway incursions and other occurrences related to runway safety.

2. The Council should further develop provisions to assist States in establishing runway safety programmes.

3. States should be encouraged to participate in global and regional seminars and workshops to exchange safety information and best practices on runway safety.

A36-10: Improving accident prevention in civil aviation

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

Whereas it is essential that aircraft accidents and incidents, wherever they occur, be promptly and thoroughly investigated and reported, and that lessons learned from investigations, including safety recommendations, be promptly disseminated to other Contracting States concerned and to ICAO for prevention purposes;

Whereas efforts to implement regulations in themselves are not sufficient to reduce the accident rate;

Noting that repetitive accident types continue to occur in air transport operations worldwide;

Recognizing that the volume of air transport operations is expected to increase significantly in the coming years;

Recognizing that combined with the expected increase in operations, the relatively unchanged trend in the accident rate over the past several years might lead to an increase in the number of accidents per year;

Recognizing that there are many challenges to effective accident prevention, and that more effective identification and correction of aviation hazards and system deficiencies are required in order to complement regulatory efforts in further reducing the number of worldwide accidents and to improve the accident rate;

Recognizing that open safety investigation systems depend on principles of non-punitive action and confidentiality guarantees;

Recognizing that a number of States have introduced non-punitive accident prevention activities to complement their regulatory safety programmes; and

Recognizing that sharing of safety information derived from safety investigation systems depends on all States respecting the non-punitive and confidentiality guarantees that underpin the generation of that information;

The Assembly:

1. *Calls on* Contracting States to reaffirm their commitment to the safety of civil aviation;

2. *Urges* Contracting States, in adhering to the provisions of Annex 13 to the *Convention on International Civil Aviation*, to take prompt action to investigate and report on aircraft accidents and incidents and disseminate the information, including safety recommendations, to other Contracting States concerned and ICAO, so as to make more effective the accident prevention efforts of States and ICAO;

3. *Urges* Contracting States to undertake every effort to enhance accident prevention measures, particularly in the areas of personnel training, information feedback and analysis and to implement voluntary and non-punitive reporting systems, so as to meet the new challenges in managing flight safety, posed by the anticipated growth and complexity of civil aviation;

4. *Urges* Contracting States to cooperate with ICAO and other States in a position to do so, in the development and implementation of accident prevention measures designed to integrate skills and resources to achieve a consistently high level of safety throughout civil aviation; and

5. *Urges* all States which receive safety information derived from another State's safety investigation system to respect the system of confidentiality and disclosure principles under which the providing State generated that information;

6. *Declares* that this resolution supersedes Resolution A31-10.

A38-3: Protection of certain accident and incident records

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

Whereas it is essential that cognizance be taken that it is not the purpose of the investigation of accidents and incidents to apportion blame or liability;

Recognizing that it is essential that all relevant information be made available to the accident investigators to facilitate the establishment of the causes and/or contributing factors of accidents and incidents in order to enable preventative action to be taken;

Recognizing that the prevention of accidents is essential to safeguard the continued confidence in air transport;

Recognizing that public attention will continue to focus on States' investigative actions, including calls for access to accident and incident records;

Recognizing that the protection of certain accident and incident records from inappropriate use is essential to ensure the continued availability of all relevant information to accident investigators in future investigations;

Recognizing that the use of information, derived from accident investigations, for disciplinary, civil, administrative and criminal proceedings is generally not a means to maintain or improve aviation safety;

Recognizing that the measures taken so far to ensure the protection of certain accident and incident records may not be sufficient, and noting the issuance by ICAO of legal and other guidance to assist States in this regard;

Recognizing that the legal guidance in Attachment E to Annex 13, and in Attachment B to Annex 19, will continue to assist many States in the development and implementation of means to protect certain accident and incident records from inappropriate use;

Considering that a balance needs to be struck between the need for the protection of safety information and the need for the proper administration of justice, and that protection should be to a level commensurate with the nature of the information each source generates, as well as with the purpose of disclosure of such information;

Mindful that the accident investigation authorities and the civil aviation authorities acknowledged the need for further study by ICAO on the protection of safety information; and

Recognizing the Safety Information Protection Task Force established pursuant to recommendations of the High-level Safety Conference 2010 and in response to Resolution A37-2, has promulgated for consideration a number of findings and recommendations with respect to the appropriate use and protection of safety information;

The Assembly:

1. *Urges* Member States to continue to examine and if necessary adjust their laws, regulations and policies to protect certain accident and incident records in compliance with paragraph 5.12 of Annex 13, in order to mitigate impediments to accident and incident investigations, in consideration of the legal guidance for the protection of information from safety data collection and processing systems issued by ICAO;

2. *Instructs* the Council, taking into account the findings and recommendations of the Safety Information Protection Task Force and further work informed by those findings and recommendations, to take such steps as may be necessary to ensure meaningful progress toward the development of new and/or amended provisions in Annex 13, other Annexes as appropriate and related guidance material before the next ordinary session of the Assembly; and

3. *Declares* that this resolution supersedes Resolution A37-2.

A38-6: Support of the ICAO policy on radio frequency spectrum matters

Whereas ICAO is the specialized agency of the United Nations responsible for the safety, regularity and efficiency of international civil aviation;

Whereas ICAO adopts international Standards and Recommended Practices (SARPs) for aeronautical communications systems and radio navigation aids;

Whereas the International Telecommunication Union (ITU) is the specialized agency of the United Nations regulating the use of the radio frequency spectrum;

Whereas the ICAO position, as approved by the Council, for ITU World Radiocommunication Conferences (WRCs) is the result of the coordination of international aviation requirements for radio frequency spectrum;

Whereas a comprehensive frequency spectrum strategy is required by aviation to support timely availability and appropriate protection of adequate spectrum;

Whereas a sustainable environment for growth and technology development is required to support safety and operational effectiveness for current and future operational systems and allow for the transition between present and future technologies;

Recognizing that the development and the implementation of the communications, navigation, and surveillance/air traffic management (CNS/ATM) systems and the safety of international civil aviation could be seriously jeopardized unless requirements for appropriate aviation safety spectrum allocations are satisfied and protection of those allocations is achieved;

Recognizing that to ensure optimal use of the frequency spectrum allocated to aviation, efficient frequency management and use of best practices are required;

Recognizing that support from ITU member administrations is required to ensure that the ICAO position is supported by the WRC and that aviation requirements are met;

Considering the urgent need to increase such support due to the growing demand for spectrum and aggressive competition from commercial telecommunications services;

Considering the increased level of ITU WRC preparation activities associated with the growing demand for bandwidth from all users of the radio frequency (RF) spectrum, as well as the increased importance of the development of regional positions by regional telecommunication bodies such as APT, ASMG, ATU, CEPT, CITEL and RCC*; and

Considering Recommendations 7/3 and 7/6 of the Special Communications/Operations Divisional Meeting (1995) (SP COM/OPS/95), Recommendation 5/2 of the 11th Air Navigation Conference (2003) and Recommendation 1/12 of the 12th Air Navigation Conference (2012);

The Assembly:

1. *Urges* Member States, international organizations and other civil aviation stakeholders to support firmly the ICAO frequency spectrum strategy and the ICAO position at WRCs and in regional and other international activities conducted in preparation for WRCs, including by the following means:

a) working together to deliver efficient aeronautical frequency management and "best practices" to demonstrate the effectiveness and relevance of the aviation industry in spectrum management;

b) supporting ICAO activities relating to the aviation frequency spectrum strategy and policy through relevant expert group meetings and regional planning groups;

c) undertaking to provide for aviation interests to be fully integrated in the development of their positions presented to regional telecommunications fora involved in the preparation of joint proposals to the WRC;

d) including in their proposals to the WRC, to the extent possible, material consistent with the ICAO position;

e) supporting the ICAO position and the ICAO policy statements at ITU WRCs as approved by Council and incorporated in the *Handbook on Radio Frequency Spectrum Requirements for Civil Aviation* (Doc 9718);

f) undertaking to provide civil aviation experts to fully participate in the development of States' and regional positions and development of aviation interests at the ITU; and

g) ensuring, to the maximum extent possible, that their delegations to regional conferences, ITU study groups and WRCs include experts from their civil aviation authorities and other civil aviation stakeholders who are fully prepared to represent aviation interests;

2. *Requests* the Secretary General to bring to the attention of ITU the importance of adequate radio frequency spectrum allocation and protection for the safety of aviation;

3. *Instructs* the Council and the Secretary General, as a matter of high priority within the budget adopted by the Assembly, to ensure that the resources necessary to support the development and implementation of a comprehensive aviation frequency spectrum strategy as well as increased participation by ICAO in international and regional spectrum management activities are made available; and

4. *Declares* that this resolution supersedes Resolution A36-25.

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*APT: Asia-Pacific Telecommunity; ASMG: Arab Spectrum Management Group; ATU: African Telecommunications Union; CEPT: the European Conference of Postal and Telecommunications Administrations; CITEL: Comisión Interamericana de Telecomunicaciones; RCC: Regional Commonwealth in the field of Communications.

A29-14: Humanitarian Flights

The Assembly:

Considering the growing number and the diversity of flights operated by civil aircraft, in the sense of the Chicago Convention, within the framework of humanitarian relief missions undertaken under the auspices of the United Nations to cope with emergency situations;

Noting the approach made in 1991 to ICAO by the Secretary-General of the United Nations, with a view to facilitating humanitarian relief missions by air;

Noting the actions undertaken and contemplated by the Council and its subsidiary bodies to meet these new requirements;

1. *Encourages* the Council to continue as a matter of high priority the review of the Standards, Recommended Practices and Guidance Material in force, with a view to making the amendments thereto which are deemed desirable for flights operated for humanitarian purposes to take place safely;

2. *Calls upon* States to take the necessary measures to facilitate the operation and ensure the safety of these flights.

A39-18: Consolidated statement of continuing ICAO policies related to aviation security

A39-15: Consolidated statement of continuing ICAO policies in the air transport field

A27-11: Airport and airspace congestion

A27-13: Safeguarding international public air transport

A39-11: Consolidated statement of continuing ICAO policies in the legal field

A39-27: 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 Member States;

Whereas it is essential that ICAO and its Member 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;

Recalling the provision of Article 28 of the Montréal Convention of 1999 as well as Resolution No. 2 adopted by the Montréal Conference, which called for the provision of advance payments, without delay, to aircraft accident victims, and their families;

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 Member 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 a permissive 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;

Acknowledging the approval by the Council of the *ICAO Policy on Assistance to Aircraft Accident Victims and their Families* (Doc 9998) in March 2013 and the issuance of the *Manual on Assistance to Aircraft Accident Victims and their Families* (Doc 9973) in December 2013; and

Noting the inclusion, in 2015, of a provision in Annex 9 for States to establish legislation, regulations and/or policies in support of assistance to aircraft accident victims and their families;

The Assembly:

1. *Calls on* Member States to reaffirm their commitment to support victims of civil aviation accidents and their family members;

2. *Urges* Member 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 and of Annex 9, and pursuant to Article 28 of the Montréal Convention of 28 May 1999 and Resolution No. 2 adopted by the Montréal Conference;

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 and of the guidance material in Doc 9973;

4. *Urges* Member States to inform ICAO, through the compliance checklist (CC) in the Electronic Filing of Differences (EFOD), of the level of implementation of the provisions in Annex 9 associated with family assistance plans;

5. *Directs* the Council, when considering the extent of the level of implementation of family assistance plans obtained through the CC, to give further consideration to the development of Standards and Recommended Practices to support victims of civil aviation accidents and their family members; and

6. *Declares* that this resolution supersedes Resolution A38-1.

A39-23: ***No Country Left Behind*** **(NCLB) Initiative**

Whereas Article 44 of the *Convention on International Civil Aviation* states that among the aims and objectives of ICAO are development of the principles and techniques of international air navigation and fostering of the planning and development of international air transport so as to meet the needs of the people of the world for safe, regular and economical air transport;

Whereas to realize these goals, the Organization has established Strategic Objectives on safety, air navigation capacity and efficiency, security and facilitation, economic development of air transport and environmental protection;

Recalling that several Assembly resolutions, including A38-5, A38-11, A38-12, A38-15, A38-16, A38-17, and A33-9, urge States to increase the implementation of ICAO Standards and Recommended Practices (SARPs);

Recognizing that all States should effectively implement ICAO's Standards and Recommended Practices (SARPs) and policies so that all States have safe, secure, efficient, economically viable and environmentally sound air transport systems which support sustainable development and socio-economic prosperity, and which ultimately help to create and preserve friendship and understanding among the nations and peoples of the world;

Whereas the findings of the Universal Safety Oversight Audit Programme (USOAP) and the Universal Security Audit Programme (USAP) activities continue to indicate that many States experience difficulties in the implementation of ICAO SARPs;

Recognizing that due to a varying level of capacity to meet and sustain their compliance with SARPs, States are not always able to effectively implement SARPs in a timely manner at the rate in which they are adopted by ICAO;

Recognizing that the Council has established the *No Country Left Behind* (NCLB) initiative;

Recognizing that the successful implementation of the *No Country Left Behind* (NCLB) initiative will enhance States' air transport systems and align with the achievement of the United Nations (UN) Sustainable Development Goals (SDGs);

Recognizing that further progress in improving civil aviation, including the efficient human and financial resources for the implementation of assistance activities that are tailored to the needs of individual States, is best achieved through a cooperative, collaborative and coordinated approach in partnership with all stakeholders; and

Recognizing that all ICAO assistance activities and mechanisms have the common objective of supporting the effective implementation of SARPs and policies;

The Assembly:

1. *Urges* Members States to endorse the *No Country Left Behind* (NCLB) initiative;

2. *Urges* Member States to improve their civil aviation systems by actively participating in ICAO's work and by effectively implementing ICAO SARPs and policies so that they can foster sustainable local and regional prosperity and fully benefit from improved global connectivity;

3. *Directs* the Council to maintain the focus of the community on the global contribution and value of aviation through support of NCLB efforts and future ICAO World Aviation Forums;

4. *Directs* the Secretary General to coordinate, facilitate and implement comprehensive assistance programmes, in partnership with all stakeholders, that will help Member States in enhancing their civil aviation systems and oversight capabilities;

5. *Urges* Member States, the industry, financial institutions, donors and other stakeholders to coordinate and cooperate amongst themselves and through ICAO, and to support the implementation of assistance activities in line with the global and regional priorities established by ICAO, thereby avoiding duplication of efforts;

6. *Urges* Member States, international and regional organizations, and financial institutions to use ICAO data-driven decision-making tools and services to assist in identifying the deficiencies in aviation, implementing ICAO projects and programmes, mapping solutions, developing business cases, and identifying funding needs to facilitate finding potential donors and investors;

7. *Encourages* Member States to include within their aviation infrastructure development projects elements of training and capacity building aimed at strengthening their civil aviation authorities to enable an effective oversight of such infrastructure;

8. *Encourages* Member States to establish partnerships with other Member States, industry, financial institutions, donors and other stakeholders through ICAO to enhance their civil aviation systems and oversight capabilities;

9. *Encourages* Member States to make use of and benefit from the ICAO Air Services Negotiation (ICAN) facility, as a forum for Member States to negotiate and conclude bilateral and/or multilateral air services agreements, which contributes to enhancing air transport connectivity and consequently the development of tourism, trade, and national and global economies;

10. *Calls* on all Member States and relevant partners able to do so to provide States in need with financial and technical resources to assist them in enhancing their civil aviation systems by implementing SARPs and fulfilling their oversight responsibilities;

11. *Instructs* the Secretary General to further enhance its coordinated and comprehensive implementation and evaluation mechanisms to assist States in implementing ICAO SARPs, policies, plans and programmes;

12. *Requests* the Secretary General to coordinate with States, international organizations, industry and donors on the implementation of assistance activities by establishing partnerships through an ICAO network for aviation development;

13. *Requests* the Secretary General to engage States and financial institutions to secure their support for strengthening the safety, security and efficiency of the global aviation system;

14. *Urges* industry and financial institutions to develop and present to ICAO their own action plans in support of the full implementation of this resolution.

A39-24: Strategy on disaster risk reduction and response mechanisms in aviation

Whereas Article 44 of the *Convention on International Civil Aviation* states that among the aims and objectives of ICAO are to foster the planning and development of international air transport so as to meet the needs of the people of the world for safe, regular, efficient and economical air transport;

Whereas the General Assembly of the United Nations endorsed the Sendai Declaration and the Sendai Framework for Disaster Risk Reduction 2015–2030 adopted by the Third United Nations World Conference on Disaster Risk Reduction;

Mindful that natural disasters damage the social and economic infrastructure of all countries, and the long-term consequences of natural disasters are especially severe for developing countries and hamper their sustainable development;

Mindful that States are primarily responsible for prevention and reduction of disaster risk and any response undertaken by the Organization should be guided by, and in concert with, the State(s) affected;

Recognizing that Annex 1 — *Personnel Licensing*, Annex 6 — *Operation of Aircraft*, Annex 9 — *Facilitation*, Annex 11 — *Air Traffic Services*, Annex 14 — *Aerodromes* and Annex 19 — *Safety Management* provide Standards and Recommended Practices (SARPs) for States relating to emergency planning and response, as well as border control formalities relating to relief flights following natural or man-made disasters;

Recognizing that disaster risk reduction is an important function of the United Nations System and should receive continued attention, and stressing the need for the international community to demonstrate the firm political determination required to utilize scientific and technical knowledge to reduce vulnerability to natural disasters and environmental hazards, taking into account the particular needs of developing countries;

Recognizing that all States have a vital need for disaster-resilient aviation infrastructure to promote socio-economic development and, in times of need, to support the timely and efficient distribution of aid; and

Recognizing that all States can benefit from integrating disaster risk reduction strategies into their Air Transport Sector Strategic Plans.

The Assembly:

1. *Urges* States to recognize the significant role of aviation in the context of disaster risk reduction at the national level, including in their Air Transport Sector Strategic Plans;

2. *Urges* States to take into consideration the disaster risk reduction priorities as contained in the Sendai Framework for Disaster Risk Reduction 2015–2030, as well as the best practices of Member States, in the development of their State emergency response plans as well as in the emergency response plan requirements for aviation service providers;

3. *Directs* the Council to establish a crisis response policy and disaster risk reduction strategy in aviation that would institutionalize and guide the Organization's strategic approach and tactical responses to aviation-specific crises that could affect the safety or continuity of international civil aviation;

4. *Directs* the Council to assist States in implementing disaster risk reduction strategies in aviation with priority given to Least Developed Countries (LDCs), Landlocked Developing Countries (LLDCs) and Small Island Developing States (SIDS);

5. *Instructs* the Secretary General to establish an ICAO mechanism, in coordination with the States affected and neighbouring States, for crises response and assistance;

6. *Instructs* the Secretary General to continue working collaboratively within the United Nations System to ensure timely, coordinated and high quality assistance to all States where disaster losses pose a threat to people's health and development; and

7. *Instructs* the Secretary General to ensure that ICAO participate, when applicable and in alignment with its Strategic Objectives, in appropriate mechanisms put in place to support the cross-sectorial implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030 and the United Nations Plan of Action on Disaster Risk Reduction for Resilience.

A39-25: Aviation's contribution towards the United Nations 2030 Agenda for Sustainable Development

Recognizing that air transport is a catalyst for sustainable development and that it represents an essential lifeline for Least Developed Countries (LDCs), and especially for Landlocked Developing Countries (LLDCs) and Small Island Developing States (SIDS) to connect to the world;

Recognizing that air transport connectivity is of utmost importance for the economic, social and territorial cohesion of Member States and their populations;

Recognizing that the benefits enabled by air transportation can only materialize if States have a safe, efficient, secure, economically viable and environmentally sound air transport system;

Whereas the *No Country Left Behind* (NCLB) initiative aims at assisting States in effectively implementing ICAO Standards and Recommended Practices (SARPs), plans, policies and programmes, as well as addressing Significant Safety and Security Concerns so as to ensure that all States have access to the significant socio-economic benefits of air transport;

Whereas the General Assembly of the United Nations adopted the *Transforming our World: The 2030 Agenda for Sustainable Development* that includes a set of seventeen universal and transformative goals supported by 169 targets that balance the economic, social and environmental dimensions of sustainable development;

Recalling that the scale and ambition of the 2030 Agenda for Sustainable Development call for a global partnership that will bring together Governments, the private sector, civil society, the United Nations system and other actors to mobilize all available resources for its implementation;

Whereas the delivery of ICAO Strategic Objectives on safety, air navigation capacity and efficiency, security and facilitation, economic development of air transport, and environmental protection contribute to the attainment of the United Nation Sustainable Development Goals (SDGs);

The Assembly:

1. *Urges* Member States to recognize the significant contributions of aviation to sustainable development realized by stimulating employment, trade, tourism and other areas of economic development at the national, regional and global levels, as well as by facilitating humanitarian and disaster response to crises and public health emergencies;

2. *Directs* the Council and the Secretary General, within their respective competencies, to demonstrate that ICAO continues to serve as an advocate for aviation by raising awareness among Member States, including relevant authorities beyond the air transport sector, the United Nations system, the donor community and all relevant stakeholders about aviation's contributions to sustainable development and the attainment of the SDGs;

3. *Urges* Member States to enhance their air transport systems by effectively implementing SARPs and policies while at the same time including and elevating the priority of the aviation sector into their national development plans supported by robust air transport sector strategic plans and civil aviation master plans, thereby leading to the attainment of the SDGs;

4. *Directs* the Secretary General to consider the special needs and characteristics of LDCs, LLDCs and SIDS, identified within the framework of the United Nations, in the coordination, prioritization, facilitation and implementation of assistance programmes aimed at enhancing their air transport systems;

5. *Directs* the Secretary General to continue monitoring and reviewing, when applicable, the contributions made towards the attainment of the SDGs through the implementation of ICAO Strategic Objectives and work programmes;

6. *Directs* the Secretary General to ensure that ICAO participate, when applicable and in alignment with its Strategic Objectives, in appropriate mechanisms put in place to support the implementation of the 2030 Agenda for Sustainable Development so that aviation is recognized and prioritized as such by Member States in their development plans; and

7. *Requests* the Secretary General to enhance existing and establish new partnerships with Member States, the aviation industry, the United Nations system, international and regional organizations, financial institutions, donors and other actors to assist Member States in enhancing their air transport systems with a view to contributing, consequently, to the attainment of the SDGs.

A39-26: Resource Management

Recognizing that air transport is a catalyst for sustainable development and that despite its socio-economic significance, it receives limited funds from existing international funding mechanisms to support its development;

Recognizing that the successful implementation of the *No Country Left Behind* (NCLB) initiative will rely on an increased level of funding and investments supported by all Member States;

Considering that, in some cases, Member States may not have access to the necessary resources to remedy the deficiencies identified through ICAO audit programmes and to enhance their air transport systems;

Whereas most developing States experience difficulties in gaining access to many financial market sources, particularly foreign capital markets, for funding sustainable development of civil aviation;

Whereas the Council has established, based on ICAO Strategic Objectives, thematic and multi-donor trust funds with the objective of assisting Member States in enhancing civil aviation;

Recalling that several Assembly resolutions, including A38-2, A38-5, A38-7, A38-15, A37-16, A36-17, A36-18, A35-15, A33-1, A33-9, A29-13 and A22-19, urge States, international organizations and financial institutions to establish partnerships, mobilize resources for technical assistance and make voluntary contributions to ICAO Funds;

Acknowledging Member States, international and regional organizations and other donors' significant contributions to ICAO Funds associated with the fulfilment of the objectives of ICAO;

Recognizing that a holistic and purposeful resource mobilization capacity has the potential for increasing ICAO's support to States in facilitating access to funds to enhance their civil aviation systems;

Whereas ICAO has a Resource Mobilization Policy aimed at achieving adequate, more predictable and sustainable voluntary contributions to realize the Organization's mission, to complement the ICAO Regular Programme Budget, and to assist States in facilitating access to funds to enhance their safety, efficient, secure, economically viable and environmentally sound air transport system;

The Assembly:

1. *Directs* the Council and Secretary General, within their respective competencies, to ensure that ICAO continue its role as an advocate for aviation by raising awareness among Member States, the United Nations system, international and regional organizations, financial institutions, the private sector and the donor community about the benefits of mobilizing resources for and investing in the sustainable development of air transport systems of all Member States;

2. *Urges* Member States, the industry, international and regional organizations, financial institutions, donors and other stakeholders to support the implementation of assistance activities in line with the global and regional aviation plans and priorities established by ICAO while avoiding duplication of efforts;

3. *Requests* the Secretary General to develop guidance material to assist States in including and elevating the priority of the aviation sector into their national development plans and developing robust air transport sector strategic plans and civil aviation master plans;

4. *Urges* Member States to secure national funding for the sustainable development of air transport and *encourages* them to seek assistance from ICAO when appropriate;

5. *Urges* Member States providing Official Development Assistance (ODA) to recognize the significant contributions of aviation to sustainable development by considering commitments and disbursements of financial flows to the enhancement of air transport of States in need and *encourages* the Secretary General to assist them in realizing this endeavour;

6. *Urges* all Member States, the industry, international and regional organizations, financial institutions, donors and other stakeholders able to do so to continue making voluntary contributions to ICAO Funds and to partner with States in need with a view to providing financial and technical resources to assist in enhancing their civil aviation systems, including their oversight capabilities;

7. *Directs* the Council and Secretary General, within their respective competencies, to continue fostering ICAO's partnership with financial institutions seeking the prioritization or inclusion of aviation in their agendas and work programmes in order to facilitate States' access to fund or finance their aviation development projects;

8. *Directs* the Secretary General to develop strategies and means to mobilize resources among Member States, the UN system, international and regional organizations, financial institutions, the private sector and related mechanisms to assist States in need, especially Least Developed Countries (LDCs), Landlocked Developing Countries (LLDCs) and Small Island Developing States (SIDS), in enhancing their air transport systems when appropriate and consistent with the NCLB initiative;

9. *Directs* the Secretary General to work with international organizations to ensure that aviation priorities and opportunities are properly represented in global and regional initiatives related to the mobilization of resources for the development of air transport; and

10. *Directs* the Secretary General to work with international organizations to ensure that ICAO Resource Mobilization initiatives are harmonized and integrated in relevant funding and development frameworks.

PART II. AIR NAVIGATION

AIR NAVIGATION COMMISSION, ITS SUBSIDIARY BODIES, TECHNICAL MEETINGS AND PARTICIPATION BY STATES

TECHNICAL SECRETARIAT

A38-12, Appendix M: The Headquarters' and Regional Offices' technical Secretariat

AIR NAVIGATION CONTINUING POLICIES AND ASSOCIATED PRACTICES

A15-9: Preparation for future sessions of current consolidated statements of continuing ICAO policies related specifically to air navigation

Whereas Resolution A14-28 directed the Council to present to each succeeding session of the Assembly for which a Technical Commission is established a draft statement of the continuing Assembly policies related specifically to air navigation as they existed at the commencement of that Assembly session; and

Whereas the Assembly considers that the consolidated statement of continuing ICAO policies as adopted by the Assembly at such a session should be up to date and should represent policies as they exist at the end of that session;

The Assembly:

1. *Resolves* to adopt, at each session for which a Technical Commission is established, a consolidated statement of the continuing ICAO policies related specifically to air navigation, up to date as at the end of that session; and

2. *Declares* that this resolution supersedes Resolution A14-28.

A39-22: 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 Member 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 Member 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 Member 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 Member 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 Member States in overcoming their difficulties in implementation of SARPs and PANS; and

Recognizing that implementation of a Standard is increased globally through a development process that encourages inclusion of perspectives among all States and relevant industry stakeholders;

The Assembly:

1. *Calls on* Member 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 Member 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 Member 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 Member States. Such material shall however be made available to Member States upon request;

8. *Resolves* that the applicability dates of amendments to SARPs and PANS shall be so established as to allow Member 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* Member 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* Member 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 Member 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 Member 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 Member 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 Member 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 Member 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;

19. *Urges* Member States to review their procedures related to the development of SARPs with a view to enhance the involvement of a broader set of aviation stakeholders; and;

20. *Requests* ICAO to consider development of a transition and communication strategy throughout planning and implementation phases for Member States, who in turn should facilitate outreach to stakeholders;

21. *Directs* ICAO to enhance the role of its Regional Offices in facilitating and monitoring the SARP amendment review process;

22. *Calls* upon Member States to respond to ICAO State letters regarding proposed Annex and PANS amendments; and

23. *Declares* that this resolution supersedes Resolution A38-11.

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. Member 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, Member 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. Member 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 Member 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 Member 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 Member States.

9. In encouraging and assisting Member 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. Member 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.

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A38-12: Consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation

Whereas in Resolution A15-9 the Assembly resolved to adopt in each session for which a Technical Commission is established a consolidated statement of continuing policies related specifically to air navigation up to date as at the end of that session;

Whereas a statement of continuing policies and associated practices related specifically to air navigation as they existed at the end of the 37th Session of the Assembly was adopted by the Assembly in Resolution A37-15, Appendices A to W inclusive;

Whereas the Assembly has reviewed proposals by the Council for the amendment of the statement of continuing policies and associated practices in Resolution A37-15, Appendices A to W inclusive, and has amended the statement to reflect the decisions taken during the 38th Session;

Whereas a policy or associated practice that requires continued application for a period of more than three years should be regarded as a continuing policy or associated practice;

Whereas material which is contained in regulatory or readily available authoritative ICAO documents, such as Annexes, rules of procedures and directives to air navigation meetings should normally be excluded from the consolidated statements. This pertains, in particular, to the associated practices; and

Whereas the Assembly agreed to develop a new Resolution A38-11 based on Resolution A37-15 Appendices A, D and E, as a continuing policy in respect to formulation and implementation of Standards and Recommended Practices (SARPs), Procedures for Air Navigation Services (PANS) and notification of differences that would apply to all Annexes to the Convention and technical guidance material;

The Assembly:

1. *Resolves* that:

   a) the Appendices attached to this resolution constitute the consolidated statement of continuing air navigation policies and associated practices of ICAO as they exist at the close of the 38th Session of the Assembly; and

   b) the practices associated with the individual policies in the appendices constitute guidance intended to facilitate and ensure implementation of the respective policies; and

2. *Declares* that this resolution supersedes Resolution A37-15 with its Appendices, except for Appendices A, D and E which are superseded by the new Resolution A38-11.

APPENDIX A

Air navigation meetings of worldwide scope

Whereas the holding of worldwide air navigation meetings is an important function of ICAO and entails substantial expenditures of effort and money by the Member States and ICAO; and

Whereas it is necessary to ensure that maximum benefit is obtained from these meetings without imposing any undue burden upon the Member States or ICAO;

The Assembly resolves that:

1. meetings, convened by the Council, in which all Member States may participate on an equal basis shall be the principal means of progressing the resolution of problems of worldwide import, including the development of amendments to the Annexes and other basic documents in the air navigation field;

2. such meetings shall be convened only when justified by the number and importance of the problems to be dealt with and when there is the likelihood of constructive action on them; meetings convened on this basis may also be requested to conduct exploratory discussions on matters not mature for definite action;

3. the organization of such meetings shall be arranged so that they are best suited to carry out the assigned task and to provide proper coordination among the technical specialities involved; and

4. unless necessitated by extraordinary circumstances, not more than two such meetings shall be convened in a calendar year, and successive meetings dealing extensively with the same technical specialty shall be separated by at least twelve months.

Associated practices

1. Before deciding to refer a matter to a worldwide meeting, the Council should consider whether correspondence with States or use of machinery such as panels or air navigation study groups could dispose of it or facilitate subsequent action on it by a future meeting.

2. The agenda should be sufficiently explicit to define the task to be performed and to indicate the types of specialized expertise that will be needed at the meeting. In an agenda including more than one technical specialty the types of expertise called for should be kept to the minimum compatible with efficiency.

3. To facilitate the participation of all Member States, the Council should so plan the meeting programme as to keep to the minimum, consistent with efficiency, the demands upon the time of States' technical officials.

4. The planned duration of a meeting should allow adequate time for completion of the agenda, study of the report as drafted in the working languages of the meeting and approval of the report. Following the meeting, the Secretariat should make any necessary minor editorial amendments and typographical corrections to the meeting report.

5. The approved agenda and the main supporting documentation should be dispatched, normally by air, not less than ten months in advance of the convening date in the case of the agenda and not less than three months in the case of the main supporting documentation; other documentation should be dispatched as soon as possible.

APPENDIX B

Panels of the Air Navigation Commission (ANC)

Whereas panels of the Air Navigation Commission have proved a valuable medium for advancing the solution of specialized technical problems; and

Whereas it is necessary to ensure that maximum benefit is obtained from Air Navigation Commission panels without imposing any undue burden upon the Member States or ICAO;

The Assembly resolves that:

1. the Air Navigation Commission shall establish panels if necessary to advance the solution of specialized technical problems which cannot be solved adequately or expeditiously by the Air Navigation Commission through other established facilities;

2. the Air Navigation Commission shall ensure that the terms of reference and the work programmes of panels shall support the ICAO Strategic Objectives, be clear and concise with timelines and shall be adhered to;

3. the Air Navigation Commission shall review periodically the progress of panels and shall terminate panels as soon as the activities assigned to them have been accomplished. A panel shall be allowed to continue in existence only if its continuation is considered justified by the Air Navigation Commission; and

4. panel activity shall support a performance-based approach to SARPs development to the extent possible.

Associated practice

Reports should be clearly presented as the advice of a group of experts to the Air Navigation Commission so that they cannot be construed as representing the views of Member States.

APPENDIX C

Certificates of airworthiness, certificates of competency and licences of flight crews

Whereas Article 33 of the Convention does not explicitly define the purposes for which recognition is to be accorded to certificates and licences;

Whereas several interpretations exist as to whether or not there is any obligation on Member States to recognize certificates and licences issued or rendered valid by other Member States pending the coming into force of SARPs applicable to the aircraft or flight crew involved; and

Whereas with respect to certain categories of aircraft or flight crew licences, it may be many years before SARPs come into force or it may be found most practicable not to adopt SARPs for some categories or flight crew licences;

The Assembly resolves that:

1. certificates of airworthiness and certificates of competency and licences of the flight crew of an aircraft issued or rendered valid by the Member State in which the aircraft is registered shall be recognized as valid by other Member States for the purpose of flight over their territories, including landings and take-offs, subject to the provisions of Articles 32 (b) and 33 of the Convention; and

2. pending the coming into force of international Standards respecting particular categories of aircraft or flight crew, and certificates issued or rendered valid, under national regulations, by the Member State in which the aircraft is registered shall be recognized by other Member States for the purpose of flight over their territories, including landings and take-offs.

APPENDIX D

Qualified and Competent Aviation Personnel

Whereas the satisfactory implementation of SARPs and PANS is contingent upon having qualified and competent personnel;

Whereas difficulties are being experienced by Member States in these matters due to a lack of qualified personnel to support the existing and future air transportation system;

Whereas special effort is required to support Member States in meeting their human resource needs; and

Whereas learning activities conducted by ICAO are an effective means of promoting a common understanding and the uniform application of SARPs and PANS;

The Assembly resolves that:

1. ICAO shall assist Member States in achieving and maintaining competency of aviation personnel through the ICAO Aviation Training Programme;

2. the ICAO Aviation Training Programme shall be governed by the following principles:

   a) qualification of aviation professionals is the responsibility of Member States;

   b) the highest priority is placed on learning activities that support the implementation of SARPs;

   c) cooperation with Member States and industry is essential to develop and implement learning activities to support the implementation of SARPs; and

   d) priority shall be placed on cultivating the next generation of aviation professionals.

3. ICAO advises operators of training facilities but does not participate in the operation of such facilities; and

4. Member States assist each other to optimize access to learning activities for their aviation professionals.

Associated practices

1. The Council should assist Member States to harmonize aviation professionals' levels of competency. These efforts should be based on:

   a) data analysis to determine priorities and needs;

   b) identified training needs for the implementation of ICAO provisions; and

   c) a competency-based approach.

APPENDIX E

Formulation and Implementation of Regional Plans including Regional Supplementary Procedures

Whereas the Council establishes Regional Plans setting forth the facilities, services and Regional Supplementary Procedures to be provided or employed by Member States pursuant to Article 28 of the Convention;

Whereas the Regional Plans require amendment from time to time to reflect the changing needs of international civil aviation;

Whereas ICAO has established an approach to planning of facilities and services that centres on the Global ATM Operational Concept and the Global Air Navigation Plan; and

Whereas any serious deficiencies in the implementation of Regional Plans may affect the safety, regularity and efficiency of international air operations and, therefore, should be eliminated as quickly as practicable;

The Assembly resolves that:

1. Regional Plans shall be revised when it becomes apparent that they are no longer consistent with current and foreseen requirements of international civil aviation;

2. when the nature of a required change permits, the associated amendment of the Regional Plan shall be undertaken by correspondence between ICAO and Member States and International Organizations concerned; and

3. when amendment proposals are associated with the services and facilities provided by States and such amendment proposals:

   a) do not represent changes to the requirements set by the Council in the Regional Plans;

   b) do not conflict with established ICAO policy; and

   c) do not involve issues which cannot be resolved at the regional level;

the Council may delegate authority for processing and promulgating such amendments to the regional level.

4. Regional Air Navigation (RAN) meetings, although important instruments in the determination of the facilities and services, shall be convened only to address issues which cannot be adequately addressed through the Planning and Implementation Regional Groups (PIRGs);

5. priority shall be given in the implementation programmes of Member States to the provision, and continuing operation of those facilities and services, the lack of which would likely have an adverse effect on international air operations;

6. the identification and investigation of and action by ICAO on significant deficiencies in the implementation of Regional Plans shall be carried out in the minimum practicable time; and

7. Planning and Implementation Regional Groups (PIRGs), using a project management approach, shall identify problems and shortcomings in Regional Plans and in the implementation thereof, along with suggested remedial measures.

Associated practices

1. The Council should ensure that the structure and format of regional plans is aligned with the Global Air Navigation Plan and is in support of a performance-based approach to planning.

2. In assessing the urgency of any revision of the Regional Plans the Council should take into account the time needed by Member States to arrange for the provision of any necessary additional facilities and services.

3. The Council should ensure that implementation dates in Regional Plans involving the procurement of new types of equipment are realistically related to the ready availability of suitable equipment.

4. The Council should ensure that web based regional plans are developed, with supporting planning tools, in order to improve efficiency and expedite the amendment cycle.

5. The Council should use the Planning and Implementation Regional Groups (PIRGs) it has established throughout the regions to assist in keeping up to date the Regional Plans and any complementary documents.

APPENDIX F

Regional air navigation (RAN) meetings

Whereas RAN meetings are important instruments in the determination of the facilities and services the Member States are expected to provide pursuant to Article 28 of the Convention;

Whereas these meetings entail substantial expenditures of effort and money by Member States and ICAO;

Whereas it is necessary to ensure that maximum benefit is obtained from these meetings without imposing any undue burden on Member States or ICAO; and

Considering that regional air navigation planning is normally accomplished by Planning and Implementation Regional Groups (PIRGs);

The Assembly resolves that:

1. RAN meetings shall be convened only to address issues which cannot be adequately addressed through PIRGs;

2. the convening of such meetings and their agenda shall be based on the existence or expectation of specific shortcomings in the Regional Plans of the respective areas;

3. the geographical area to be considered, account being taken of the existing and planned international air transport and international general aviation operations, the technical fields to be dealt with and the languages to be used shall be decided for each such meeting;

4. the organization best suited to deal with the agenda and to ensure effective coordination among the components of the meeting shall be used for each such meeting; and

5. meetings of limited technical and/or geographical scope shall be convened when specific problems, particularly those requiring urgent solution, need to be dealt with or when convening them will reduce the frequency with which full scale RAN meetings must be held.

Associated practices

1. The Council should endeavour to hold RAN meetings at sites within the areas concerned and should encourage the Member States within those areas to serve as host, either individually or jointly.

2. The approved agenda and the main supporting documentation should be made available, by electronic means, not less than ten months in advance of the convening date in the case of the agenda and not less than three months in the case of the main supporting documentation.

3. The Council should ensure that adequate guidance is made available to RAN meetings on operational and technical matters relevant to their agenda.

4. Each participating Member State should inform itself, in advance of a meeting, on the plans of its air transport operators and its international general aviation for future operations and, similarly, on the expected traffic by other aircraft on its registry and on the overall requirements of these various categories of aviation for facilities and services.

5. The Council, taking into account the requirement to improve still further existing safety levels, should foster the establishment, for and by RAN meetings, of up-to-date planning criteria which would aim to ensure that Regional Plans satisfy the operational requirements and are economically justified.

6. The Council should develop and maintain specific and detailed directives for consideration of implementation matters at RAN meetings.

APPENDIX G

Delimitation of air traffic services (ATS) airspaces

Whereas Annex 11 to the Convention requires a Member State to determine those portions of airspace over its territory within which air traffic services will be provided and, thereafter, to arrange for such services to be established and provided;

Whereas Annex 11 to the Convention also makes provision for a Member State to delegate its responsibility for providing air traffic services over its territory to another State by mutual agreement;

Whereas cooperative efforts between Member States could lead to more efficient air traffic management;

Whereas both the delegating and the providing State can reserve the right to terminate any such agreement at any time; and

Whereas Annex 11 to the Convention prescribes that those portions of the airspace over the high seas where air traffic services will be provided shall be determined on the basis of regional air navigation agreements, which are agreements approved by the Council usually on the advice of regional air navigation meetings;

The Assembly resolves, with reference to regional air navigation plans, that:

1. the limits of ATS airspaces, whether over States' territories or over the high seas, shall be established on the basis of technical and operational considerations with the aim of ensuring safety and optimizing efficiency and economy for both providers and users of the services;

2. established ATS airspaces should not be segmented for reasons other than technical, operational, safety and efficiency considerations;

3. if any ATS airspaces need to extend over the territories of two or more States, or parts thereof, agreement thereon should be negotiated between the States concerned, taking into account the need for cost-effective introduction and operation of CNS/ATM systems, and more efficient airspace management, in particular, in the upper airspace;

4. the providing State in implementing air traffic services within airspace over the territory of the delegating State shall do so in accordance with the requirements of the delegating State, which shall establish and maintain in operation such facilities and services for the use of the providing State as are mutually agreed to be necessary;

5. any delegation of responsibility by one State to another or any assignment of responsibility over the high seas shall be limited to technical and operational functions pertaining to the safety and regularity of the air traffic operating in the airspace concerned;

and, furthermore, *declares* that:

6. any Member State which delegates to another State the responsibility for providing air traffic services within airspace over its territory does so without derogation of its sovereignty; and

7. the approval by the Council of regional air navigation agreements relating to the provision by a State of air traffic services within airspace over the high seas does not imply recognition of sovereignty of that State over the airspace concerned.

Associated practices

1. Member States should seek the most efficient and economic delineation of ATS airspaces, the optimum location of points for transfer of responsibility and the most efficient coordination procedures in cooperation with the other States concerned and with ICAO.

2. Member States should consider, as necessary, establishing jointly a single air traffic services provider to be responsible for the provision of air traffic services within ATS airspace extending over the territories of two or more States or over the high seas.

3. The Council should encourage States providing air traffic services over the high seas to enter, as far as is practicable, into agreements with appropriate States providing air traffic services in adjacent airspaces, so that, in the event the required air traffic services over the high seas cannot be provided, contingency plans, which may require temporary modifications of ATS airspace limits, will be available to be put into effect with the approval of the ICAO Council until the original services are restored.

APPENDIX H

Provision of search and rescue services

Whereas in accordance with Article 25 of the Convention each Member State undertakes to provide such measures of assistance to aircraft in distress in its territory as it may find practicable and to collaborate in coordinated measures which may be recommended from time to time pursuant to the Convention;

Whereas Annex 12 to the Convention contains specifications relating to the establishment and provision of search and rescue services within the territories of Member States as well as within areas over the high seas;

Whereas Annex 12 to the Convention specifies that those portions of the high seas where search and rescue services will be provided shall be determined on the basis of regional air navigation agreements, which are agreements approved by the Council usually on the advice of regional air navigation meetings;

Whereas Annex 12 to the Convention recommends that search and rescue regions should, insofar as practicable, be coincident with corresponding flight information regions and, with respect to those areas over the high seas, maritime search and rescue regions;

Whereas Article 69 of the Convention specifies that, if the Council is of the opinion that the air navigation services of a Member State are not reasonably adequate for the safe operation of international air services, present or contemplated, the Council shall consult with the State directly concerned, and other States affected, with a view to finding means by which the situation may be remedied, and may make recommendations for that purpose; and

Whereas the air navigation services referred to in Article 69 of the Convention include, inter alia, search and rescue services;

The Assembly resolves that:

1. search and rescue regions, whether over States' territories or, in accordance with regional air navigation agreement, over an area greater than a State's sovereign airspace or over the high seas, shall be delimited on the basis of technical and operational considerations, including the desirability of coincident flight information regions, search and rescue regions, and, with respect to areas over the high seas, maritime search and rescue regions, with the aim of ensuring safety, and optimizing efficiency with the least overall cost;

2. States shall ensure the closest practicable cooperation between maritime and aeronautical search and rescue services where they serve the same area and, where practical, establish joint rescue coordination centres to coordinate aeronautical and maritime search and rescue operations;

3. if any search and rescue regions need to extend over the territories of two or more States, or parts thereof, agreement thereon should be negotiated between the States concerned;

4. the providing State in implementing search and rescue services over the territory of the delegating State shall do so in accordance with the requirements of the delegating State, which shall establish and maintain in operation such facilities and services for the use of the providing State as are mutually agreed to be necessary;

5. any delegation of responsibility by one State to another or any assignment of responsibility over the high seas shall be limited to technical and operational functions pertaining to the provision of search and rescue services in the area concerned;

6. remedies to any inadequacies in the provision of efficient search and rescue services, including over the high seas, should be sought through negotiations with States which may be able to give operational or financial assistance in search and rescue operations, with a view to concluding agreements to that effect;

and, furthermore, *declares* that:

7. any Member State which delegates to another State the responsibility for providing search and rescue services within its territory does so without derogation of its sovereignty; and

8. the approval by Council of regional air navigation agreements relating to the provision by a State of search and rescue services within areas over the high seas does not imply recognition of sovereignty of that State over the area concerned.

Associated practices

1. Member States should, in cooperation with other States and ICAO, seek the most efficient delineation of search and rescue regions and consider, as necessary, pooling available resources or establishing jointly a single search and rescue organization to be responsible for the provision of search and rescue services within areas extending over the territories of two or more States or over the high seas.

2. The Council should encourage States whose air coverage of the search and rescue regions for which they are responsible cannot be ensured because of a lack of adequate facilities, to request assistance from other States to remedy the situation and to negotiate agreements with appropriate States regarding the assistance to be provided during search and rescue operations.

APPENDIX I

Coordination and cooperation of civil and military air traffic

Whereas the airspace is a resource common to both civil and military aviation, and given that many air navigation facilities and services are provided and used by both civil and military aviation;

Whereas the Preamble of the *Convention on International Civil Aviation* stipulates that signatories thereto 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";

Whereas Article 3 a) of the Convention states that "This Convention shall be applicable only to civil aircraft, and shall not be applicable to state aircraft" and Article 3 d) requires that "contracting States undertake, when issuing regulations for their state aircraft, that they will have due regard for the safety of navigation of civil aircraft";

Recognizing that growing civil air traffic and mission-oriented military air traffic would benefit greatly from a more flexible use of airspace used for military purposes and that satisfactory solutions to the problem of cooperative access to airspace have not evolved in all areas;

Whereas the flexible use of airspace by both civil and military air traffic may be regarded as the ultimate goal, improvement in civil/military coordination and cooperation offers an immediate approach towards more effective airspace management; and

Recalling that the ICAO Global ATM Operational Concept states that all airspace should be a usable resource, any restriction on the use of any particular volume of airspace should be considered transitory, and all airspace should be managed flexibly;

The Assembly resolves that:

1. the common use by civil and military aviation of airspace and of certain facilities and services shall be arranged so as to ensure the safety, regularity and efficiency of civil aviation as well as to ensure the requirements of military air traffic are met;

2. the regulations and procedures established by Member States to govern the operation of their state aircraft over the high seas shall ensure that these operations do not compromise the safety, regularity and efficiency of international civil air traffic and that, to the extent practicable, these operations comply with the rules of the air in Annex 2;

3. the Secretary General shall provide guidance on best practices for civil/military coordination and cooperation;

4. Member States may include, when appropriate, representatives of military authorities in their delegations to ICAO meetings; and

5. ICAO serves as an international forum that plays a role in facilitating improved civil/military cooperation, collaboration and the sharing of best practices, and to provide the necessary follow-up activities that build on the success of the Global Air Traffic Management Forum on Civil/Military Cooperation (2009) with the support of civil/military partners.

Associated practices

1. Member States should as necessary initiate or improve the coordination and cooperation between their civil and military air traffic services to implement the policy in Resolving Clause 1 above.

2. When establishing the regulations and procedures mentioned in Resolving Clause 2, the State concerned should coordinate the matter with all States responsible for the provision of air traffic services over the high seas in the area in question.

3. The Council should ensure that the matter of civil and military coordination and cooperation in the use of airspace is included, when appropriate, in the agenda of divisional and regional meetings, in accordance with Resolving Clauses 3, 4 and 5 above.

APPENDIX J

The provision of adequate aerodromes

Whereas major improvements to the physical characteristics of aerodromes are required at many locations;

Whereas in certain cases these improvements will involve considerable outlay and it would be inadvisable to plan such work without taking into account future developments;

Whereas States and aerodrome authorities will continue to need to know the general trends in aerodrome requirements which succeeding generations of aircraft will most likely produce;

Whereas many serious problems can be avoided if the operating requirements of new aircraft are such as to permit them to operate economically without further demands on the physical characteristics of aerodromes;

Whereas the operation of aerodromes has many advantages, environmental considerations have imposed limitations upon the operation of aircraft at some locations. In view of the capacity problems currently experienced globally, account should be taken of the introduction into service of newer quieter aircraft;

Whereas there is a growing trend for aerodromes to be operated by autonomous entities, the obligation of States to ensure safe aerodrome facilities and services remains unaffected; and

Whereas aerodrome certification is an essential means to ensure aerodrome safety and enhance efficiency, and that the results of the ICAO Universal Safety Oversight Audit Programme (USOAP) audits suggest that the level of implementation of aerodrome certification, including safety management systems (SMS), is not yet optimal;

The Assembly resolves that:

1. the technical requirements for aerodromes shall be kept under review by ICAO;

2. there is a need for future generations of aircraft to be designed so that they are capable of being operated efficiently, and with the least possible environmental disturbance, from aerodromes used for the operation of present-day aircraft;

3. States should take necessary measures, including the allocation of adequate resources, to improve the level of implementation of aerodrome certification, including SMS at aerodromes; and

4. States should place greater emphasis on the management of aerodrome operations, with runway safety given a high priority.

Associated practices

1. In the light of the results of the continuing review mentioned in Resolving Clause 1 above, the Council, taking into account the requirement to improve still further existing safety levels and efficiency, should:

a) develop additional guidance material on future developments;

b) develop procedures for the management of aerodrome operations; and

c) keep Member States informed of developments.

2. The Council should continue to draw the attention of aircraft manufacturers and operators to the policy expressed in Resolving Clause 2.

APPENDIX K

Adequate conditions of employment for aviation ground personnel

Whereas conditions of employment that do not correspond to the qualifications and responsibilities of aviation ground services personnel constitute a major cause of difficulty in recruiting suitably qualified personnel and retaining them after completion of the training; and

Whereas this difficulty is impeding the satisfactory implementation of Regional Plans, SARPs and PANS;

The Assembly resolves that States should take the necessary steps to ensure that conditions of employment for personnel in the aviation ground services should be commensurate with the qualifications required and the responsibility carried by them.

APPENDIX L

Participation by States in the technical work of ICAO

Whereas the technical contributions of Member States are essential to attain satisfactory progress in the technical work of ICAO;

Whereas difficulties are from time to time experienced in obtaining prompt and adequate contributions from Member States to the technical work of ICAO; and

Whereas it is necessary to ensure that maximum benefit is obtained from this participation without imposing an undue burden on Member States and ICAO;

The Assembly resolves that there is a need for effective technical contributions from Member States to the technical work of ICAO.

Associated practices

1. The Council should encourage effective participation by Member States in the technical work of ICAO, paying due regard to the need to minimize the cost to ICAO and Member States of such participation.

2. Insofar as each may find it practicable, Member States should:

a) assist, by correspondence, in advancing ICAO technical projects;

b) attend ICAO meetings and participate actively in pre-meeting preparations, particularly by presenting advance documentation containing either specific proposals relative to items of the agenda or their views on documentation submitted to them;

c) participate in ICAO panel activities and ensure that their nominees are suitably qualified and are able to contribute effectively to the panel work;

d) undertake specialized studies as requested by ICAO; and

e) assist ICAO in its technical work through any other means the Council may devise.

APPENDIX M

The Headquarters' and Regional Offices' technical Secretariat

Whereas there is a continuing need to provide effective assistance to Member States in the implementation of Regional Plans, SARPs, PANS and SUPPS;

Whereas it is important that the technical Secretariat of Headquarters and the Regional Offices is effectively used to provide assistance to Member States in their implementation problems; and

Whereas it is important that, for the proper execution of their tasks, the members of the technical Secretariat of Headquarters and the Regional Offices are enabled to maintain their technical proficiency and are kept adequately informed of the latest developments in their particular fields;

The Assembly resolves that:

1. the resources of the Headquarters' and Regional Offices' technical Secretariat shall be effectively deployed to provide optimum assistance to Member States with their problems relating to continuous monitoring activities, the implementation of Regional Plans, SARPs, PANS and SUPPs; and

2. the members of the Headquarters' and Regional Offices' technical Secretariat shall be enabled to maintain their technical proficiency and to keep adequately informed on the latest technical developments.

Associated practices

1. The members of the Headquarters' and Regional Offices' technical Secretariat should be enabled to carry out frequent visits of adequate duration when such visits are necessary or are requested by Member States to assist them with their implementation problems.

2. To the maximum practicable extent, temporary assignment of specialized personnel from one Regional Office to another and from Headquarters to the Regional Offices should take place when temporary reinforcement in the Regional Offices is required.

3. The members of the Headquarters' and Regional Offices' technical Secretariat should be enabled to keep adequately up to date in their particular fields by, inter alia, attendance at selected technical meetings, visits to research and development organizations, witnessing trial applications, and evaluation of new equipment and techniques.

However, such visits should not be allowed to take priority over the primary function of the Secretariat to serve ICAO and its several deliberative bodies. Furthermore, the travelling on such visits should be integrated as far as possible with travel necessary for the performance of other ICAO duties.

APPENDIX N

Cooperation among Member States in investigations of aircraft accidents

Whereas it is incumbent on the State in which an accident occurs to institute an inquiry into the circumstances of the accident in conformity with Article 26 of the Convention;

Whereas owing to the growing sophistication and complexity of modern aircraft, the conduct of an accident investigation may requires participation by experts from many specialized technical and operational fields and access to specially equipped facilities for investigation;

Whereas many Member States do not have such specialized technical and operational expertise and appropriate facilities;

Whereas it is essential for flight safety and accident prevention that accidents be thoroughly investigated and reported and that the effectiveness of the investigations should not be unduly hampered by considerations of cost;

Whereas the costs of salvage and investigation of major aircraft accidents may place a heavy financial burden on the resources of the State where the accident occurred; and

Mindful of the publication of the ICAO *Manual on Regional Accident and Incident Investigation Organization* (Doc 9946);

The Assembly resolves to recommend that Member States cooperate in the investigation of aircraft accidents, especially accidents in which the investigation requires highly specialized experts and facilities and that to this end Member States and regional accident and incident investigation organizations (RAIOs), to the extent possible, inter alia:

a) provide, on request by other Member States, expert assistance and facilities for the investigation of major aircraft accidents; and

b) afford opportunity to Member States seeking investigation experience to attend investigations of aircraft accidents, in the interest of developing and furthering investigation expertise.

Associated practices

1. Member States are encouraged to support the convening of regional accident investigation workshops with a view to exchanging information on each State's investigation legislation and procedures, on the sharing of knowledge and expertise in investigation management and techniques, on the availability of experts and facilities and on practices in dealing with encountered accident investigation difficulties.

2. Member States should be encouraged to facilitate the participation of investigators of accident investigation authorities as observers in investigations in other States for training purposes and orientation visits.

3. Member States and RAIOs are encouraged to assess their needs and capabilities in the field of aircraft accident investigation and prevention with a view to developing training curricula for basic accident investigation and prevention courses. The use of regional training centres for such courses should be fully explored as well as the incorporation of the TRAINAIR PLUS methodology which provides for internationally standardized and competency-based training.

4. Member States are encouraged to refer to the model Memorandum of Understanding (MOU) developed by ICAO in 2007 for use by States to encourage mutual cooperation during the investigation of aircraft accidents and serious incidents. The model MOU is available on the ICAO public website.

5. Member States are encouraged to consider, as necessary, the ICAO *Manual on Regional Accident and Incident Investigation Organization* (Doc 9946) which provides guidance on how to establish and manage a regional accident and incident investigation system within a region or subregion.

APPENDIX O

Human performance

Whereas the aims and objectives of ICAO as laid down by the Chicago Convention provide for fostering the development of international air transport ". . . so as to . . . promote safety of flight in international air navigation";

Whereas it is recognized that human performance, as influenced by physiological and cognitive capabilities and constraints, contributes significantly to the overall safety performance of the aviation system;

Whereas it is recognized that the safety and efficiency benefits associated with new technologies, systems and procedures can only be realized when they are designed to enhance the performance of the individuals who use them; and

Whereas it is recognized that implementation of the future aviation systems will result in changes in roles for aviation professionals requiring work across multi-disciplinary teams to support collaborative decision-making;

The Assembly resolves that:

1. Member States ensure the integration of human performance considerations in the planning, design, and implementation of new technologies, systems and processes as part of a safety management approach;

2. Member States promote and facilitate the integration of human performance elements within competency-based training programmes throughout the career of a professional; and

3. Member States include strategies which promote safe, consistent, efficient and effective operational performance of the individual and across teams of individuals to address safety priorities.

A39-15:	**Consolidated statement of continuing ICAO policies in the air transport field**

A39-21:	**Addressing the low response rate by Member States to ICAO State letters**

Whereas Article 37 of the *Convention on International Civil Aviation* (Chicago Convention) requires the Organization to adopt and amend international Standards and Recommended Practices and Procedures and each Contracting State to collaborate in securing the highest possible degree of uniformity in regulations and practices in all matters in which such uniformity will facilitate and improve air navigation;

Recognizing that a State letter is a medium through which the Organization, under the authority of the Secretary General, officially communicates its Standards and Recommended Practices and policies and interacts with its Member States and with others concerned;

Concerned that the low response rate by Member States to State letters is a long-standing issue that can adversely impact the fulfilment of obligations under Articles 37, 38, 54, 57 and 90 of the Chicago Convention;

Recalling that Resolution A29-3 urged States to respond to the ICAO Council's requests for comments and agreement or disagreement on ICAO proposed Standards to prevent decisions being taken on the basis of a small number of responses;

The Assembly:

1. *Calls* on Member States to reaffirm the necessity and honour their commitment to responding to all State letters issued by the ICAO in a complete and timely manner and to share best practices, through ICAO Regional Offices and/or regional civil aviation commissions, in order to promote continuous improvement, mobilize resources and build capacity within Member States in concert with ICAO's *No Country Left Behind* (NCLB) initiative;

2. *Instructs* the Secretary General to implement a registry attributes scheme for State letters that identifies the category, priority, discipline or subject matter and response needs, to facilitate improved processing of the State letters by Member States and other recipients;

3. *Requests* the Secretary General to review and, as necessary, revise the format of State letters and Electronic Bulletins, including design layout, as a means to more effectively communicate their content with Member States and other recipients;

4. *Requests* the Secretary General to investigate and, as necessary, introduce new communications tools, including web-based solutions, as a means to improve communication and interaction with Member States and other recipients of State letters and the recording of replies in the ICAO Records Management System;

5. *Instructs* the Secretary General to implement an automated and interactive web-based system capable of reporting the response rates to State letters, thus improving visibility of the status of State letter responses by Member States, by regions and/or globally, and promoting awareness and capacity-building among Member States;

6. *Instructs* the Secretary General to introduce follow-up procedures at all ICAO Regional Offices, as a component of the Regional Office Manual as necessary, as a means to further inform and interact with focal points within the Member States in their area of accreditation where responses to State letters are low or absent, and to take advantage of the presence of delegations at ICAO Headquarters in this connection also;

7. *Directs* the Council to monitor and analyse the response rate to State letters on a periodic basis, to make recommendations where the response rate of Member States is below the global average;

8. *Calls* on Member States to consider establishing focal points for internal (State-level) coordination and follow-up to State letters, continuously review the ICAO Directors General of Civil Aviation (DGCA) Directory and ensure that the contact details of the State letter recipients are kept up to date with changes notified to ICAO in a complete and timely manner; and

9. *Requests* the Secretary General to conduct an awareness campaign through ICAO Regional Offices, regional DGCA conferences and/or other fora such as regional civil aviation commissions targeted at Member States to increase the level of awareness of the importance of responding to all State letters issued by ICAO and in maintaining up-to-date contact details.

A36-14: Use of cross-polar routes

Whereas a new air route structure over the North Pole, linking the North American continent with South East Asia and the Pacific region, has been established within the framework of ICAO;

Whereas the establishment of this structure was the result of the combined efforts made by Canada, China, Finland, Germany, Iceland, Japan, Mongolia, Norway, the Russian Federation and the United States who demonstrated an unprecedented spirit of international cooperation in resolving this most complex task;

Whereas this structure became operational on 1 February 2001, with the announcement of the Russian Aviation Authorities about the implementation of the cross-polar airways system traversing the waters of the Arctic Ocean;

Whereas the implementation of this airways structure using cross-polar routes is an event of exceptional significance as it allows for substantially reduced flight time between destinations in North America and South East Asia and the Pacific region;

Whereas the use of cross-polar routes shall be open for aircraft of all Contracting States in accordance with the provisions of the *Convention on International Civil Aviation*;

Whereas the use of cross-polar routes holds considerable ecological benefits with regard to environmental protection, and significant economical advantages for passengers and airlines;

Whereas the analysis and forecast of traffic density growth on cross-polar airways indicate that it is necessary to take timely measures to further enhance the operational characteristics of the cross-polar routes;

Whereas meeting the requirements for enhancing the operational characteristics of the cross-polar airways entails significant financial and material expenditures for ensuring the proper level of safety;

The Assembly:

1. *Declares* that, in order to reap the maximum benefits from the implementation of cross-polar routes, it is necessary for the States providing air traffic services within the framework of the new international airways structure using cross-polar routes to endeavour to achieve the utmost extent of coordinated planning to increase the capacity of that structure;

2. *Requests* the Council to take appropriate measures to mobilize the resources of States, international organizations and financial institutions so as to ensure the dynamic development of the new international airways structure using cross-polar routes;

3. *Requests* the Council, as a priority, to monitor the development of the new international airways structure using cross-polar routes, and if necessary, to elaborate recommendations relating to the operation and development of that structure;

4. *Requests* the Council to maintain its coordinating role and support initiatives in the organization of inter-regional activities related to the operation of the international trans-regional airways structure using cross-polar routes, and to the modernization of ATM systems that support these routes; and

5. *Declares* that this resolution supersedes Resolution A33-13.

ANNEXES, PANS AND MANUALS

A39-22: Formulation and implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS) and notification of differences

REGIONAL PLANS

A22-19: Assistance and advice in the implementation of Regional Plans

A38-12, Appendix E: Formulation and implementation of Regional Plans including Regional Supplementary Procedures

A27-11: Airport and airspace congestion

IMPLEMENTATION

A38-7: Comprehensive Regional Implementation Plan for Aviation Safety in Africa

Whereas ICAO continues to play its leadership role to reduce serious deficiencies in the Africa-Indian Ocean (AFI) Region which are detrimental to the functioning and further development of international civil aviation;

Noting that actions taken by ICAO under the Comprehensive Regional Implementation Plan for Aviation Safety in Africa (the AFI Plan) have begun to demonstrate positive progress in enhancing aviation safety in the continent;

Noting with satisfaction the significant progress made by African States in improving their level of safety oversight;

Recognizing that success in fully achieving the objectives of the AFI Plan mainly depends on the efforts made by the African States themselves;

Recognizing that many Member States in the AFI Region, despite the efforts they make, would, in the immediate future, require continued technical and/or financial support from ICAO and other stakeholders to comply with the requirements of the Chicago Convention and its Annexes;

Recognizing that many African States cannot, on their own, support an effective and sustainable national safety oversight system and therefore have to be urged and supported to establish regional safety oversight organizations (RSOOs);

Recalling Recommendation 4/5 of the Special Africa-Indian Ocean Regional Air Navigation Meeting (SP AFI/08 RAN) on the establishment of regional accident investigation agencies (RAIAs) alongside the development and establishment of RSOOs, thus enabling States to meet their international obligations in the area of accident investigation by collaborating and sharing resources;

Noting that ICAO is supporting many African States to establish RSOOs and RAIAs;

Noting the Abuja Declaration on Aviation Safety in Africa adopted during the Ministerial Conference on Aviation Safety held in Abuja in July 2012;

Noting the aviation safety targets adopted during the Ministerial Conference on Aviation Safety held in Abuja, Nigeria in July 2012 and endorsed by the Assembly of the African Union in January 2013;

Noting the ICAO Plans of Action developed for some Member States will serve as a platform to provide, in coordination with other stakeholders, direct assistance in resolving their significant safety concerns (SSCs) as well as other major safety deficiencies;

Noting that regional organizations initiated or established in the AFI Region will continue to require ICAO support for the near future and until they are solidly established and self-supporting;

Recognizing the benefit of continuing to coordinate, under the ICAO umbrella, activities of all stakeholders providing assistance to States in the AFI Region;

Recognizing that ICAO will require additional resources to successfully carry out the support it provides to States in the AFI Region; and

Noting that strong *regional* offices would be a positive catalyst for the enhancement of aviation safety in the AFI Region;

The Assembly:

1. *Welcomes* the considerable effort made by African States and regional organizations to enhance aviation safety;

2. *Urges* Member States of the AFI Region that accepted ICAO Plans of Action, to commit to achieving the objectives set forth in the Plans, through the resolution of major safety-related deficiencies, including the SSCs;

3. *Urges* Member States of the AFI Region to commit to and accelerate the establishment of RSOOs and RAIAs, where required, and strengthen cooperation across the region in order to make the optimum use of available resources;

4. *Urges* Member States of the AFI Region to refrain from duplication of services in joining more than one RSOO;

5. *Urges* Member States of the AFI Region to implement the recommendations of the AFI Planning and Implementation Regional Group (APIRG) and the Regional Aviation Safety Group (RASG-AFI) meetings;

6. *Urges* States, industry and donors to support the implementation of priority activities identified by APIRG and RASG-AFI;

7. *Urges* States, industry and donors to make contributions in cash and kind towards the implementation of the AFI Plan and instructs the Council to recognize all such contributions;

8. *Urges* African States, ICAO and AFCAC to jointly address identified safety deficiencies;

9. *Instructs* the Council to monitor the achievement of the aviation safety targets established by the Ministerial Conference on Aviation Safety held in Abuja in July 2012;

10. *Instructs* the Council to ensure the continued leadership role of ICAO in coordinating activities, initiatives and implementation strategies aimed specifically at implementing priority projects to achieve sustainable improvement of flight safety in the AFI Region and to allocate resources to the relevant regional offices accordingly;

11. *Instructs* the Council to monitor and measure the status of implementation in the AFI Region throughout the triennium and to report to the next ordinary session of the Assembly on the progress made;

12. *Urges* Member States of the AFI Region to support the establishment of the AFI Flight Procedure Programme (FPP) Office with seconded personnel and financial assistance as a matter of urgency to expedite the implementation of PBN in the region; and

13. *Declares* that this resolution supersedes Resolution A37-7.

A39-38: Comprehensive Regional Implementation Plan for Aviation Security and Facilitation in Africa

Whereas it is essential that there be increased coordinated efforts under ICAO leadership to reduce serious aviation security and facilitation deficiencies in the Africa-Indian Ocean (AFI) Region which are detrimental to the functioning and further development of international civil aviation;

Noting that the Council of ICAO has taken steps to address aviation security and facilitation issues through the development of a Comprehensive Regional Implementation Plan for Aviation Security and Facilitation in Africa (the AFI SECFAL Plan) as an ICAO Programme;

Noting that significant effort has been made towards reaffirming political commitment in Africa, in collaboration with the African Union Commission (AUC) and African Civil Aviation Commission (AFCAC), and the Windhoek Declaration and specific targets have been adopted by the Ministerial Conference on Aviation Security and Facilitation in Africa held in April 2016 in Windhoek, Namibia and will be presented to the African Union Assembly of Heads of States and Government for endorsement;

Recognizing that many Contracting States in the AFI Region may not have sufficient technical or financial resources to comply with the requirements of the Chicago Convention and its Annexes and therefore rely on ICAO, development partners, industry and other stakeholders for expertise and assistance;

Recognizing the need to coordinate, under the ICAO umbrella, activities of all stakeholders providing assistance to States in the AFI Region;

Recognizing that ICAO may require additional resources to successfully carry out its coordination role; and

Considering the willingness of the international community to assist the AFI Region in giving, as soon as possible, a concrete and substantial commitment to the AFI SECFAL Plan;

The Assembly:

1. *Urges* Member States of the AFI Region to commit to the achievement of the goals and objectives of the AFI SECFAL Plan;

2. *Encourages* Member States of the AFI Region to strengthen cooperation across the region in order to optimize the use and sharing of available resources through regional and subregional projects in all aspects of aviation security and facilitation oversight;

3. *Encourages* all Member States, UN Organizations (especially UNDP, UNODC, Security Council Counter Terrorism Committee, and others), aviation industry, and financial and other donors to support the AFI SECFAL Plan and work with ICAO for its implementation;

4. *Instructs* the Council to ensure a strong ICAO leadership role in coordinating activities, initiatives and implementation strategies aimed specifically at meeting the goals and objectives of the Plan, in order to achieve sustained improvement of aviation security and facilitation in the AFI Region and to allocate resources to the relevant Regional Offices accordingly;

5. *Instructs* the Council to implement the AFI SECFAL Plan in line with business plan principles, programme management practices and available resources; and

6. *Instructs* the Council to monitor and measure the status of implementation in the AFI Region throughout the triennium and to report to the next Assembly on the progress made.

A22-19: Assistance and advice in the implementation of Regional Plans

Whereas it is essential that there be increased efforts to reduce serious deficiencies which are detrimental to the development of international civil aviation;

Whereas Resolutions A12-5 (Clauses 1 and 5), A15-5 (Clause 4) and A15-8 H (Clause 6) set forth the policy of the Organization regarding fostering and assisting in the implementation of the Regional Plans; and

Whereas the Assembly, pursuant to Resolution A15-2, has reviewed these policies and agreed on the need for their consolidation into a single resolution indicating the continuing policies of the Assembly in this matter, for which purpose the above parts of the original resolutions should be cancelled;

The Assembly:

1. *Resolves* that the Organization give a high order of priority to fostering and assisting in the implementation of Regional Plans in accordance with the following:

   a) Contracting States should note the possibility of using operating agencies as a means of fulfilling their international obligations under Article 28 of the Convention;

   b) Contracting States should examine with other States in the region whether the implementation of the particular Regional Plan could be facilitated through bilateral or multilateral agreements;

   c) the holding of informal meetings, whether initiated by Contracting States or convened by the Secretary General, which are confined to implementation problems affecting two or more States, should be encouraged where no other effective and timely means are available to resolve the problems;

   d) the Council should render assistance to Contracting States in planning and developing those portions of national implementation programmes related to the provision of facilities and services called for by Regional Plans;

e) use should be made of available means of assisting in the implementation of Regional Plans through the use of the United Nations Development Programme, technical advice and expert assistance from the Secretariat and the training resources of the Secretariat;

f) the Council should ensure that, as a matter of priority, the Regional Offices of ICAO assist, advise and encourage Contracting States to meet their responsibilities under Article 28 of the Convention in the implementation of those parts of the Regional Plans with which they are concerned, and, furthermore, the Council should ensure that the Regional Offices are utilized to the fullest extent possible in the carrying out of these tasks, including those mentioned in d) and e) above and those emanating from requests received in accordance with h) below;

g) the Council should ensure that all the activities of the Organization that can contribute to the implementation of Regional Plans are carefully coordinated, in particular at the regional level;

h) when a Contracting State, having explored all methods and means for implementing the Regional Plans with which it is concerned pursuant to Article 28 of the Convention, experiences difficulties which hinder such implementation, it should report accordingly to ICAO and, with respect to those items that might become serious deficiencies if not implemented, it should request assistance from ICAO; and

i) the Council should continue, as a matter of priority, to assist and encourage Contracting States to meet their responsibilities under Article 28 of the Convention, and to investigate the practicability of any other solutions for obtaining implementation of specific facilities and services determined by the Council to represent serious deficiencies in the world air navigation network;

2. *Declares* that this resolution supersedes Resolution A16-9.

A39-22: Formulation and implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS) and notification of differences

A38-12, Appendix E: Formulation and implementation of Regional Plans including Regional Supplementary Procedures

A38-12, Appendix M: The Headquarters' and Regional Offices' technical Secretariat

A39-15: Consolidated statement of continuing ICAO policies in the air transport field

SPECIAL PROGRAMMES

A31-9: Implementation of the ICAO Programme for the prevention of controlled flight into terrain (CFIT)

A39-12: ICAO global planning for safety and air navigation

Whereas ICAO strives to achieve the goal of a safe and orderly development of civil aviation through cooperation among Member States and other stakeholders;

Whereas to realize this goal, the Organization has established Strategic Objectives, including objectives for safety and for capacity and efficiency;

Recognizing the importance of global frameworks to support the Strategic Objectives of ICAO;

Recognizing the importance of effective implementation of regional and national plans and initiatives based on the global frameworks;

Recognizing that further progress in improving the global safety, capacity and efficiency of civil aviation is best achieved through a cooperative, collaborative and coordinated approach in partnership with all stakeholders under the leadership of ICAO; and

Noting the approval by the Council of the second edition of the Global Aviation Safety Plan (GASP) and of the fifth edition of the Global Air Navigation Plan (GANP);

The Assembly:

1. *Endorses* the second edition of the Global Aviation Safety Plan (GASP) and the fifth edition of the Global Air Navigation Plan (GANP) as the global strategic directions for safety and air navigation, respectively;

2. *Resolves* that ICAO shall implement and keep current the GASP and the GANP to support the relevant Strategic Objectives of the Organization, while ensuring necessary stability;

3. *Resolves* that these global plans shall be implemented and kept current in close cooperation and coordination with all concerned stakeholders;

4. *Resolves* that these global plans shall provide the frameworks in which regional, subregional and national implementation plans will be developed and implemented, thus ensuring consistency, harmonization and coordination of efforts aimed at improving international civil aviation safety, capacity and efficiency;

5. *Urges* Member States to develop sustainable solutions to fully exercise their safety oversight and air navigation responsibilities which can be achieved by sharing resources, utilizing internal and/or external resources, such as regional and subregional organizations and the expertise of other States;

6. *Urges* Member States to demonstrate the political will necessary for taking remedial actions to address safety and air navigation deficiencies, including those identified by Universal Safety Oversight Audit Programme (USOAP), through the application of GASP and GANP objectives and the ICAO regional planning process;

7. *Urges* Member States, the industry and financing institutions to provide the needed support for the coordinated implementation of the GASP and GANP, avoiding duplication of efforts;

8. *Calls upon* States and invites other stakeholders to cooperate in the development and implementation of regional, subregional and national plans based on the frameworks of the GASP and GANP;

9. *Instructs* the Secretary General to promote, make available and effectively communicate the GASP and the GANP; and

10. *Declares* that this resolution supersedes Resolution A38-2 on ICAO global planning for safety and air navigation.

APPENDIX A

Global Aviation Safety Plan (GASP)

Reaffirming that the primary objective of the Organization continues to be the improvement of safety and an associated reduction in the number of accidents and related fatalities within the international civil aviation system;

Recognizing that safety is a responsibility involving ICAO, Member States and all other stakeholders;

Recognizing the safety benefits that can be drawn from partnerships between States and industry;

Recognizing that the High-level Safety Conference (2010) reaffirmed the need for the ICAO safety framework to continuously evolve to ensure its sustained effectiveness and efficiency in the changing regulatory, economic and technical environment;

Noting that the expected increase in international civil aviation traffic will result in an increasing number of aircraft accidents unless the accident rate is reduced;

Recognizing the need to maintain the public's confidence in air transport by providing access to relevant safety information;

Recognizing that a proactive approach in which a strategy is established to set priorities, targets and indicators to manage safety risks is of paramount importance to the achievement of further improvements in aviation safety;

Recognizing that regional aviation safety groups have been implemented by ICAO, taking into account the needs of the various regions and building on the already existing structures and forms of cooperation;

Noting the intent to apply the safety management principles in the GASP to enhance safety by focusing action where it is most needed;

Noting the development of the global aviation safety roadmap, as an action plan to assist the aviation community in implementing the safety initiatives presented in the GASP, through a structured, common frame of reference for all relevant stakeholders; and

Noting the need to assist Member States in implementing safety management principles and mitigate risks on identified operational issues;

The Assembly:

1. *Stresses* the need for continuous improvement of aviation safety through a reduction in the number of accidents and related fatalities in air transport operations in all parts of the world, particularly in States where safety records are significantly worse than the worldwide average;

2. *Stresses* that limited resources of the international aviation community should be used strategically to support States or regions whose safety oversight maturity is not at an acceptable level;

3. *Urges* Member States to support the GASP objectives by implementing the safety initiatives outlined therein;

4. *Urges* Member States, regional safety oversight organizations (RSOOs), regional aviation safety groups (RASGs) and international organizations concerned to work with all stakeholders to set priorities, targets and indicators consistent with the GASP objectives with the view to reduce the number and rate of aircraft accidents;

5. *Urges* States to fully exercise safety oversight of their operators in full compliance with applicable Standards and Recommended Practices (SARPs), and assure themselves that every foreign operator flying into their territory receives adequate oversight from its own State and take appropriate action when necessary to preserve safety; and

6. *Encourages* ICAO to continue development of the global aviation safety roadmap, as required.

APPENDIX B

Global Air Navigation Plan (GANP)

Whereas the enhancement of the safety, capacity and efficiency of aviation operations is a key element of the ICAO Strategic Objectives;

Having adopted Resolution A38-12, a consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation;

Recognizing the importance of the GANP as an operational strategy and part of the basket of measures for environmental protection; and

Recognizing that many States and regions are developing new generation plans for their own air navigation modernization;

The Assembly:

1. *Instructs* the Council to use the guidance in the Global Air Navigation Plan (GANP) to develop and prioritize the technical work programme of ICAO in the field of air navigation;

2. *Urges* the Council to provide States with a standardization roadmap, as announced in the GANP, as a basis for the work programme of ICAO;

3. *Calls upon* States, planning and implementation regional groups (PIRGs), and the aviation industry to utilize the guidance provided in the GANP for planning and implementation activities which establish priorities, targets and indicators consistent with globally-harmonized objectives, taking into account operational needs;

4. *Calls upon* States to take into consideration the GANP guidelines as an efficient operational measure for environmental protection;

5. *Calls upon* States, PIRGs, and the aviation industry to provide timely information to ICAO, and to each other, regarding the implementation status of the GANP, including the lessons learned from the implementation of its provisions;

6. *Invites* PIRGs to use ICAO standardized tools or adequate regional tools to monitor and, in collaboration with ICAO, analyse the implementation status of air navigation systems;

7. *Instructs* the Council to publish the results of the analysis on the regional performance dashboards and in an annual global air navigation report including, as a minimum, the key implementation priorities and accrued environmental benefits estimated using CAEP-recognized methods; and

8. *Urge*s States that are developing new generation plans for their own air navigation modernization to coordinate with ICAO and align their plans so as to ensure global compatibility and harmonization.

A38-4: Protecting information from safety data collection and processing systems in order to maintain and improve aviation safety

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

Recognizing the importance of the free communication of safety information amongst the stakeholders of the aviation system;

Recognizing that the protection of safety information from inappropriate use is essential to ensure the continued availability of all relevant safety information, to enable proper and timely preventive actions to be taken;

Concerned by a trend for safety information to be used for disciplinary and punitive enforcement actions and to be admitted as evidence in judicial proceedings;

Noting the importance of a balanced environment in which disciplinary action is not taken as consequence of actions by operational personnel that are commensurate with their experience and training, but where gross negligence or willful violations are not tolerated;

Mindful that the use of safety information for other than safety-related purposes may inhibit the provision of such information, with an adverse effect on aviation safety;

Considering that a balance needs to be struck between the need for the protection of safety information and the need for the proper administration of justice, and that protection should be to a level commensurate with the nature of the information each source generates, as well as with the purpose of disclosure of such information;

Recognizing that technological advances have made possible new safety data collection, processing and exchange systems, resulting in multiple sources of safety information that are essential in order to maintain and improve aviation safety;

Noting that existing international laws, as well as national laws, and regulations, policies and practices in many States, may not adequately address the manner in which safety information is protected from inappropriate use;

Noting the issuance and continuing development by ICAO of legal guidance aimed at assisting States to enact national laws and regulations, and to introduce supportive policies and practices, to protect information gathered from safety data collection and processing systems, while allowing for the proper administration of justice;

Recognizing that the legal guidance in Attachment E to Annex 13, and in Attachment B to Annex 19, will continue to assist many States in the development and implementation of means to protect information gathered from safety data collection and processing systems;

Mindful that the civil aviation authorities acknowledged the need for continuing study by ICAO on the protection of safety information; and

Recognizing the Safety Information Protection Task Force, established pursuant to recommendations of the High-level Safety Conference 2010 and in response to Resolution A37-3, has promulgated for consideration a number of findings and recommendations with respect to the appropriate use and protection of safety information;

The Assembly:

1. *Urges* all Member States to continue to examine their existing legislation and adjust as necessary, or enact laws and regulations and introduce supportive policies and practices, to protect information gathered from all relevant safety data collection and processing systems based, to the extent possible, on the legal and other guidance developed by ICAO;

2. *Urges* the Council to cooperate with Member States and appropriate international organizations regarding the development and implementation of guidance, taking into account the findings and recommendations of the Safety Information Protection Task Force and further work informed by those findings and recommendations, to support the establishment of effective safety-reporting systems, and the achievement of a balanced environment where valuable information derived from all relevant safety data collection and processing systems is readily accessible for the purposes of maintaining and improving aviation safety, while respecting principles of administration of justice and freedom of information;

3. *Instructs* the Council to take appropriate steps to ensure that ICAO Standards and Recommended Practices in Annex 19, other Annexes as appropriate and guidance materials on the protection of information gathered from safety data collection and processing systems (SDCPS) are enhanced, taking into account the findings and recommendations of the Safety Information Protection Task Force and further work informed by those findings and recommendations, with a view to ensuring and sustaining the availability of safety information required for the management, maintenance and improvement of safety, taking into account the necessary interaction between safety and judicial authorities in the context of open reporting culture; and

4. *Declares* that this resolution supersedes Resolution A37-3.

A37-11: Performance-based navigation global goals

Whereas a primary objective of ICAO is that of ensuring the safe and efficient performance of the global Air Navigation System;

Whereas the improvement of the performance of the air navigation system on a harmonized, worldwide basis requires the active collaboration of all stakeholders;

Whereas the Eleventh Air Navigation Conference recommended that ICAO, as a matter of urgency, address and progress the issues associated with the introduction of area navigation (RNAV) and required navigation performance (RNP);

Whereas the Eleventh Air Navigation Conference recommended that ICAO develop RNAV procedures supported by global navigation satellite system (GNSS) for fixed-wing aircraft, providing high track and velocity-keeping accuracy to maintain separation through curves and enable flexible approach line-ups;

Whereas the Eleventh Air Navigation Conference recommended that ICAO develop RNAV procedures supported by GNSS for both fixed- and rotary-wing aircraft, enabling lower operating minima in obstacle-rich or otherwise constrained environments;

Whereas Resolution A33-16 requested the Council to develop a programme to encourage States to implement approach procedures with vertical guidance (APV) utilizing such inputs as GNSS or distance-measuring equipment (DME)/DME, in accordance with ICAO provisions;

Recognizing that not all airports have the infrastructure to support APV operations and not all aircraft are currently capable of APV;

Recognizing that many States already have the requisite infrastructure and aircraft capable of performing straight-in approaches with lateral guidance (LNAV approaches) based on the RNP specifications and that straight-in approaches provide demonstrated and significant safety enhancements over circling approaches;

Recognizing that the Global Aviation Safety Plan has identified Global Safety Initiatives (GSIs) to concentrate on developing a safety strategy for the future that includes the effective use of technology to enhance safety, consistent adoption of industry best practices, alignment of global industry safety strategies and consistent regulatory oversight;

Recognizing that the Global Air Navigation Plan has identified Global Plan Initiatives (GPIs) to concentrate on the incorporation of advanced aircraft navigation capabilities into the air navigation system infrastructure, the optimization of the terminal control area through improved design and management techniques, the optimization of the terminal control area through implementation of RNP and RNAV SIDs and STARs and the optimization of terminal control area to provide for more fuel efficient aircraft operations through FMS-based arrival procedures; and

Recognizing that the continuing development of diverging navigation specifications would result in safety and efficiency impacts and penalties to States and industry;

Noting with satisfaction that planning and implementation regional groups (PIRGs) have completed regional PBN implementation plans; and

Recognizing that not all States have developed a PBN implementation plan by the target date of 2009;

The Assembly:

1. *Urges* all States to implement RNAV and RNP air traffic services (ATS) routes and approach procedures in accordance with the ICAO PBN concept laid down in the *Performance-based Navigation (PBN) Manual* (Doc 9613);

2. *Resolves* that:

   a) States complete a PBN implementation plan as a matter of urgency to achieve:

      1) implementation of RNAV and RNP operations (where required) for en route and terminal areas according to established timelines and intermediate milestones;

      2) implementation of approach procedures with vertical guidance (APV) (Baro-VNAV and/or augmented GNSS), including LNAV-only minima, for all instrument runway ends, either as the primary approach or as a back-up for precision approaches by 2016 with intermediate milestones as follows: 30 per cent by 2010, 70 per cent by 2014; and

3) implementation of straight-in LNAV-only procedures, as an exception to 2) above, for instrument runways at aerodromes where there is no local altimeter setting available and where there are no aircraft suitably equipped for APV operations with a maximum certificated take-off mass of 5 700 kg or more;

b) ICAO develop a coordinated action plan to assist States in the implementation of PBN and to ensure development and/or maintenance of globally harmonized SARPs, Procedures for Air Navigation Services (PANS) and guidance material including a global harmonized safety assessment methodology to keep pace with operational demands;

3. *Urges* that States include in their PBN implementation plan provisions for implementation of approach procedures with vertical guidance (APV) to all runway ends serving aircraft with a maximum certificated take-off mass of 5 700 kg or more, according to established timelines and intermediate milestones;

4. *Instructs* the Council to provide a progress report on PBN implementation to the next ordinary session of the Assembly, as necessary;

5. *Requests* the Planning and Implementation Regional Groups (PIRGs) to include in their work programme the review of status of implementation of PBN by States according to the defined implementation plans and report annually to ICAO any deficiencies that may occur; and

6. *Declares* that this resolution supersedes Resolution A36-23.

A22-11: International assistance in re-establishing operation of international airports and related air navigation facilities

A29-3: Global Rule Harmonization

A39-1: Consolidated statement of continuing ICAO policies and practices related to environmental protection — General provisions, noise and local air quality

A39-2: Consolidated statement of continuing ICAO policies and practices related to environmental protection — Climate change

A35-15: Consolidated statement of continuing ICAO policies and practices related to a global air traffic management (ATM) system and communications, navigation and surveillance/air traffic management (CNS/ATM) systems

A32-12: Follow-up to the 1998 Worldwide CNS/ATM Systems Implementation Conference

A29-15: Smoking restrictions on international passenger flights

A35-12: Protection of the health of passengers and crews and prevention of the spread of communicable disease through international travel

A39-28: Performance-based criteria and guidance material on aircraft disinsection and vector control measures

A29-13: Improvement of Safety Oversight

A32-11: Establishment of an ICAO universal safety oversight audit programme

A33-9: Resolving deficiencies identified by the Universal Safety Oversight Audit Programme and encouraging quality assurance for technical cooperation projects

A39-15: Consolidated statement of continuing ICAO policies in the air transport field

A29-11: Use of space technology in the field of air navigation

A36-14: Use of cross-polar routes

A39-14: Regional cooperation and assistance to resolve safety deficiencies, establishing priorities and setting measurable targets

A37-5: The Universal Safety Oversight Audit Programme (USOAP) continuous monitoring approach

A23-14: Application of systems planning to the introduction of new aircraft types

Whereas the introduction of new aircraft types may have considerable repercussions on the determination of new requirements to be satisfied by airports and en-route air navigation facilities and services;

Whereas States may, as has happened on past occasions, be compelled to satisfy these requirements in adverse conditions as a consequence of not having sufficient time to plan either investments in, or construction and maintenance of, the facilities and services;

Whereas the introduction of such aircraft may therefore have a decisive influence on the results of the operation of international air transport services and on the competitive capacity of their operators;

Whereas these circumstances may, in turn, have repercussions on the responsibilities which devolve on the States as representatives of the public interests at stake and, in particular, as providers of airports and en-route air navigation facilities and services;

Whereas it clearly follows that the benefits which may reasonably be expected to accrue from the introduction of the new aircraft types can only be fully achieved through the coordinated participation in this process by the manufacturers of such aircraft, the operators who utilize them in their services, the airport operators and the States in their two-fold capacity as providers of the aeronautical infrastructure and representatives of the public interest;

Whereas to this end, the Contracting States should participate in this process, not only by virtue of their responsibilities as described above, but also by urging their nationals engaged in the manufacture and operation of such aircraft and operation of airports to collaborate in this coordination;

Whereas the whole of the foregoing must be understood as meaning that the freedom of decision of the manufacturers, aircraft and airport operators and the States themselves will in no way be affected in the process; and

Whereas as a result of the Council's study of the subject, the Organization has instituted an information system for the purpose of facilitating coordinated planning in the process of introducing new aircraft types;

The Assembly:

1. *Declares* that for the purpose of achieving the fullest benefit from the introduction of new aircraft types, it is necessary that the manufacturers and operators of the latter, the airport operators and the States in their capacity as providers of the aeronautical infrastructure and representatives of the public interest, should achieve coordinated planning to the maximum extent possible in the process of introduction of such aircraft;

2. *Directs* the Council to foster the continued application of the systems planning process to the introduction of new aircraft types;

3. *Urges* Contracting States to give the necessary cooperation in the application of the systems planning process to the introduction of new aircraft types; and

4. *Declares* that this resolution supersedes Resolution A16-5.

A33-11: A global design code for aircraft

A27-11: Airport and airspace congestion

Whereas the rapid growth of air traffic places heavy demands on airports and air navigation systems and causes serious congestion problems in some areas of the world;

Whereas initiatives have been taken to alleviate the most serious consequences of the imbalances between air traffic demand and capacity in the short- and medium-term;

Whereas the benefits of regional planning have already been demonstrated;

Noting Resolution A27-10 (Appendix P) on the coordination of civil and military traffic and the common use of airspace;

Recognizing that further measures, including longer term measures, will be required to expand the airport and air navigation system capacity to more efficiently accommodate future air traffic; and

Noting the Council's intention to include tasks dealing with airport and airspace capacity and congestion in the work programme of the Organization in the air navigation and air transport fields;

The Assembly:

1. *Urges* States to take measures that have positive effects on airport and airspace capacity, in consultation with users and airport operators and without prejudice to safety;

2. *Invites* States to recognize that airports and airspace constitute an integrated system and developments in both areas should be harmonized;

3. *Urges* States to take into account the effects on other States of their airport and airspace congestion problems and the implications of actions taken to deal with those problems;

4. *Invites* States to consider the possible relaxation of operating restrictions for aircraft meeting the requirements of Chapter 3 of Annex 16, including the easing of night curfews and/or quotas for off-schedule arrivals by such aircraft; and

5. *Directs the Council:*

   a) to ensure that in the development of SARPs and PANS due regard be taken of their impact on airport and airspace capacity; and

   b) in reviewing the work of the Organization in the air navigation and air transport fields related to airspace congestion, along with global planning, to pay attention to delegating the work on a geographical and/or subject basis; and to ensure effective coordination in order to avoid duplicating activities of other international organizations, and to place greater emphasis on regional responsibilities in achieving more rapid and better adapted solutions to regional problems.

A39-15: Consolidated statement of continuing ICAO policies in the air transport field

AIRWORTHINESS AND OPERATION OF AIRCRAFT

A23-2: Amendment of the Chicago Convention regarding transfer of certain functions and duties

A38-12, Appendix C: Certificates of airworthiness, certificates of competency and licences of flight crews

A23-13: Lease, charter and interchange of aircraft in international operations

Whereas it is in the general interest of international civil aviation that arrangements for lease, charter and interchange of aircraft, particularly aircraft without crew, be facilitated;

Whereas the international provisions in force contain no absolute impediment to the implementation of such arrangements;

Whereas, inter alia, Annex 6 to the *Convention on International Civil Aviation* does not prevent the State of Registry from delegating to another State the authority to exercise the functions incumbent upon it pursuant to that Annex;

Whereas such delegation may facilitate the implementation of arrangements for lease, charter and interchange of aircraft, particularly aircraft without crew;

Whereas such delegation may only be made without prejudice to the rights of third States;

Whereas the *Convention on International Civil Aviation* was developed prior to the widespread application of international lease, charter and interchange of aircraft, particularly aircraft without crew;

Whereas the *Convention on International Civil Aviation* places on a State of Registry responsibilities that it can fulfil when the aircraft is operated by an operator of that State, as is normally the case, but it may be unable to fulfil adequately in instances where an aircraft registered in that State is leased, chartered or interchanged, particularly without crew, by an operator of another State;

Whereas the *Convention on International Civil Aviation* may not adequately specify the rights and obligations of the State of an operator of the aircraft leased, chartered or interchanged, in particular without crew until such time as the amendment to the Convention (Article 83 *bis*) enters into force;

Whereas the safety and economics of international air transportation may be adversely affected by the lack of clearly defined responsibilities for aircraft leased, chartered or interchanged, in particular without crew, under the existing provisions of the *Convention on International Civil Aviation*;

Whereas the instances of lease, charter and interchange of aircraft have substantially risen in number, thus presenting serious problems;

Whereas the provisions in the Annexes to the *Convention on International Civil Aviation* relating to the delegation of authority from one State to another to exercise certain functions may only be invoked without prejudice to rights of third States;

Whereas the law of certain Contracting States is not further adapted to this situation; and

Whereas the basic problem of ultimate responsibility of the State of Registry in this matter remains unresolved until such time as the amendment to the Convention (Article 83 *bis*) enters into force;

The Assembly:

1. *Commends* the Council for the measures taken thus far in order to facilitate the lease, charter and interchange of aircraft, on the one hand by adopting various amendments to the Annexes to the Chicago Convention and on the other by commissioning the study of an appropriate agreed text by a working group and then by a special subcommittee of the Legal Committee;

2. *Declares* that the matter of lease, charter and interchange of aircraft continues to present various problems which need solution;

3. *Urges* that, where arrangements for the lease, charter and interchange of aircraft — particularly aircraft without crew — would be facilitated, the State of Registry of such an aircraft, to the extent considered necessary, delegate to the State of the Operator its functions under Annex 6 to the *Convention on International Civil Aviation*;

4. *Urges* that in such cases, the State of the Operator change, if necessary, its national regulations to the extent required to empower it both to accept such delegation of functions and to oblige the operator to fulfil the obligations imposed by Annex 6;

5. *Invites* all Contracting States, the provisions of whose laws inhibit the lease, charter or interchange of aircraft, to review in due time such provisions with a view to removing those inhibitions and extending their powers in order to better enable them to exercise the new functions and duties which could be placed upon them as State of the Operator; and

6. *Declares* that this resolution supersedes Resolutions A18-16, A21-22 and A22-28.

A39-1: Consolidated statement of continuing ICAO policies and practices related to environmental protection — General provisions, noise and local air quality

A39-2: Consolidated statement of continuing ICAO policies and practices related to environmental protection — Climate change

PERSONNEL LICENSING AND TRAINING

A39-16: Consolidated statement of ICAO policies on technical cooperation

A21-24: Sickle cell trait in civil aviation

Whereas an abiding concern with the medical aspects of civil aviation as it affects crew members, passengers and third parties on the ground and in the air is an integral part of the overall responsibility of Contracting States and ICAO in aviation safety;

Whereas several hundreds of thousands of sickle cell gene carriers have flown and continue to fly yearly in both pressurized and unpressurized aircraft at various normal operational heights and in all types of weather; and

Whereas some international airlines have already reviewed their previous stance and are now employing sickle cell trait carriers for cabin-crew duties;

The Assembly resolves that:

1. Contracting States be urged to establish facilities, if they have not already done so, for the purpose of:

   a) advising the national aviation authority on all aviation medicine matters relating to licensing;

   b) investigating possible health hazards associated with flight;

   c) providing medical expertise for the investigation of incidents occurring during or associated with flight;

   d) conducting research into medical problems of aviation safety; and

   e) advising on national or international health matters affecting aviation;

2. liaison be maintained on such matters between States as well as with the ICAO Secretariat;

3. screening of individuals for any trait or condition should be based solely on medical considerations;

4. Contracting States be advised that, in an applicant, the mere possession of the sickle cell trait should not be a reason for disqualifying him for flying duties in civil aviation, unless there is positive medical evidence to the contrary.

A29-16: Role of ICAO in the prevention of substance abuse in the workplace

Whereas Assembly Resolution A27-12 urged the Council to elaborate with a high degree of priority concrete measures to prevent and eliminate substance abuse by crew members, air traffic controllers, mechanics, and other staff of international civil aviation, and requested the Council, following further study, to propose specific measures concerning drug-related problems in international civil aviation;

Whereas substance abuse by civil aviation employees may seriously compromise aviation safety;

Whereas ICAO has initiated concrete actions to develop measures to ensure that civil aviation workplaces are free of substance abuse by expediting the development of additional guidance material with emphasis on educational programmes related to prevention of substance abuse;

Whereas the Air Navigation Commission requested the Secretariat to expedite the development of additional guidance material; and

Whereas it is incumbent upon the international civil aviation community to ensure that civil aviation employees are aware of the dangers posed by substance abuse;

The Assembly:

1. *Declares* its strong support for making and maintaining civil aviation workplaces free of substance abuse and encourages cooperative efforts throughout the international civil aviation community to educate employees on the dangers of substance abuse and to take steps, when deemed necessary, to detect and deter such use, and, through such efforts, to ensure that substance abuse never becomes prevalent or tolerated within international civil aviation;

2. *Urges* the Council to accord a high degree of priority, as contemplated in Resolution A27-12, in the Technical Work Programme, to expediting the development and publication of guidance material containing measures which may be implemented by Contracting States and to conducting or arranging such symposia or seminars as necessary to assist and educate Contracting States to maintain civil aviation workplaces free from the threat of substance abuse;

3. *Requests* the Council to continue its effort to monitor:

a) the existence and growth of the threat to the safety of international civil aviation posed by substance abuse; and

b) efforts by Contracting States to implement preventive measures; and

4. *Requests* the Council to present a report on the implementation of this Resolution to the next ordinary session of the Assembly.

A33-12: Harmonization of drug and alcohol testing programmes

Whereas ICAO has for over 50 years effectively and efficiently fulfilled its functions in accordance with the *Convention on International Civil Aviation*;

Whereas the fundamental objectives of the Organization expressed in Article 44 of the Chicago Convention and the functions of the Council expressed in Articles 54 and 55 remain paramount;

Whereas appreciation is expressed to the Council and the Secretary General for the progress made regarding the elimination of substance abuse by personnel in safety-related occupations in aviation;

Whereas there is still a need to achieve a consistent policy on the implementation by national authorities of regulations regarding the prevention and enforcement on the abuse of alcohol and drugs by personnel in safety-related occupations in aviation;

Whereas the Organization is facing new and rapidly evolving challenges of a technological, economic, social and legal nature;

Whereas the response to these challenges affects the safety of international civil aviation; and

Whereas there is a need for ICAO to meet these challenges effectively;

The Assembly:

1. *Directs* the Council to review existing guidance for improvements aimed at helping States to develop consistent prevention and testing programmes.

2. *Directs* the Council to study the issues and to develop the necessary ICAO provisions to achieve consistency among the substance testing programmes of Contracting States and enforcement by Contracting States on the abuse of alcohol and drugs by certain safety-sensitive personnel.

3. *Encourages* Contracting States to foster consistency with respect to their prevention and testing programmes.

A38-8: Proficiency in the English language used for radiotelephony communications

Whereas to prevent accidents, ICAO introduced language provisions to ensure that air traffic personnel and pilots are proficient in conducting and comprehending radiotelephony communications in the English language, including requirements that the English language shall be available on request at all stations on the ground serving designated airports and routes used by international air services;

Recognizing that the language provisions reinforce the requirement to use ICAO standardized phraseology in all situations for which it has been specified;

Recognizing that Member States have made substantial efforts to comply with the language proficiency requirements;

Recognizing that some Member States encounter considerable difficulties in implementing the language proficiency requirements including the establishment of language training and testing capabilities;

Whereas in accordance with Article 38 of the Convention any Member State which finds it impracticable to comply in all respects with any international standard or procedure is obliged to give immediate notification to ICAO;

Whereas in accordance with Article 39 b) of the Convention any person holding a licence not satisfying in full the conditions laid down in the international standard relating to the class of licence or certificate held, shall have endorsed on or attached to the licence all the particulars in which this person does not satisfy such conditions; and

Whereas pursuant to Article 40 of the Convention no personnel having certificates or licences so endorsed shall participate in international navigation, except with the permission of the State or States whose territory is entered;

The Assembly:

1. *Urges* Member States to use ICAO standardized phraseology in all situations for which it has been specified;

2. *Directs* the Council to continue to support Member States in their implementation of the language proficiency requirements;

3. *Encourages* Member States to make use of the ICAO Aviation English Language Test Service (AELTS) to verify language testing instruments;

4. *Urges* Member States to make use of the ICAO Language Proficiency Requirements - Rated Speech Samples training aid;

5. *Urges* Member States to assist each other in their implementation of the language proficiency requirements; and

6. *Declares* that this resolution supersedes Resolution A37-10.

A39-13: Halon replacement

Recognizing the importance of aircraft fire extinguishing systems to the safety of flight;

Recognizing that halogenated hydrocarbons (halon) have been the main fire extinguishing agent used in civil aircraft fire extinguishing systems for over fifty years;

Whereas halons are no longer being produced by international agreement because their release contributes to ozone depletion and climate change;

Recognizing that more needs to be done because the available halon supplies are decreasing and unsure and that the environmental community continues to be concerned that halon alternatives have not been developed for all fire extinguishing systems in civil aircraft;

Recognizing that the Minimum Performance Standard for each application of halon has been developed already by the International Aircraft Systems Fire Protection Working Group with participation by industry and regulatory authorities;

Recognizing that there are stringent aircraft-specific requirements for each application of halon that must be met before a replacement can be implemented;

Recognizing that the aircraft manufacturing industry has established mechanisms for stakeholder engagement in the development of common solutions for halon replacement in a realistic timeframe for cargo compartment applications;

Recognizing that the production is prohibited by international agreement, halon is now exclusively obtained from recovery, reclaiming and recycling. Therefore, recycling of halon gas needs to be rigorously controlled to prevent the possibility of contaminated halon being supplied to the civil aviation industry; and

Recognizing that any strategy must depend on alternatives that do not pose an unacceptable environmental or health risk as compared to the halons they are replacing;

The Assembly:

1. *Urges* States and their aviation industries to intensify development and implementation of acceptable halon alternatives for fire extinguishing and suppression systems in aircraft cargo compartments;

2. *Urges* States to determine and monitor their halon reserve and quality of halon;

3. *Encourages* ICAO to continue collaboration with the International Aircraft Systems Fire Protection Working Group and the United Nations Environment Programme's Ozone Secretariat through its Technology and Economic Assessment Panel's Halons Technical Options Committee on the topic of halon alternatives for civil aviation;

4. *Encourages* States to collaborate with the Industry Consortium for engine/APU applications and the Cargo Compartment Halon Replacement Working Group established by the International Coordinating Council of Aerospace Industries Associations;

5. *Encourages* States to support measures to minimize unnecessary halon emissions that occur when there is an absence of any safety threatening fire event and to ensure the better management and preservation of existing halon reserves;

6. *Directs* the Council to mandate the replacement of halon in cargo compartment fire suppression systems used in aircraft for which application for type certification will be submitted after a specified date in the 2024 timeframe; and

7. *Declares* that this resolution supersedes Resolution A38-9.

A39-29: Next Generation of Aviation Professionals

Recognizing that aviation is a growing industry that is critical for promoting global connectivity while supporting economic development and growth around the world;

Recognizing that in order to support growing aviation needs and ensure the safe and efficient operation of the air transportation system, qualified and competent aviation professionals, as well as a diverse aviation workforce, are required;

Considering that, to meet current and future human resources needs, it is important for States and industry to engage the next generation of aviation professionals;

Noting that partnerships between government, regional organizations, industry and educational organizations are important to attracting, educating and retaining the next generation of aviation professionals, considering gender equality;

The Assembly:

1. *Urges* Member States to work with the aviation community to identify long-term human resources needs and establish strategies to attract, educate and retain in the sector aviation professionals, considering gender equality;

2. *Encourages* Civil Aviation Authorities to communicate and cooperate with government education and labour bodies, the TRAINAIR PLUS Programme (TPP) network and the aviation industry to develop strategies for promoting aviation and developing competent aviation professionals and retaining them within States;

3. *Encourages* Member States to facilitate, through internationally agreed upon guidance and assessment practices for mutual recognition of qualifications and licenses, administrative procedures to allow for the free flow of professionals across borders;

4. *Instructs* the Council to ensure a continued leadership role for ICAO, in facilitating communication and collaboration with States and industry to support the development of forecasts, strategies, sharing of best practices, planning tools, and guidelines for engaging and cultivating the next generation of aviation professionals;

5. *Encourages* Member States to promote best practices that focus on meeting the needs and values of the next generation of aviation professionals to enable employee productivity, performance, recruitment, retention, and safety; and

6. *Encourages* Member States, international and regional organizations, academia and industry to support the NGAP Programme, as one of the integral elements of capacity building, by providing technical expertise and guidance, and resources (human, financial and data) to help achieve the Programme’s objectives.

A38-10: Recognition of approval of flight simulation training devices (FSTD)

Whereas ICAO published Doc 9625 — *Manual of Criteria for the Qualification of Flight Simulation Training Devices,* Volume I – *Aeroplanes,* (3rd Edition) and Volume II — *Helicopters* (1st Edition) to provide the means for the authorities of other States to accept, without repetitive evaluations, the qualifications granted by the State that conducted the initial and recurrent evaluations of a flight simulation training device (FSTD);

Recognizing that despite an internationally agreed mechanism for harmonization provided for in Doc 9625, the absence of recognition of FSTD qualifications is fostering multiple evaluations and causing high costs to States and the industry; and

Recognizing that there has been slow progress towards implementation of systems to recognize the approval of FSTD's based on guidance contained in Doc 9625;

The Assembly:

1. *Urges* Member States to establish systems to recognize the approval of FSTDs based on guidance provided in using Doc 9625;

2. *Directs* the Council to continue to support Member States in the establishment of systems to recognize the approval of FSTDs; and

3. *Urges* Member States to assist each other in the establishment of systems to recognize the approval of FSTDs.

A38-12, Appendix C: Certificates of airworthiness, certificates of competency and licences of flight crews

A38-12, Appendix D: Qualified and Competent Aviation Personnel

AIRCRAFT ACCIDENT INVESTIGATION

A38-12, Appendix N: Cooperation among Member States in investigations of aircraft accidents

A38-12, Appendix O: Human performance

A36-10: Improving accident prevention in civil aviation

A38-3: Protection of certain accident and incident records

UNITS OF MEASUREMENT

A38-12:	**Consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation**

GROUND FACILITIES, SERVICES AND PERSONNEL

A38-12,	**Appendix G: Delimitation of air traffic services (ATS) airspaces**

A38-12,	**Appendix H: Provision of search and rescue services**

A38-12,	**Appendix I: Coordination and cooperation of civil and military air traffic**

A38-12,	**Appendix J: The provision of adequate aerodromes**

A38-12,	**Appendix K: Adequate conditions of employment for aviation ground personnel**

A27-11:	**Airport and airspace congestion**

A38-8:	**Proficiency in the English language used for radiotelephony communications**

TECHNICAL MEASURES AGAINST ACTS OF UNLAWFUL INTERFERENCE

A22-5:	**Sabotage and destruction of a Cuban civil aircraft on scheduled service in the Caribbean with the loss of 73 passengers and crew**

A39-18:	**Consolidated statement on continuing ICAO policies related to aviation security**

A27-12:	**Role of ICAO in the suppression of illicit transport of narcotic drugs by air**

PART III. AIR TRANSPORT

AIR TRANSPORT CONTINUING POLICIES

A39-15: Consolidated statement of continuing ICAO policies in the air transport field

Whereas the *Convention on International Civil Aviation* establishes the basic principles to be followed by governments to ensure that international air transport services may be developed in an orderly, regular, efficient, economical, harmonious and sustainable manner and it is therefore one of the purposes of ICAO to support principles and arrangements in order that international air transport services may be established on the basis of equality of opportunity, sound and economic operation, mutual respect of the rights of States and taking into account the general interest;

Whereas air transport is a major factor in promoting and fostering sustainable economic development at national as well as international levels;

Whereas it is increasingly difficult, particularly for developing countries, to secure the necessary resources required to optimize the opportunities and meet the challenges inherent in the development of air transport, and to keep pace with the challenges posed by demands on air transport;

Whereas the Organization prepares guidance, studies and statistics on the development of air transport for Member States on a continuing basis and these should be kept current, focused and relevant and should be disseminated to Member States through the most effective means;

Whereas Member States are required to provide accurate and factual statistical data and other information in order that the Organization may prepare relevant guidance and studies;

Whereas the Organization is moving toward management by objective with more focus on implementation over standard setting of policies, in line with the *No Country Left Behind* (NCLB) initiative;

Whereas guidance developed by the Organization, and action taken by the Organization in implementing its Strategic Objectives, should assist Member States in developing policies and practices that facilitate the globalization, commercialization and liberalization, as well as the creation of a favourable environment for the sustainable development of, international air transport; and

Whereas it is important for Member States to participate in the work of the Organization in the air transport field;

The Assembly:

1. *Resolves* that the Appendices attached to this resolution and listed below constitute the consolidated statement of continuing ICAO policies in the air transport field, as these policies exist at the close of the 39th Session of the Assembly:

Appendix A — Economic regulation of international air transport

Appendix B — Taxation

Appendix C — Airports and air navigation services

Appendix D — Aviation data and statistics

Appendix E — Forecasting, planning and economic analyses

2. *Urges* Member States to have regard to these policies and their continuing elaboration by the Council and by the Secretary General in the relevant ICAO documents;

3. *Urges* Member States to make every effort to fulfil their obligations, arising from the Convention and Assembly resolutions, to support the work of the Organization in the air transport field, and, in particular, to provide complete and prompt statistical and other information requested by the Organization for its air transport work;

4 *Urges* Member States in their regulatory functions to have regard to the policies and guidance material developed by ICAO on economic regulation of international air transport, such as those contained in Doc 9587, *Policy and Guidance Material on Economic Regulation of International Air Transport*;

5. *Requests* the Council to attach particular importance to the challenge of financing the development of the human and technical resources necessary to ensure the best possible contribution of air transport to the economic and social well-being of Member States, especially developing countries;

6. *Requests* the Council, when it considers it of benefit to the work on any air transport issue, to consult expert representatives from Member States by the most appropriate means, including the establishment of panels or Secretariat study groups of such qualified experts, who would meet or work by correspondence and subsequently report to the Air Transport Committee;

7. *Requests* the Council to convene Conferences or Divisional meetings, in which all Member States may participate, as the principal means of progressing the resolution of issues of worldwide importance in the air transport field, when such meetings are justified by the number and importance of the issues to be dealt with and where there is the likelihood of constructive action upon them;

8. *Requests* the Council and the Secretary General to disseminate and promote ICAO's air transport policies and associated guidance to and amongst Member States;

9. *Requests* the Council and the Secretary General to take necessary action to implement Assembly resolutions and decisions concerning the Organization's air transport activities, and to monitor and assist the implementation by States of ICAO's policies in the air transport field;

10. *Requests* the Council to keep the consolidated statement of ICAO's air transport policies under review and advise the Assembly when changes are required to the statement;

11. *Requests* the Council to keep ICAO's policies and guidance material in the air transport field current and responsive to changes and the needs of Member States while preserving the core principles on which they are based; and

12. *Declares* that this resolution supersedes Resolution A38-14.

APPENDIX A

Economic regulation of international air transport

Section I. Basic principles and long-term vision

Whereas the basic principles of sovereignty, fair and equal opportunity, non-discrimination, interdependence, harmonization and cooperation set out in the Convention have served international air transport well and continue to provide the basis for and contribute to its future development;

Whereas multilateralism in commercial rights to the greatest possible extent continues to be an objective of the Organization;

Whereas within the framework of the Convention, Member States have many differing regulatory goals and policies but share a fundamental objective of participation through reliable and sustained involvement in the international air transport system;

Whereas there is a need to adapt to the changing regulatory and operating environment in the air transport field and the Organization has accordingly developed policy guidance for the regulation of international air transport, including model clauses and template air services agreements;

Whereas the provision of regular and reliable air transport services is of fundamental importance to the development of the economies of States, especially the developing States, including those dependent on tourism;

Whereas the Organization has adopted the long-term vision for international air transport liberalization which states: *We, the Member States of the International Civil Aviation Organization, resolve to actively pursue the continuous liberalization of international air transport to the benefit of all stakeholders and the economy at large. We will be guided by the need to ensure respect for the highest levels of safety and security and the principle of fair and equal opportunity for all States and their stakeholders;*

Whereas the compliance of Member States with provisions of the Convention and the universal adherence to the *International Air Services Transit Agreement* (IASTA) and other ICAO instruments governing international air transport can facilitate and contribute to the achievement of the objectives of the Organization; and

Whereas consumer interest should be given due regard in the development of policy and regulation of international air transport;

The Assembly:

1. *Urges* all Member States to give regard to, and apply, the ICAO long-term vision for international air transport liberalization in policy-making and regulatory practices;

2. *Encourages* Member States to pursue liberalization of market access at a pace and in a manner appropriate to needs and circumstances, giving due regard to the interests of all stakeholders, the changing business environment and infrastructure requirements, as well as to the principles pertaining to safeguard measures designed to ensure the sustained and effective participation of all States, including the principle of giving special consideration to the interests and needs of developing countries;

3. *Urges* Member States to avoid adopting unilateral and extraterritorial measures that may affect the orderly, sustainable and harmonious development of international air transport and to ensure that domestic policies and legislation are not applied to international air transport without taking due account of its special characteristics;

4. *Urges* Member States that have not yet become parties to the *International Air Services Transit Agreement* (IASTA), the Montréal Convention of 1999 and other ICAO instruments governing international air transport to give urgent consideration to so doing;

5. *Urges* all Member States to register all agreements and arrangements relating to international civil aviation with ICAO in accordance with Article 83 of the Convention and the *Rules for Registration with ICAO of Aeronautical Agreements and Arrangements,* to enhance transparency*;*

6. *Urges* Member States to keep the Council fully informed of serious problems arising from the application of air services agreements or arrangements and of any significant developments in the liberalization process;

7. *Urges* Member States to give due regard to the distinct features of air cargo services when exchanging market access rights in the framework of air service agreements and grant appropriate rights and operational flexibility so as to promote the development of these services;

8. *Urges* Member States, in dealing with the issues related to slot allocation and night flight restrictions, to give due consideration to the needs and concerns of other States and make every effort to resolve any concerns through consultation between the parties concerned, in a transparent and non-discriminatory manner, and to respect and follow the ICAO Balanced Approach principle in regulatory action on aircraft noise management at airports;

9. *Urges* Member States and concerned stakeholders to give regard to, and apply, the ICAO high-level, non-binding, non-prescriptive core principles on consumer protection in policy-making and regulatory and operational practices, and to keep ICAO informed of the experiences gained or issues encountered in their application;

10. *Encourages* Member States to make use of and benefit from the ICAO Air Services Negotiation (ICAN) facility, which facilitates and improves the efficiency of their air services negotiations and consultations;

11. *Requests* the Council to complete the examination of an international agreement by which States could liberalize market access, and continue the development of an international agreement to liberalize air carrier ownership and control and a specific international agreement to facilitate further liberalization of air cargo services, taking into account the goals of the ICAO long-term vision for international air transport liberalization, and the past experience and achievements of States, including existing market access liberalization agreements concluded at bilateral, regional and multilateral levels, as well as the various proposals presented during the Sixth Worldwide Air Transport Conference (ATConf/6);

12. *Requests* the Council to continue to cooperate with regional and subregional bodies in the examination and development of measures of cooperation, including liberalized arrangements, and the results of these measures, in order to see whether similar or other measures should at the appropriate time be recommended to Member States for application on a wider basis; and

13. *Requests* the Council to continue the comparative and analytical study of the policies and practices of Member States in the regulation of international air transport, including the provisions of air services agreements, and to share such information with Member States.

Section II. Air carrier ownership and control

Whereas the strict application of the criterion of substantial ownership and effective control for the authorization of an airline to exercise route and other air transport rights could deny many States a fair and equal opportunity to operate international air services and to optimize the benefits to be derived therefrom;

Whereas airline designation and authorization for market access should be liberalized at each State’s pace and discretion progressively, flexibly and with effective regulatory control in particular regarding safety and security;

Whereas the broadening or the flexible application of the criteria for airline designation and authorization could help create an operating environment in which international air transport may develop and flourish in a stable, efficient and economical manner, and contribute to the participation objectives of States in the liberalization process, without prejudice to States' obligations for aviation safety and security; and

Whereas the realization of developmental objectives among States is increasingly being promoted by cooperative arrangements in the form of regional economic groupings and functional cooperation symbolic of the affinity and community of interest;

The Assembly:

1. *Urges* Member States to continue to liberalize air carrier ownership and control, according to needs and circumstances, through various existing measures such as waivers of ownership and control restrictions in bilateral air services agreements or designation provisions recognizing the concept of community of interest within regional or subregional economic groupings, and those recommended by ICAO;

2. *Urges* Member States to accept such designations and allow such airlines to exercise the route rights and other air transport rights of a State or States, in particular developing States, within the same grouping, under mutually acceptable terms and conditions including air transport agreements negotiated or to be negotiated by the parties concerned;

3. *Urges* Member States to recognize the concept of community of interest within regional or subregional economic groupings as a valid basis for the designation by one State or States of an airline of another State or States within the same regional economic grouping where such airline is substantially owned and effectively controlled by such other State or States or its or their nationals;

4. *Urges* Member States to give consideration to the use of alternative criteria for airline designation and authorization, including those developed by ICAO, and to adopt a flexible and positive approach to accommodate other States in efforts to liberalize air carrier ownership and control without compromising safety and security;

5. *Invites* Member States with experience in various forms of joint operation of international air services to submit to the Council, on a continuing basis, information concerning their experience, so that the Organization may have information that might be of assistance to Member States;

6. *Requests* the Council, when approached, to render all feasible assistance to Member States wishing to enter regional or subregional economic groupings with respect to the operation of international air services; and

7. *Requests* the Council to give assistance, when approached, to Member States that take the initiative in developing cooperative arrangements for the joint ownership and operation of international air services, directly among themselves or whose airlines develop such arrangements, and to promptly circulate to States information concerning such cooperative arrangements.

Section III. Cooperation in regulatory arrangements and competition

Whereas certain economic, financial and operational constraints unilaterally introduced at the national level affect the stability of, and tend to create unfair discriminatory trading practices in, international air transport and might be incompatible with the basic principles of the Convention and the orderly and harmonious development of international air transport; and

Whereas the Organization has developed policy guidance for States to foster harmonization and compatibility of regulatory approaches and practices for international air transport, including on competition matters;

The Assembly:

1. *Urges* Member States to take into consideration that fair competition is an important general principle in the operation of international air transport services;

2. *Urges* Member States to develop competition laws and policies that apply to air transport, taking into account national sovereignty and to consider ICAO guidance on competition;

3. *Urges* Member States to encourage cooperation among regional and/or national competition authorities when dealing with matters relating to international air transport, including in the context of approval of alliances and mergers;

4. *Encourages* Member States to incorporate the basic principles of fair and equal opportunity to compete, non-discrimination, transparency, harmonization, compatibility and cooperation set out in the Convention and embodied in ICAO's policies and guidance in national legislation, rules and regulations, and in air services agreements;

5. *Requests* the Council to develop tools such as an exchange forum to enhance cooperation, dialogue and exchange of information on fair competition between States with a view to promoting compatible regulatory approaches towards international air transport; and

6. *Requests* the Council to continue to monitor developments in the area of competition in international air transport and update, as necessary, its policies and guidance on fair competition.

Section IV. Trade in services

Whereas the General Agreement on Trade in Services (GATS) adopted by the World Trade Organization (WTO) has included certain aspects of international air transport; and

Whereas ICAO has actively promoted an understanding by all parties concerned of the provisions of the *Convention on International Civil Aviation* and of the particular mandate and role of ICAO in international air transport;

The Assembly:

1. *Reaffirms* the need for ICAO to continue to explore future regulatory arrangements and develop recommendations and proposals to meet the challenges facing international air transport, responding to the internal and external changes affecting it;

2. *Recognizes* that such arrangements should create an environment in which international air transport may develop and continue to flourish in an orderly, efficient and economical manner without compromising safety and security, while ensuring the interests of all Member States and their effective and sustained participation in international air transport;

3. *Reaffirms* the primary role of ICAO in developing policy guidance on the regulation of international air transport;

4. *Urges* Member States that participate in trade negotiations, agreements and arrangements relating to international air transport to:

   a) ensure internal coordination in national administrations and, in particular, the direct involvement of aeronautical authorities and the aviation industry in the negotiations;

   b) ensure that representatives are fully aware of the provisions of the *Convention on International Civil Aviation*, the particular characteristics of international air transport and its regulatory structures, agreements and arrangements;

c) take into account rights and obligations vis-à-vis those of ICAO Member States which are not members of the WTO;

d) examine carefully the implications of any proposed inclusion of an additional air transport service or activity in the GATS bearing in mind, in particular, the close linkage between economic, environmental, safety and security aspects of international air transport;

e) promote a full understanding of the role and mandate of ICAO in developing policy guidance on economic regulation, including liberalization of international air transport, and consider using this guidance; and

f) file with ICAO under Article 83 of the Convention copies of any exemptions and specific commitments pertaining to international air transport made under the GATS;

5. *Requests* the WTO, its Member States and Observers to accord due consideration to:

a) the particular regulatory structures and arrangements of international air transport and the liberalization taking place at the bilateral, subregional and regional levels;

b) ICAO's constitutional responsibility for international air transport and, in particular, for its safety and security; and

c) ICAO's existing policy and guidance material on the economic regulation of international air transport and its continued work in the field; and

6. *Requests* the Council to:

a) continue to exert a global leadership role in facilitating and coordinating the process of economic liberalization while ensuring safety, security and environmental protection in international air transport;

b) pursue in a proactive manner developments in trade in services that might impinge on international air transport and inform Member States accordingly; and

c) promote continued effective communication, cooperation and coordination between ICAO, the WTO, and other intergovernmental and non-governmental organizations dealing with trade in services.

APPENDIX B

Taxation

Whereas the imposition of taxes on international air transport, such as on aircraft, fuel, and consumable technical supplies, on the income of international air transport enterprises, and on the sale or use of such services, may have an adverse economic and competitive impact on international air transport operations;

Whereas ICAO's Policies on Taxation in the Field of International Air Transport as contained in Doc 8632 make a conceptual distinction between a charge and a tax in that "a charge is a levy that is designed and applied specifically to recover the costs of providing facilities and services for civil aviation, and a tax is a levy that is designed to raise national or local government revenues which are generally not applied to civil aviation in their entirety or on a cost-specific basis";

Whereas it is a matter of great concern that taxes are increasingly being imposed by some Member States in respect of certain aspects of international air transport and that levies imposed on air traffic, several of which can be categorized as taxes on the sale or use of international air transport, are proliferating;

Whereas the matter of aircraft engine emission-related levies is addressed in Assembly Resolution A39-1, *Consolidated statement of continuing ICAO policies and practices related to environmental protection — General provisions, noise and local air quality (*Appendix H*, Aviation impact on local air quality)*; and

Whereas the ICAO policies on taxation in Doc 8632 supplement Article 24 of the Convention and are designed to recognize the nature of international civil aviation and the need to accord tax-exempt status to certain aspects of the operations of international air transport;

The Assembly:

1. *Urges* Member States to follow the *ICAO's Policies on Taxation in the Field of International Air Transport* as contained in Doc 8632, and to avoid imposing discriminatory taxes on international aviation;

2. *Urges* Member States to avoid double taxation in the field of air transport; and

3. *Requests* the Council to continue to promote ICAO's policies on taxation, monitor developments, and update its policies as required.

APPENDIX C

Airports and air navigation services

Section I. Charging policy

Whereas Article 15 of the Convention establishes the basis for the application and disclosure of charges for airports and air navigation services;

Whereas ICAO's Policies on Charges for Airports and Air Navigation Services as contained in Doc 9082 make a conceptual distinction between a charge and a tax in that "a charge is a levy that is designed and applied specifically to recover the costs of providing facilities and services for civil aviation, and a tax is a levy that is designed to raise national or local government revenues which are generally not applied to civil aviation in their entirety or on a cost-specific basis";

Whereas the matter of aircraft engine emission-related levies and market-based measures is addressed separately in Assembly Resolution A39-1, *Consolidated statement of continuing ICAO policies and practices related to environmental protection — General provisions, noise and local air quality* (Appendix H*, Aviation impact on local air quality*)*,* and in Assembly Resolution A39-2, *Consolidated statement of continuing ICAO policies and practices related to environmental protection — Climate change*;

Whereas the Council has been directed to formulate recommendations for the guidance of Member States with regard to the principles on which providers of airports and air navigation services for international civil aviation may charge to recover the costs of their provision and derive other reasonable revenue therefrom, and with regard to the methods that may be employed to that effect; and

Whereas the development of air transport infrastructure and the global plan for Aviation System Block Upgrades (ASBUs) requires necessary business case justification to secure funding and financing to support implementation;

The Assembly:

1. *Urges* Member States to ensure that Article 15 of the Convention is fully respected;

2. *Urges* Member States to base the recovery of the costs of the airports and air navigation services they provide or share in providing for international civil aviation on the principles set forth in Article 15 of the Convention and in Doc 9082, *ICAO's Policies on Charges for Airports and Air Navigation Services*, regardless of the organizational structure under which the airports and air navigation services are operated;

3. *Urges* Member States to ensure that airport and air navigation services charges are applied towards defraying the costs of providing facilities and services for civil aviation;

4. *Urges* Member States to make every effort pursuant to Article 15 of the Convention to publish and communicate to the Organization any charges that may be imposed or permitted to be imposed by a Member State for the use of air navigation facilities and airports by the aircraft of any other Member State;

5. *Urges* Member States to adopt the principles of non-discrimination, cost-relatedness, transparency and consultation, as set out in Doc 9082, in national legislation, regulation or policies, as well as in air services agreements, to ensure compliance by airports and air navigation services providers;

6. *Urges* Member States to ensure that the current ICAO policies for cost recovery of security measures and functions at airports and by air navigation services providers, as set out in Doc 9082, are implemented so that security user charges are reasonable, cost-effective and foster harmonization worldwide; and

7. *Requests* the Council to continue to develop or refine, as required, guidance on funding of air transport infrastructure, appropriate oversight functions and financing of the air transport system, including mechanisms to support operational improvements as described in the ASBU modules.

Section II. Economics and management of aviation infrastructure

Whereas the global costs of providing airports and air navigation services may continue to rise in order to handle growing volumes of traffic;

Whereas Member States are placing increased emphasis on improving efficiency and cost-effectiveness in the provision of airports and air navigation services;

Whereas a balance should be maintained between the respective financial interests of providers of airports and air navigation services on the one hand and air carriers and other users on the other and which should be based on promoting cooperation between providers and users;

Whereas Member States have called on the Organization to provide advice and guidance aimed at promoting equitable recovery of airport and air navigation services costs;

Whereas Member States are increasingly assigning the operation of airports and air navigation services to commercialized and privatized entities, which may have less awareness and knowledge of States' obligations specified in the Convention and its Annexes and of ICAO's policies and guidance material in the economic field, and are using multinational facilities and services to meet the commitments they have assumed under Article 28 of the Convention; and

Whereas the Council has adopted policy guidance on the allocation of Global Navigation Satellite System (GNSS) costs to ensure an equitable treatment of all users;

The Assembly:

1. *Reminds* Member States that with regard to airports and air navigation services they remain responsible for the commitments they have assumed under Article 28 of the Convention, regardless of what entity or entities operate the airports or air navigation services concerned;

2. *Encourages* Member States to consider the establishment of autonomous entities to operate airports and air navigation services providers, taking into account economic viability as well as the interests of the users and other interested parties;

3. *Urges* Member States to promote quality air navigation services performance through good governance;

4. *Urges* Member States to cooperate in the recovery of costs of multinational air navigation facilities and services and to consider the use of the ICAO policy guidance on the allocation of GNSS costs;

5. *Requests* the Council to continue to develop ICAO's policy and guidance material with a view to contributing to increased efficiency and improved cost-effectiveness in the provision and operation of airports and air navigation services, including the foundation for a sound cooperation between providers and users;

6. *Requests* the Council to continue, as required, refinement of its policy guidance on the allocation of GNSS costs and the coordination of technical, legal and economic aspects, including cost-efficient interoperability; and

7. *Requests* the Council to promote ICAO's policies on user charges and related guidance material in order to increase the awareness of, and implementation by, Member States and their airports and air navigation services entities.

APPENDIX D

Aviation data and statistics

Whereas ICAO's Aviation Data and Statistics Programme provides an independent and global foundation for the purpose of fostering the planning and sustainable development of international air transport;

Whereas each Member State has undertaken that its international airlines shall file the data and statistics requested by the Council in accordance with Article 67 of the Convention;

Whereas the Council has also laid down requirements for data and statistics on domestic airline operations, international airports, and international route facilities, pursuant to Articles 54 and 55 of the Convention;

Whereas the Council has laid down requirements for data and statistics collection on civil aircraft on register pursuant to Article 21 of the Convention;

Whereas there is a need for the Organization to collect data and statistics from States on annual aviation fuel consumption to monitor and report the potential impact of economic measures linked to the operational aspects of the international aviation services and related infrastructure;

Whereas the Council has adopted a policy of management by objective which requires collection of pertinent data, statistics and analysis to measure the performance of the Organization as a whole and of its constituent parts in meeting the Strategic Objectives of the Organization;

Whereas cooperation amongst international organizations active in the area of collection and distribution of aviation data and statistics may enable expansion of scope, coverage and quality of data, avoidance of duplication of efforts and reduction in the burden on States;

Whereas ICAO's role in processing and disseminating aviation data and statistics allows States to use it as a significant tool for the safe and orderly growth of international civil aviation services that are operated soundly and economically; and

Whereas ICAO has continued its effort to make the processes involving aviation data and statistics efficient and effective through the development of a set of electronic tools in order to answer to the evolving needs of Member States;

The Assembly:

1. *Urges* Member States to nominate focal points for aviation data and statistics, and to make every effort to provide it to ICAO on time and electronically whenever possible;

2. *Encourages* Member States to use the available electronic tools when providing and accessing aviation data and statistics and actively participate in the development of such tools by providing support and by sharing relevant knowledge and experience;

3. *Requests* the Council, calling on national experts in the relevant disciplines as required, to examine on a regular basis the data and statistics collected by ICAO in order to meet more effectively the needs of the Organization and its Member States, and to establish the necessary metrics to monitor the performance of the Organization in meeting its Strategic Objectives, to improve the uniformity of the data and statistics, the completeness and timeliness of reporting by Member States, and the form and content of analyses; and

4. *Requests* the Council to:

a) continue to explore ways of closer cooperation with the United Nations (UN), its agencies and other international organizations in the collection and distribution of aviation data, statistics and analysis;

b) make arrangements, on an appropriate basis, for assistance to be given upon request to Member States by ICAO for the improvement of aviation data, statistics and analysis and statistical reporting to the Organization;

c) develop a process by which to enable harmonization of aviation data and statistics from different sources in order to facilitate the provision of accurate, reliable and consistent data required for informed decision-making by States; and

d) create, host, and manage a platform where the aviation community can share and promote its data, statistics and electronic tools in accordance with the principles and provisions as contained in the Convention and relevant decisions of the Organization.

APPENDIX E

Forecasting, planning and economic analyses

Section I. Forecasting and planning

Whereas Member States require global and regional forecasts of future civil aviation developments for various planning and implementation purposes;

Whereas the Council, in carrying out its continuing functions in the air transport economic field, must foresee future developments likely to require action by the Organization and must initiate such action in good time;

Whereas the Organization has to regularly assess its performance against its Strategic Objectives with particular focus on safety, air navigation capacity and efficiency, security and facilitation, economic development of air transport and environmental protection; and

Whereas the Organization requires specific forecasts for airports and air navigation systems planning and environmental monitoring and planning purposes;

The Assembly:

1. *Requests* the Council to develop and update forecasts of future trends and developments in civil aviation, and to make these available to Member States;

2. *Requests* the Council to develop and update one single set of long-term traffic forecast, from which customized or more detailed forecasts can be produced for various purposes, such as air navigation systems planning and environmental analysis; and

3. *Requests* the Council to keep forecasting methodologies and procedures reviewed and improved.

Section II. Economic analysis

Whereas there is a continuing interest among Member States, international organizations, financial institutions, as well as aviation, tourism, and trade industries, in the economic analysis of air transport, including aviation's contribution to global, regional and national economies;

Whereas there is an acute shortage of information on the increasingly important role of aviation in national economies worldwide;

Whereas the economic studies conducted by ICAO on international air transport costs and revenues have promoted neutrality and have resulted in a more equitable system of revenue sharing of airlines; and

Whereas ICAO requires economic analyses to assist the Council in assessment of the effectiveness of measures proposed for the implementation of the Strategic Objectives of the Organization, and for environmental planning, investment studies and other purposes;

The Assembly:

1. *Requests* the Council to instruct the Secretary General to develop a methodological framework for the economic measurement of aviation activity, including aviation's contribution to Gross Domestic Product (GDP), the number of jobs created by aviation, aviation consumption, and the impact of aviation on balance of payments;

2. *Requests* the Council to instruct the Secretary General to issue periodically a study on regional differences in the level of international air transport operating costs, analysing how differences in operations and input prices may affect their levels and the impact that changes in costs may have on air transport tariffs;

3. *Requests* the Council to develop methodologies and procedures for the assessment of economic impact of new measures, the analyses of cost-benefit or cost-effectiveness, and the development of business cases to meet the needs of the Organization, the regional air navigation planning groups, and other activities of the Organization; and

4. *Requests* the Council to monitor developments, conduct studies on major issues of global importance, and share its analyses with States, international organizations and the industry.

Section III. Air mail

Whereas air mail is an integral component of international air transport, which is increasingly affected by e-commerce;

The Assembly:

1. *Urges* Member States to take into account the effects on international civil aviation whenever policy is being formulated in the field of international air mail, and particularly at meetings of the Universal Postal Union (UPU); and

2. *Directs* the Secretary General to furnish to the UPU, on request and as stipulated in relevant cooperation arrangements between UPU and ICAO, information of a factual character which may be readily available.

A39-20: Consolidated statement of continuing ICAO policies related to facilitation

Whereas Annex 9 — *Facilitation*, was developed as a means of articulating the obligations of Member 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 39th 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

Appendix D — Passenger Data Exchange Systems

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 A38-16: Consolidated statement of continuing policies related to 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 Member States recognize the relevance of traveller identification and border control management to aviation security and facilitation;

Whereas Member 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), especially ePassports, 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 Member 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 the global 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 Member States of the United Nations have resolved, under Resolution 70/1 adopted on 25 September 2015 to adopt a 2030 Agenda for Sustainable Development that includes a set of 17 Sustainable Development Goals (SDGs) supported by 169 targets, the target 16.9 being to provide legal identity for all, including birth registration by 2030;

Whereas the veracity and validity of machine readable travel documents (MRTDs) depends on the readability and protection of these documents, physical securities contributing to them, and electronic securities guaranteeing them;

Whereas the limitation of the number of possible civil status for a person depends on the documentation used to establish identity, confirm citizenship or nationality and assess entitlement of the passport applicant (i.e. breeder documentation);

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 use of stolen blank passports, by those attempting to enter a country under a false identity, is increasing worldwide;

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 high-level cooperation among Member States is required in order to strengthen resistance to passport fraud, including the forgery or counterfeiting of passports, the use of forged or counterfeit passports, the use of valid passports by impostors, the use of expired or revoked passports, and the use of fraudulently obtained passports;

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 Member 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 Member 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 Convention Travel Documents (CTDs) are travel documents that States Parties to the 1951 Convention Relating to the Status of Refugees ("the 1951 Convention") and the 1954 Convention Relating to the Status of Stateless Persons ("the 1954 Convention") shall issue to refugees or stateless persons lawfully staying on their territory (see respective Article 28 of both Conventions), and as such are travel documents foreseen in two international treaties for persons benefitting from an internationally recognized status;

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* Member 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 implement rigorous processes and tools to safeguard the security and integrity of breeder documentation;

3. *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;

4. *Urges* Member States to intensify their efforts in establishing and implementing a solid verification system of the integrity of electronic passports, in particular by reading their electronic signatures and verifying their validity;

5. *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;

6. *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;

7. *Urges* those Member States that have not already done so, to issue machine readable passports in accordance with the specifications of Doc 9303, Part 4;

8. *Reminds* Member States to ensure that non-machine readable passports are withdrawn from circulation;

9. *Reminds* Member States to ensure that when issuing travel documents for refugees and stateless persons ("Convention Travel Documents (CTDs)"), these CTDs are machine readable, in accordance with the specifications of Doc 9303;

10. *Reminds* Member States to establish controls to safeguard against the theft of blank travel documents and the misappropriation of newly issued travel documents;

11. *Urges* those Member States requiring assistance in building effective and efficient traveller identification and border control systems to contact ICAO without delay;

12. *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;

13. *Requests* the Council to continue to explore technological solutions aimed at enhancing security and facilitation of border controls while improving clearance procedures, such as the Automated Border Control (ABC) gates;

14. *Requests* the Council to update the ICAO/United Nations High Commissioner for Refugees (UNHCR) *Guide for Issuing Machine Readable Convention Travel Documents for Refugees and Stateless Persons*;

15. *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;

16. *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;

17. *Urges* all Member States to join the ICAO PKD and to use the information available from the ICAO PKD to validate eMRTDs at border controls;

18. *Reminds* those Member States that are not already doing so to provide routine and timely submissions of stolen, lost, and revoked travel documents data to the Interpol's Stolen and Lost Travel Document (SLTD) Database.

19. *Urges* those Member States that are not already doing so to query, at entry and departure border control points, the travel documents of individuals travelling internationally against the INTERPOL Stolen and Lost Travel Documents (SLTD) database.

20. *Urges* Member States to establish efficient and effective mechanisms in order to implement submissions to, and queries of, the SLTD 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 programmes and 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;

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;

Whereas the threat of worldwide transmission of communicable diseases by means of air transport has increased in past years; and

Whereas Annex 9 provides for the facilitation of assistance to aircraft accident victims and their families;

The Assembly:

1. *Urges* Member States to establish and utilize national facilitation programmes and facilitation committees and adopt policies of cooperation on a regional basis among neighbouring States;

2. *Urges* Member States to participate in regional and subregional facilitation programmes of other intergovernmental aviation organizations;

3. *Urges* Member States to take all necessary steps, through national facilitation programmes and 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;

4. *Urges* Member States to encourage the study of facilitation problems by their national and other facilitation programmes and committees and to coordinate the findings of their committees on facilitation problems with those of other Member States with which they have air links;

5. *Urges* neighbouring and bordering Member 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;

6. *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, the spread of communicable diseases and other threats to national interests;

7. *Urges* Member States to call upon aircraft and airport operators and their associations to participate in electronic data interchange systems in order to achieve maximum efficiency levels in the processing of cargo traffic at international terminals;

8. *Urges* Member States to implement the provisions of Annex 9 to facilitate assistance to aircraft accident victims and their families;

9. *Urges* Member States and aircraft and airport 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

10. *Urges* Member States to undertake dialogue and cooperation between national and regional facilitation and security-related bodies.

APPENDIX D

Passenger Data Exchange Systems

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

Whereas UN Security Council, in Resolution 2178 (2014), at paragraph 9, has called upon Member States "to require that airlines operating in their territories provide advance passenger information to the appropriate national authorities in order to detect the departure from their territories, or attempted entry into or transit through their territories, by means of civil aircraft, of individuals designated by the Committee established pursuant to resolutions 1267 (1999) and 1989 (2011) ("the Committee"), and further calls upon Member States to report any such departure from their territories, or such attempted entry into or transit through their territories, of such individuals to the Committee, as well as sharing this information with the State of residence or nationality, as appropriate and in accordance with domestic law and international obligations."

The Assembly:

1. *Urges* Member States to call upon aircraft operators offering international air transport services to participate in electronic data interchange systems by providing advance passenger information in order to achieve maximum efficiency levels in the processing of passenger traffic at international terminals; and

2. *Urges* Member States, in the use of electronic data interchange systems, to ensure that the passenger data requirements conform to international standards adopted by relevant United Nations agencies for this purpose, and to ensure the security, fair processing and safeguarding of such data; and

3. *Urges* Member States to assist and share best practices, as appropriate, with other Member States in the establishment of passenger data exchange systems.

A35-15: Consolidated statement of continuing ICAO policies and practices related to a global air traffic management (ATM) system and communications, navigation and surveillance/air traffic management (CNS/ATM) systems

A29-3: Global Rule Harmonization

A29-13: Improvement of Safety Oversight

A29-14: Humanitarian Flights

A27-11: Airport and airspace congestion

A27-12: Role of ICAO in the Suppression of Illicit Transport of Narcotic Drugs by Air

PART IV. JOINT FINANCING

A1-65: Joint Support Policy

Resolved:

1. That financial and technical aid through ICAO for furthering the provision of air navigation facilities and services adequate for the safe, regular, efficient and economical operation of international air services will be rendered, under the terms of Chapter XV of the Convention, in accordance with the basic principles and general policy laid down in Annex 1 to this Resolution:

Annex 1 to Resolution A1-65

Establishment of the General Policy of ICAO relating to the Joint Support
of Air Navigation Services under Chapter XV of the Convention

1. Objective of financial and technical aid

Financial and technical aid through ICAO under the terms of Chapter XV of the *Convention on International Civil Aviation* will have the aim of furthering the provision of air navigation facilities and services adequate for the safe, regular, efficient and economical operation of international air services in areas of undetermined sovereignty, on the high seas, and in the territories of such States as are not undertaking the provision of the required facilities.

The air navigation facilities and services for which provision may be made will include, inter alia:

1) Aerodromes and Ground Aids to Navigation

2) Air Traffic Control Service

3) Meteorological Service

4) Search and Rescue Service

5) Telecommunications and Radio Aids to Air Navigation

Financial and technical aid through ICAO in no way precludes joint action by Contracting States for the provision, operation and maintenance of air navigation facilities without recourse to ICAO.

2. Terminology

For the purposes of this document:

"Applicant" State is a State which has requested financial or technical aid either on its own initiative or as a result of Council action under Article 69 of the Convention;

"Supported" State is a State in receipt of financial or technical aid through ICAO;

"Interested" State is a State which, in response to a query by ICAO, has stated that it is prepared to consider participation in a scheme of joint support of an air navigation facility or service;

"Contributing" State is a State which has consented to contribute to a scheme of joint support.

3. Basic principles

Financial and technical aid will be rendered in accordance with the following basic principles:

3.1 The provision of financial and technical aid through ICAO will always be based on voluntary actions on the part of Contracting States.

3.2 The International Civil Aviation Organization, through its Council, is the responsible international body to evaluate the adequacy of existing air navigation facilities and services, to ascertain the additional requirements for the operation of international air services, and to initiate expeditious action towards meeting these requirements.

3.3 Financial and technical aid through ICAO will aim to provide air navigation facilities and services adequate, but no more than adequate, to meet the requirements of international air services in accordance with the standards established and taking into account practices recommended from time to time, pursuant to the Convention.

3.4 Pursuant to Article 28 of the Convention, a Contracting State is responsible for establishing within its own territory air navigation facilities and services. A Contracting State will exhaust all possibilities of arranging directly for the provision of adequate air navigation facilities and services before applying to ICAO for aid.

3.5 ICAO will, when required, initiate collective action towards the provision of necessary facilities and services on the high seas, in areas of undetermined sovereignty and, exceptionally, in the territory of Non-contracting States.

3.6 ICAO will satisfy itself in every case that circumstances actually require financial and technical aid through the Organization.

3.7 The rendering of financial and technical aid through ICAO will depend upon the willingness of the applicant State to participate and cooperate in the economical provision of required facilities and services.

3.8 ICAO will assure contributing States that their funds will be expended under its supervision to ensure that the objective will be attained in the most economical manner.

3.9 Any agreement relating to financial and technical aid through ICAO may, in principle, provide for the payment of a reasonable charge by the user of the facilities or services in question, such charge to be determined in accordance with the general practice of the Contracting States. If the benefit derived from the facilities or services in question is, in normal practice, granted to the user free of charge, this practice may provisionally be adopted for projects of financial and technical aid by agreement between the contributing States for a certain period of time to be determined by the agreement.

3.10 ICAO will exert every effort to assist a supported State to exercise its rights under Article 75 of the Convention.

4. General policy

The actions of the Council pursuant to the terms of Chapter XV of the Convention will be guided by the following policy:

4.1. *Policy relating to finance*

4.1.1 In each case of financial and technical aid the Council will consider appropriate methods for the financing of the required air navigation facilities or services, but, in general, such financing will be furnished collectively by those States which will benefit from the provided facilities or services.

4.1.2 The assessment of contributions in cash or kind will be agreed upon between the contributing States, the supported State and ICAO. In assessing the amount of the contribution of each State, account will be taken of the benefit to be derived by such State.

4.1.3 Land necessary for the establishment or improvement of a facility or service which is provided by the supported State, pursuant to Article 72 of the Convention, will be considered as a part of its share of the contribution towards the provision of the facility or service.

4.1.4 Any arrangement made for the grant of aid may include provision, compatible with Article 75 of the Convention, for the eventual disposition of land, buildings and equipment covered by the arrangement.

4.1.5 In any arrangement made for the grant of aid, provision will be included for the reimbursement, by contributing States, of ICAO for extraordinary expenditures incurred in respect of investigations, negotiations, conferences and other actions incidental to the implementation of the project.

4.1.6 The cost of operation and maintenance of a facility or service provided through ICAO in the territory of a supported State will, insofar as possible, be borne by that State. Any user charges imposed by the supported State will be levied and employed in compliance with the terms of the agreement under which the facility or service was provided (*see* 3.9) or, in default of this, in compliance with recommendations to be made by the Council.

4.1.7 No custom duties or other levies will be imposed by the supported State on equipment and materials required for the construction, operation or maintenance of a facility or service provided through ICAO.

4.2. *Policy relating to the construction, operation and maintenance of air navigation facilities or services*

4.2.1 Construction, operation or maintenance of facilities or services by persons in the direct employ of ICAO will only be undertaken in a most exceptional case when considerations of efficiency or other material factors dictate such a course of action.

4.2.2 ICAO will maintain a list of technical consultants selected from nominations submitted to ICAO by Contracting States to ensure that when the need arises there may be expeditious provision of technical advice and assistance.

4.2.3 A contract for the execution of constructional work or for the operation or maintenance of a facility or service with funds supplied collectively by contributing States through ICAO will preferably be let in the name of the supported State. When, in the opinion of the Council, this is not practicable, ICAO may employ agents which will, under ICAO supervision, make all necessary arrangements, conduct surveys, negotiate contracts, and otherwise provide for the construction, operation or maintenance of the facility or service in question. Such agents may be governments, appropriate organizations or individuals acceptable to the governments of the contributing States and supported State. ICAO may, in exceptional circumstances, let contracts directly.

4.2.4 Contracts will usually be let by competitive tender but the letting authority will retain freedom to choose that competitor most appropriate to execute the task in view and will not be bound to accept the lowest tender.

4.2.5 When a contract is let in the name of the government of a supported State, the contributing States may require that ICAO approval be given prior to the letting of the contract.

4.2.6 Subject to considerations of efficiency and economy, personnel, contractors, labour and materials of the supported State will, as far as possible, be employed or utilized.

4.3. *Policy relating to training of personnel*

4.3.1 ICAO will, if necessary, assist a requesting State in the training of its nationals in the operation and maintenance of air navigation facilities and services either by arrangements with an agent or, in an exceptional case, by its own instructors. Contracts relating to training will be let in accordance with the general policy laid down by 4.2.3 and 4.2.6.

4.3.2 Such aid may include:

4.3.2.1 Training as an integral part of any project involving the construction or the operation and maintenance of facilities or services supported by aid rendered through ICAO, or

4.3.2.2 The assignment through ICAO of instructors to provide training in the territory of a State requesting such assistance, or

4.3.2.3 Training outside of the territory of the State requesting such assistance.

4.3.3 Any assistance in training provided under the terms of Chapter XV of the Convention by the government of a State or by a private organization will be conducted in the name of ICAO and in accordance with standards prescribed by ICAO.

4.4. *Policy relating to questions of procedure*

4.4.1 Before consideration by the Council of a request for financial and technical aid through ICAO, such request will be supported by documentation in justification, reciting in particular such action as has been taken by the applicant State pursuant to 3.4.

4.4.2 When a request for aid has been submitted by an applicant State and the Council considers that aid through ICAO may be necessary, or when ICAO is taking the initiative in accordance with Article 69 of the Convention, the Council will forthwith bring the case to the notice of potentially interested Contracting States and invite their comments, to be submitted within a specified period. Such comments will refer particularly to the question of whether or not the State is prepared to participate in a scheme of joint support of the facilities or services in question.

4.4.3 The Council, after investigations including, if necessary, expert examination of all the factors pertinent to the application for aid, will pursue the consultation with interested States, and, if desirable, will call a conference of those States with the object of reaching an early decision as to the action to be taken.

4.4.4 ICAO will ensure that all interested States, including the applicant State, will be kept continuously and thoroughly informed of all matters pertinent to the project and in particular the applicant State will be given an opportunity to associate itself with and partake in any investigation within its territory to be made in the course of the proceedings.

A14-37: Increased participation by "User States" in the Joint Financing Agreements

Whereas the Joint Support policy of the Organization defined in Chapter XV of the Convention and in Resolution A1-65 of the Assembly remains in force; and

Whereas, under the said policy, Agreements have been concluded for the joint financing of certain air navigation services in certain regions of the world; and

Whereas the majority of the so-called "User States", whose aircraft fly in the said regions and therefore benefit from the said services, have signed at the outset or acceded later to these Joint Financing Agreements;

The Assembly:

1. *Notes* with satisfaction past efforts by the Council and its President to secure adherence to the Joint Financing Agreements by all the "User States", which efforts have been successful in certain instances;

2. *Urges* those "User States" which i) are not yet making any contributions under the Joint Financing Agreements or ii) are making only partial contributions under these Agreements pursuant to previous arrangements concluded with the Council, to consider as soon as possible acceding to these Agreements or, in any event, contributing in full thereto;

3. *Directs* the Council to continue its efforts to secure the widest participation possible by the "User States" in the Joint Financing Agreements.

A16-10: Economic, financial and joint support aspects of implementation

Whereas the Assembly, in Resolutions A12-5 3, 4 and A15-5 1 and 2, set forth certain policies of the Organization regarding the economic, financial and joint support aspects of implementation and the related application of Chapter XV of the Convention;

Whereas the Assembly, in Resolution A15-2, instructed the Council to study and submit to the next session a new text classifying and consolidating the resolutions in force, including those of the 15th Session; and

Whereas the policies set forth in the aforesaid resolutions need to be consolidated into a single resolution indicating the continuing policies of the Assembly in this matter, for which purpose the original resolutions or parts of resolutions should be cancelled;

The Assembly:

1. *Urges* user and provider Contracting States to give serious consideration, in particular at regional meetings, to the economic justification of projected air navigation facilities and services, to the end that the justified requirements of international civil aviation are met without entailing costs disproportionate to the benefits derived, and, to this effect, requests the Council to assist States as far as feasible in their consideration and evaluation of the economic and financial aspects of the Regional Plans;

2. *Reminds* Contracting States that when they are unable with their own means to discharge their obligations in the implementation of Regional Plans pursuant to the Convention, they should explore the possibility of achieving such implementation by means of loans for capital expenditures, operating agencies, technical assistance in the different forms in which it may be available, or other means compatible with the Convention, before applying to ICAO for joint financing under Chapter XV of the Convention;

3. *Invites* Contracting States to request information from ICAO, as necessary, when exploring those different possibilities;

4. *Directs* the Council to give Contracting States guidance and assistance with respect to Clause 2 above.

PART V. LEGAL MATTERS

A39-11 Consolidated statement of continuing ICAO policies in the legal field

Whereas it is considered desirable to consolidate Assembly resolutions on the Organization's policies in the legal field in order to facilitate their implementation and practical application by making their texts more readily available, understandable and logically organized:

The Assembly:

1. *Resolves* that the Appendices attached to this resolution constitute the consolidated statement of continuing ICAO policies in the legal field, up to date as these policies exist at the close of the 39th Session of the Assembly;

2. *Resolves* to continue to adopt at each ordinary session a consolidated statement of continuing ICAO policies in the legal field; and

3. *Declares* that this resolution supersedes Resolution A37-22.

APPENDIX A

General Policy

Whereas 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 the general security; and

Whereas it is desirable to avoid friction and to promote that cooperation between nations and peoples upon which the peace of the world depends:

The Assembly:

Reaffirms the important role of law in the avoidance and resolution of conflicts and disputes among the nations and peoples of the world and, in particular, in the achievement by the Organization of its aims and objectives.

APPENDIX B

Procedure for approval of draft conventions on international air law

The Assembly resolves:

That the following constitutes the procedure for the approval of draft conventions:

1. Any draft convention which the Legal Committee considers as ready for presentation to the States as a final draft shall be transmitted to the Council, together with a report thereon.

2. The Council may take such action as it deems fit, including the circulation of the draft to the Contracting States and to such other States and International Organizations as it may determine.

3. In circulating the draft convention, the Council may add comments and afford States and organizations an opportunity to submit comments to the Organization within a period of not less than four months.

4. Such draft convention shall be considered, with a view to its approval, by a conference which may be convened in conjunction with a session of the Assembly. The opening date of the conference shall be not less than six months after the date of transmission of the draft as provided in paragraphs 2 and 3 above. The Council may invite to such a conference any non-Contracting State whose participation it considers desirable, and shall decide whether such participation carries the right to vote. The Council may also invite international organizations to be represented at the conference by observers.

APPENDIX C

Ratification of ICAO international instruments

The Assembly:

Recalling its Resolution A37-22, Appendix C relating to the ratification of the Protocols of Amendment to the Chicago Convention and of the private air law and other instruments which have been developed and adopted under the auspices of the Organization;

Noting with concern the continuing slow progress of ratification of the aforementioned Protocols of Amendment, including in particular those introducing Articles 3 *bis* and 83 *bis* to the Chicago Convention, and the final paragraphs (relating to the Arabic and Chinese texts);

Recognizing the importance of these amendments to international civil aviation, in particular to the viability of the Chicago Convention, and the consequent urgent need to accelerate the entry into force of these amendments not yet in force;

Recognizing the need to accelerate the ratification and entry into force of air law instruments developed and adopted under the auspices of the Organization;

Conscious of the fact that only a universal participation in these Protocols of Amendment and other instruments would secure and enhance the benefits of unification of the international rules which they embody:

Urges all Contracting States which so far have not done so to ratify those Amendments to the Chicago Convention which are not yet in force, i.e. those amending the final paragraph to add Arabic and Chinese to the authentic texts of the Convention, and those amendments to Articles 50 (a) and 56 adopted in 2016, as soon as possible;

Urges all Contracting States which have not yet done so to ratify the Protocols introducing Articles 3 *bis* and 83 *bis* of the Chicago Convention;

Urges all Contracting States which so far have not done so to ratify the other international air law instruments, in particular the Montréal Convention of 1999, the Cape Town Convention and Aircraft Protocol of 2001, the two Montréal Conventions of 2 May 2009, the Beijing Convention and the Beijing Protocol of 2010 and the Montréal Protocol of 2014, as soon as possible;

Urges States which have ratified the instruments in question to provide to the Secretary General copies of the text and documents they have used in the process of ratification and implementation of such instruments and which may serve as an example assisting other States in the same process; and

Directs the Secretary General to take all practical measures within the Organization's means in cooperation with States to provide assistance, if requested, to States encountering difficulties in the process of ratification and implementation of the air law instruments, including the organization of and the participation in workshops or seminars to further the process of ratification of the international air law instruments.

APPENDIX D

The teaching of air law

The Assembly, considering the undoubted importance for the Organization and the States of the specialized teaching of air law and the desirability of fostering knowledge of this important subject:

Invites the Council to take all possible action to promote the teaching of air law in those States where it is not yet available;

Urges the States to adopt appropriate measures which would further the achievement of the above objective; and

Calls upon Contracting States and interested parties to contribute to the Assad Kotaite Graduate and Postdoctoral Fellowship Fund.

APPENDIX E

Adoption of national legislation on certain offences committed on board civil aircraft (unruly/disruptive passengers)

The Assembly:

Recognizing that, under the Preamble and Article 44 of the *Convention on International Civil Aviation,* one of the aims and objectives of the Organization is to 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;

Noting the increase of the number and gravity of reported incidents involving unruly or disruptive passengers on board civil aircraft;

Considering the implications of these incidents for the safety of the aircraft and the passengers and crew on board these aircraft;

Mindful of the fact that the existing international law as well as national law and regulations in many States are not fully adequate to deal effectively with this problem;

Recognizing the special environment of aircraft in flight and inherent risks connected therewith, as well as the need to adopt adequate measures of national law for the purpose of enabling States to prosecute criminal acts and offences constituting unruly or disruptive behaviour on board aircraft;

Encouraging the adoption of national legal rules enabling States to exercise jurisdiction in appropriate cases to prosecute criminal acts and offences constituting unruly or disruptive behaviour on board aircraft registered in other States;

Noting that States at the International Conference on Air Law held in Montréal adopted on 4 April 2014 a *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft* and that the Conference decided not to include a list of offences and other acts within the Protocol but recommended that ICAO Circular 288 – *Guidance Material on the Legal Aspects of Unruly/Disruptive Passengers* published in 2002 be updated;

Therefore:

Urges all Contracting States to enact as soon as possible national law and regulations to deal effectively with the problem of unruly or disruptive passengers, incorporating so far as practical the provisions set out below;

Calls on all Contracting States to submit to their competent authorities for consideration of prosecution all persons whom they have a reasonable ground to consider as having committed any of the offences set out in the national laws and regulations so enacted, and for which they have jurisdiction in accordance with these laws and regulations;

Requests the Council to encourage the Task Force on Legal Aspects of Unruly Passengers to continue its work, including the review of the contents of the Model Legislation on Certain Offences Committed on Board Civil Aircraft found in this Appendix and to report to the 37th Session of the Legal Committee; and

Decides to review this Appendix at its next ordinary session on the basis of the outcome of the work of the said Task Force.

Model Legislation on Certain Offences Committed on Board Civil Aircraft

Section 1: Assault and Other Acts of Interference against a Crew Member on Board a Civil Aircraft

Any person who commits on board a civil aircraft any of the following acts thereby commits an offence:

1) assault, intimidation or threat, whether physical or verbal, against a crew member if such act interferes with the performance of the duties of the crew member or lessens the ability of the crew member to perform those duties;

2) refusal to follow a lawful instruction given by the aircraft commander, or on behalf of the aircraft commander by a crew member, for the purpose of ensuring the safety of the aircraft or of any person or property on board or for the purpose of maintaining good order and discipline on board.

Section 2: Assault and Other Acts Endangering Safety or Jeopardizing Good Order and Discipline on Board a Civil Aircraft

1) Any person who commits on board a civil aircraft an act of physical violence against a person or of sexual assault or child molestation thereby commits an offence.

2) Any person who commits on board a civil aircraft any of the following acts thereby commits an offence if such act is likely to endanger the safety of the aircraft or of any person on board or if such act jeopardizes the good order and discipline on board the aircraft:

   a) assault, intimidation or threat, whether physical or verbal, against another person;

   b) intentionally causing damage to, or destruction of, property;

   c) consuming alcoholic beverages or drugs resulting in intoxication.

Section 3: Other Offences Committed on Board a Civil Aircraft

Any person who commits on board a civil aircraft any of the following acts thereby commits an offence:

1) smoking in a lavatory, or smoking elsewhere in a manner likely to endanger the safety of the aircraft;

2) tampering with a smoke detector or any other safety-related device on board the aircraft;

3) operating a portable electronic device when such act is prohibited.

Section 4: Jurisdiction

1. The jurisdiction of (*Name of State*) shall extend to any offence under Sections 1, 2, or 3 of this Act if the act constituting the offence took place on board:

1) any civil aircraft registered in (*Name of State*); or

2) any civil aircraft leased with or without crew to an operator whose principal place of business is in (*Name of State*) or, if the operator does not have a principal place of business, whose permanent residence is in (*Name of State*); or

3) any civil aircraft on or over the territory of (*Name of State*); or

4) any other civil aircraft in flight outside (*Name of State*), if

a) the next landing of the aircraft is in (*Name of State*); and

b) the aircraft commander has delivered the suspected offender to the competent authorities of (*Name of State*), with the request that the authorities prosecute the suspected offender and with the affirmation that no similar request has been or will be made by the commander or the operator to any other State.

2. The term "in flight" as used in this section means the period from the moment when power is applied for the purpose of takeoff until the moment when the landing run ends.

APPENDIX F

A Practical Way Forward on Legal and Institutional Aspects of Communications, Navigation, Surveillance/Air Traffic Management (CNS/ATM) Systems

Whereas the global implementation of Communications, Navigation, Surveillance/Air Traffic Management (CNS/ATM) systems, which, *inter alia*, is intended to provide safety-critical services for aircraft navigation, has made substantial progress since its inception at the 10th Air Navigation Conference in 1991 and received enthusiastic endorsement at the 11th Air Navigation Conference in 2003;

Whereas the existing legal framework for CNS/ATM systems, namely the Chicago Convention, its Annexes, Assembly Resolutions (especially including the Charter of GNSS Rights and Obligations), associated ICAO guidance (especially including the Statement of ICAO Policy on CNS/ATM Systems Implementation and Operation), regional navigation plans, and exchanges of letters between ICAO and the States operating satellite navigation constellations has enabled the technical implementation achieved thus far;

Whereas ICAO has devoted substantial resources to the study of the legal and institutional aspects of CNS/ATM systems in the ICAO Assembly, the Council, the Legal Committee, and a Panel of Legal and Technical Experts and a Study Group, building a detailed record and developing an understanding of the issues, challenges, and concerns facing the global community; and

Whereas there is a need to also consider regional initiatives to develop measures addressing any legal or institutional issues that could inhibit the implementation of CNS/ATM in the region, while ensuring that such mechanisms will be consistent with the Chicago Convention:

The Assembly:

1. *Recognizes* the importance of Item No. 4 of the General Work Programme of the Legal Committee "Consideration, with regard to CNS/ATM systems including global navigation satellite systems (GNSS) and the regional multinational organisms, of the establishment of a legal framework", and resolutions or decisions by the Assembly and the Council relating to it;

2. *Reaffirms* that there is no need to amend the Chicago Convention for the implementation of CNS/ATM systems;

3. *Invites* Contracting States to also consider using regional organizations to develop mechanisms necessary to address any legal or institutional issues that could inhibit the implementation of CNS/ATM in the region, while ensuring that such mechanisms will be consistent with the Chicago Convention, and public international law;

4. *Encourages* the facilitation of technical assistance in implementation of CNS/ATM systems by ICAO, regional organizations and industry;

5. *Invites* Contracting States, other multilateral agencies and private financiers to consider development of additional sources of funding for assistance to States and regional groups in implementation of CNS/ATM;

6. *Directs* the Secretary General to monitor and, where appropriate, assist in the development of contractual frameworks to which parties may accede, *inter alia*, on the basis of the structure and model proposed by the Members of the European Civil Aviation Conference and the other regional civil aviation commissions, and on international law;

7. *Invites* the Contracting States to transmit regional initiatives to the Council; and

8. *Directs* the Council to register such regional initiatives, to consider their value and to make them public as soon as possible (in accordance with Articles 54, 55 and 83 of the Chicago Convention).

A39-8: Conflicts of interest in civil aviation

Recognizing that conflicts of interest may hamper effective, independent and impartial safety regulation of civil aviation and thereby pose risks to the safety and security of international civil aviation;

Acknowledging the need for and the benefits of drawing upon the experience and expertise of qualified industry personnel to help ensure that important regulatory oversight functions can be provided;

Recalling that the item "Consideration of Guidance on Conflicts of Interest" was added to the General Work Programme of the Legal Committee by the 37th Session of the Assembly and subsequently was endorsed by the Legal Committee, the Council and the 38th Session of the Assembly, which elevated its priority;

Aware that under the United Nations Convention Against Corruption adopted by the General Assembly on 31 October 2003, States have the obligation to endeavour to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest;

Considering that Annex 19 — *Safety Management* and ICAO guidance material identify the need for States *inter alia* to establish a strategy to mitigate potential issues arising from conflicts of interest in civil aviation; and

Convinced of the need for States to share information concerning policies and measures used to detect, avoid, mitigate and manage conflicts of interest in civil aviation;

The Assembly:

1. *Urges* States which have not done so to consider establishing a formal legal framework to detect, avoid, mitigate and manage conflicts of interest in civil aviation;

2. *Invites* States:

   a) to examine at the national level the adequacy of their domestic legal regimes on measures and practices to detect, avoid, mitigate and manage conflicts of interest in civil aviation, with a view to ensuring and improving transparency and accountability in civil aviation regulatory activities and to balancing their particular circumstances and ability to fulfil their oversight obligations with addressing the risks to aviation safety and security posed by conflicts of interest; and

   b) where necessary, to enact legislation and establish systems, codes and practices which promote the awareness of potential conflicts of interest in civil aviation;

3. *Urges* States to ensure the enforcement of rules and measures to detect, avoid, mitigate and manage conflicts of interest relating to safety oversight in civil aviation;

4. *Mandates* the Council to facilitate the collection, analysis, dissemination and promotion of best practices addressing conflicts of interest for the benefit of Member States, taking advantage of existing expertise in the States and within the United Nations and other relevant international organizations;

5. *Requests* the Secretary General to continue to collect information from States and relevant intergovernmental organizations, concerning policies and measures used to detect, avoid, mitigate and manage conflicts of interest in civil aviation, in order to advance the study of this issue;

6. *Requests* the Secretary General to develop a reference document identifying all provisions in the Annexes and manuals relating to conflicts of interest;

7. *Mandates* the Legal Committee to keep the issue of conflicts of interests in civil aviation under regular review; and

8. *Calls upon* States to extend to the Secretary General their full support and assistance in the implementation of the present resolution, including the provision of expertise and information.

A39-10: Promotion of the Beijing Convention and the Beijing Protocol of 2010

Recalling its Resolution A38-19 entitled Promotion of the Beijing Convention and the Beijing Protocol of 2010;

Recalling further its Resolution A37-22, Appendix C, relating to the ratification of instruments which have been developed and adopted under the auspices of the Organization; and

Recognizing the importance of broadening and strengthening the global aviation security regime to meet new and emerging threats;

The Assembly:

1. *Urges* all States to support and encourage the universal adoption of the *Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation* (Beijing Convention of 2010) and the Protocol Supplementary to the *Convention for the Suppression of Unlawful Seizure of Aircraft* (Beijing Protocol of 2010);

2. *Urges* all States to sign and ratify the Beijing Convention and Beijing Protocol of 2010 as soon as possible;

3. *Directs* the Secretary General to provide assistance, as appropriate, with the ratification process if so requested by a State; and

4. *Declares* that this resolution supersedes Resolution A38-19.

A39-9: Promotion of the Montréal Convention of 1999

Recalling its Resolution A37-22, Appendix C, relating to the ratification of instruments which have been developed and adopted under the auspices of the Organization, and Resolution A38-20, *Promotion of the Montréal Convention of 1999*;

Recognizing the importance of achieving a universal regime to govern airline liability to passengers and shippers on international flights;

Recognizing the desirability of an equitable, fair and convenient system for compensation for losses;

The Assembly:

1. *Urges* all Contracting States to support and encourage the universal adherence to the *Convention for the Unification of Certain Rules for International Carriage by Air*, done at Montréal on 28 May 1999 (Montréal Convention of 1999);

2. *Urges* all Contracting States that have not done so to become Parties to the Montréal Convention of 1999 as soon as possible; and

3. *Directs* the Secretary General to provide assistance, as appropriate, with the ratification process if so requested by a Contracting State.

4. *Declares* that this resolution supersedes Resolution A38-20.

A7-5: Revised constitution of the Legal Committee

A39-18: Consolidated statement of continuing ICAO policies related to aviation security

A23-2: Amendment of the Chicago Convention regarding transfer of certain functions and duties

A23-13: Lease, charter and interchange of aircraft in international operations

A29-3: Global Rule Harmonization

A35-15: Consolidated statement of continuing ICAO policies and practices related to a global air traffic management (ATM) system and communications, navigation and surveillance/air traffic management (CNS/ATM) systems

A33-5: Confirmation of the 1986 *Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations*

A35-2: Application of Article IV of the *Convention on the Marking of Plastic Explosives for the Purpose of Detection*

A32-19: Charter on the Rights and Obligations of States Relating to GNSS Services

Whereas Article 44 of the *Convention on International Civil Aviation*, signed on 7 December 1944 (the "Chicago Convention"), mandates the International Civil Aviation Organization (ICAO) to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport;

Whereas the concept of the ICAO communications, navigation and surveillance/air traffic management (CNS/ATM) systems utilizing satellite-based technology was endorsed by States and International Organizations at the ICAO 10th Air Navigation Conference, and was approved by the 29th Session of the Assembly as the ICAO CNS/ATM systems;

Whereas the Global Navigation Satellite System (GNSS), as an important element of the CNS/ATM systems, is intended to provide worldwide coverage and is to be used for aircraft navigation;

Whereas GNSS shall be compatible with international law, including the Chicago Convention, its Annexes and the relevant rules applicable to outer space activities;

Whereas it is appropriate, taking into account current State practice, to establish and affirm the fundamental legal principles governing GNSS; and

Whereas the integrity of any legal framework for the implementation and operation of GNSS requires observance of fundamental principles, which should be established in a Charter;

The Assembly:

Solemnly declares that the following principles of this Charter on the Rights and Obligations of States Relating to GNSS Services shall apply in the implementation and operation of GNSS:

1. States recognize that in the provision and use of GNSS services, the safety of international civil aviation shall be the paramount principle.

2. Every State and aircraft of all States shall have access, on a non-discriminatory basis under uniform conditions, to the use of GNSS services, including regional augmentation systems for aeronautical use within the area of coverage of such systems.

3. a) Every State preserves its authority and responsibility to control operations of aircraft and to enforce safety and other regulations within its sovereign airspace.

   b) The implementation and operation of GNSS shall neither infringe nor impose restrictions upon States' sovereignty, authority or responsibility in the control of air navigation and the promulgation and enforcement of safety regulations. States' authority shall also be preserved in the coordination and control of communications and in the augmentation, as necessary, of satellite-based air navigation services.

4. Every State providing GNSS services, including signals, or under whose jurisdiction such services are provided, shall ensure the continuity, availability, integrity, accuracy and reliability of such services, including effective arrangements to minimize the operational impact of system malfunctions or failure, and to achieve expeditious service recovery. Such State shall ensure that the services are in accordance with ICAO Standards. States shall provide in due time aeronautical information on any modification of the GNSS services that may affect the provision of the services.

5. States shall cooperate to secure the highest practicable degree of uniformity in the provision and operation of GNSS services.

States shall ensure that regional or subregional arrangements are compatible with the principles and rules set out in this Charter and with the global planning and implementation process for GNSS.

6. States recognize that any charges for GNSS services shall be made in accordance with Article 15 of the Chicago Convention.

7. With a view to facilitating global planning and implementation of GNSS, States shall be guided by the principle of cooperation and mutual assistance whether on a bilateral or multilateral basis.

8. Every State shall conduct its GNSS activities with due regard for the interests of other States.

9. Nothing in this Charter shall prevent two or more States from jointly providing GNSS services.

A32-20: Development and elaboration of an appropriate long-term legal framework to govern the implementation of GNSS

Whereas the Global Navigation Satellite System (GNSS), as an important element of the ICAO CNS/ATM systems, is intended to provide safety-critical services for aircraft navigation with worldwide coverage;

Whereas GNSS shall be compatible with international law, including the Chicago Convention, its Annexes and the relevant rules applicable to outer space activities;

Whereas the complex legal aspects of the implementation of CNS/ATM, including GNSS, require further work by ICAO in order to develop and build mutual confidence among States regarding CNS/ATM systems and to support the implementation of CNS/ATM systems by Contracting States;

Whereas the worldwide CNS/ATM systems implementation Conference in Rio de Janeiro in May 1998 recommended that a long-term legal framework for GNSS be elaborated, including the consideration of an international convention, while recognizing that regional developments may contribute to the development of such a legal framework; and

Whereas the recommendations adopted by the worldwide CNS/ATM systems implementation Conference in Rio de Janeiro in May 1998 as well as the recommendations formulated by the Panel of Legal and Technical Experts on GNSS (LTEP) provide important guidance for the development and implementation of a global legal framework for CNS/ATM and in particular GNSS;

The Assembly:

1. *Recognizes* the importance of regional initiatives regarding the development of the legal and institutional aspects of GNSS;

2. *Recognizes* the urgent need for the elaboration, both at a regional and global level, of the basic legal principles that should govern the provision of GNSS;

3. *Recognizes* the need for an appropriate long-term legal framework to govern the implementation of GNSS;

4. *Recognizes* the decision of the Council on 10 June 1998 authorizing the Secretary General to establish a Study Group on Legal Aspects of CNS/ATM systems; and

5. *Instructs* the Council and the Secretary General, within their respective competencies, and beginning with a Secretariat Study Group, to:

   a) ensure the expeditious follow-up of the recommendations of the worldwide CNS/ATM Systems Implementation Conference, as well as those formulated by the LTEP, especially those concerning institutional issues and questions of liability; and

   b) consider the elaboration of an appropriate long-term legal framework to govern the operation of GNSS systems, including consideration of an international Convention for this purpose, and to present proposals for such a framework in time for their consideration by the next ordinary session of the Assembly.

A33-20: Coordinated approach in providing assistance in the field of aviation war risk insurance

Whereas Article 44 of the *Convention on International Civil Aviation* refers to the objective of ensuring safe, regular, efficient and economical air transport;

Whereas the tragic events of 11 September 2001 have affected the operations of airline operators around the world;

Whereas insurance coverage for airline operators and for other service providers in the area of war risk insurance is presently no longer fully available on the global insurance markets;

Whereas by State letter dated 21 September 2001, ICAO has appealed to all its Contracting States to take such measures as necessary to ensure that aviation and air transport services are not disrupted and to support the airline operators and, as required, the other parties, by providing a commitment to cover the risks left open by the above developments, until such time as the insurance markets stabilize;

Whereas many Contracting States around the world have acted upon this appeal and have provided assistance to the airline operators and the other parties;

Whereas the measure adopted by Contracting States in providing assistance to the airline operators and the other parties are mostly short-term measures which differ from one another;

Whereas therefore it is desirable to develop a coordinated approach in the short- and medium-term providing assistance to airline operators and the other parties in the field of aviation war risk insurance;

The Assembly:

1. *Urges* Contracting States to work together to develop a more enduring and coordinated approach to the important problem of providing assistance to airline operators and to other service providers in the field of aviation war risk insurance;

2. *Directs* the Council to urgently establish a Special Group to consider the issues referred to in the preceding paragraph and to report back to the Council with recommendations as soon as possible; and

3. *Invites* the Council and the Secretary General to take any other measures considered necessary or desirable.

PART VI. TECHNICAL COOPERATION

A39-16: Consolidated statement of ICAO policies on technical cooperation and technical assistance

Whereas new policies have been approved by the Council for technical support, in the form of technical assistance and technical cooperation and endorsed by the 38th Session of the Assembly;

Whereas “Technical Cooperation” is any project requested and funded by States and/or Organizations and implemented through the Technical Cooperation Bureau on a cost-recovery basis, where all the direct and indirect costs related to the project are recovered;

Whereas **“**Technical Assistance” is any assistance provided by ICAO to States, which is funded by the Regular Budget and/or Voluntary Funds, and implemented through any Bureau/Office depending on the nature and duration of the project;

The Assembly:

1. *Resolves* that the Appendices attached to this resolution constitute the consolidated statement of ICAO policies on technical cooperation and technical assistance, as these policies exist at the close of the 39th Session of the Assembly;

2. *Declares that* this resolution supersedes A36-17.

APPENDIX A

The ICAO Technical Cooperation and Technical Assistance Programmes

Whereas the growth and improvement of civil aviation can make an important contribution to the economic development of States;

Whereas civil aviation is important to the technological, economic, social and cultural advancement of all countries and especially of developing countries and their subregional, regional and global cooperation;

Whereas ICAO can assist States in advancing their civil aviation and at the same time promote the realization of its Strategic Objectives;

Whereas Resolution 222 (IX)A of 15 August 1949 of the United Nations Economic and Social Council, approved by the General Assembly in its Resolution of 16 November 1949 and endorsed by the ICAO Assembly in its Resolution A4-20, entrusted all Organizations of the United Nations system to participate fully in the Expanded Programme of Technical Assistance for Economic Development, and that ICAO, as the United Nations specialized agency for civil aviation, began the execution of technical cooperation and technical assistance projects in 1951 with funding from the United Nations Special Account for Technical Assistance, established pursuant to the above Resolution;

Whereas the large deficits experienced from 1983 to 1995 required the definition of a new policy on technical cooperation and technical assistance and a new organizational structure for the Technical Cooperation Bureau;

Whereas the implementation of the New Policy on technical cooperation and technical assistance, endorsed by the 31st Session of the Assembly, based on the progressive implementation of the core staff concept, the integration of the Technical Cooperation Bureau into the Organization’s structure, and the establishment of the ICAO Objectives Implementation Funding Mechanism, as well as the new organizational structure for the Technical Cooperation Bureau implemented in the 1990s, significantly reduced costs and substantially improved the financial situation of the Technical Cooperation and Technical Assistance Programmes;

Whereas the objectives of the New Policy emphasized the importance of the Technical Cooperation and Technical Assistance Programmes in the global implementation of ICAO Standards and Recommended Practices (SARPs) and Air Navigation Plans (ANPs) as well as the development of the civil aviation infrastructure and human resources of developing States in need of technical cooperation or technical assistance from ICAO;

Whereas standardization and monitoring of SARPs implementation remain important functions of the Organization and emphasis has been placed on ICAO’s role towards implementation and support to Contracting States;

Whereas A35-21 encouraged the Council and the Secretary General to adopt a structure and mechanism that would use commercially oriented practices to allow fruitful partnerships with funding partners and recipient States;

Whereas the Council agreed that greater operational flexibility should be accorded to the Technical Cooperation Bureau with the appropriate oversight and control over technical cooperation and technical assistance activities;

Whereas all technical cooperation activities of the Organization continue to be based on the principle of cost recovery and measures should be taken to minimize administrative and operational costs to the extent possible;

Whereas the Technical Cooperation and Technical Assistance Programmes and related Administrative and Operational Services Cost (AOSC) Fund income for the triennium and beyond cannot be estimated with precision and can vary substantially based on various factors outside ICAO's control;

Whereas the Council adopted a policy on cost recovery concerning the apportionment of costs between the Regular Budget and the AOSC Fund for services provided by the Regular Programme to the Technical Cooperation Bureau and for services provided by the Technical Cooperation Bureau to the Regular Programme.

The Assembly:

Technical Cooperation and Technical Assistance Programmes

1. *Recognizes* the importance of the Technical Cooperation and Technical Assistance Programmes for promoting the achievement of the Strategic Objectives of the Organization;

2. *Reaffirms* that the Technical Cooperation and Technical Assistance Programmes, implemented within the rules, regulations and procedures of ICAO, are a permanent priority activity of ICAO that complements the role of the Regular Programme in providing support to States in the effective implementation of SARPs and ANPs as well as in the development of their civil aviation administration infrastructure and human resources;

3. *Reaffirms* that, within the existing financial means, the ICAO Technical Cooperation and Technical Assistance Programmes should be strengthened, at Regional Office and field level, in order to allow the Technical Cooperation Bureau to play its role more efficiently and effectively with the understanding that no increase in project costs will be incurred;

4. *Reaffirms* that the Technical Cooperation Bureau is one of the main instruments of ICAO to assist States in remedying their deficiencies in the field of civil aviation for the benefit of the international civil aviation community as a whole;

5. *Affirms* that improved coordination of ICAO's technical cooperation and technical assistance activities should be achieved through clear delineation of each Bureau's mandate and activities, and enhanced cooperation, as well as closer coordination of the Technical Cooperation and Technical Assistance Programmes for the avoidance of duplication and redundancy;

6. *Reaffirms* that, in the event that the AOSC operation for any given financial year ends in a financial deficit, such deficit should first be met from the accumulated surplus of the AOSC Fund and a call for support from the Regular Programme Budget would be the last resort;

7. *Requests* the Secretary General to implement greater efficiency measures leading to a gradual reduction of administrative support costs charged to technical cooperation and technical assistance projects;

8. *Reaffirms* that that costs recovered by the Organization for support services provided to the Technical Cooperation Bureau must be directly and exclusively related to project operations in order to keep administrative support costs to a minimum;

ICAO as the recognized agency for civil aviation

9. *Recommends* to donor States, financing institutions and other development partners, including the aviation industry and the private sector, wherever appropriate, to give preference to ICAO for the identification, formulation, analysis, implementation and evaluation of civil aviation projects in the field of technical cooperation and technical assistance, and *requests* the Secretary General to continue communication with such entities and with potential recipient States, with a view to allocating funds for the development of civil aviation, using ICAO as executing agency;

10. *Recommends* to States receiving bilateral or other government-sponsored aid to consider the value of using the ICAO Technical Cooperation and Technical Assistance Programmes in helping to support implement their programmes related to civil aviation;

Expansion of ICAO Technical Cooperation and Technical Assistance Activities

11. *Reaffirms* that in adopting commercially oriented practices for the Technical Cooperation Bureau, there is a need to ensure that the good reputation of ICAO is maintained;

12. *Reaffirms* the need to expand the provision of technical cooperation and technical assistance by ICAO to the non-State entities (public or private) directly involved in civil aviation, in furtherance of ICAO Strategic Objectives, such cooperation and assistance to encompass, inter alia*,* those activities that were traditionally provided by national civil aviation administrations and are being privatized to some degree, where the State shall, nonetheless, continue to be responsible under the Chicago Convention for the quality of the services provided and their compliance with ICAO SARPs, and *requests* the Secretary General to inform the civil aviation authority concerned of the technical aspects of the project immediately upon the start of negotiations with non-State entities;

13. *Reaffirms* that ICAO should expand the provision of technical cooperation and technical assistance services, upon request, to non-State entities (public and private) that are implementing projects in Contracting States in the field of civil aviation which aim at enhancing the safety, security and efficiency of international air transport, and *directs* the Secretary General to consider, on a case-by-case basis, the requests of such entities for ICAO cooperation and assistance in the traditional technical cooperation and technical assistance areas, with particular regard to project compliance with ICAO SARPs and, as applicable, to relevant national policies and regulations promulgated by the recipient State;

Technical Cooperation and Technical Assistance Agreements

14. *Reaffirms* that ICAO, within the framework of its Technical Cooperation and Technical Assistance Programmes, uses Trust Fund (TF) Agreements, Management Services Agreements (MSA), the Civil Aviation Purchasing Service (CAPS) and other framework agreements and funding arrangements as may be necessary to provide maximum cooperation and assistance to stakeholders implementing civil aviation projects; and

15. *Views with satisfaction* the initiative of States to make greater use of these arrangements to obtain technical cooperation and technical assistance in the field of civil aviation.

APPENDIX B

Funding of the Technical Cooperation and Technical Assistance Programmes

Whereas funds available for technical cooperation and technical assistance in the field of civil aviation are insufficient to meet the needs of civil aviation, especially in the developing countries;

Whereas the Technical Cooperation Programme, with few exceptions, is funded by developing countries providing funds for their own projects;

Whereas the Technical Assistance Programme is funded through ICAO Voluntary Funds and through the Regular Budget of the Organization;

Whereas civil aviation administrations of Least Developed Countries are, in particular, those needing the most support while, at the same time, relying mostly on financial institutions and sector industry to fund their technical cooperation projects;

Whereas UNDP funding is directed mainly to development sectors other than civil aviation, and its financial contribution to civil aviation activities has considerably decreased to a level where it represents less than one per cent of the ICAO Technical Cooperation and Technical Assistance Programmes, but UNDP continues to provide administrative support to ICAO at the country level;

Whereas rapid technical development in civil aviation requires from developing States substantial expenditures in aviation ground facilities to match that development, and continues to increase requirements for training of national aeronautical personnel that are beyond their financial resources and training facilities;

Whereas the Assembly introduced the ICAO Objectives Implementation Funding Mechanism with a view to mobilizing additional resources for technical cooperation and technical assistance projects identified as required to support the implementation of SARPs and the facilities and services listed in the ANPs, as well as the implementation of ICAO audit-related recommendations and the rectification of identified deficiencies;

Whereas funding institutions expect from those implementing the projects they finance, expedient and effective project execution as well as detailed and real-time information on project activities and finances;

The Assembly:

1. *Requests* financing institutions, donor States and other development partners, including the industry and the private sector, to give higher priority to the development of the air transport sub-sector in developing countries and *requests* the President of the Council, the Secretary General and the Secretariat to intensify their contacts with the United Nations, including UNDP, to increase their contribution to ICAO's technical cooperation and technical assistance projects;

2. *Draws the attention* of financing institutions, donor States and other development partners to the fact that ICAO is the Specialized Agency of the United Nations concerned with civil aviation and, as such, is accepted by the United Nations as the expert authority in carrying out technical cooperation and technical assistance for developing countries in civil aviation projects;

3. *Urges* Contracting States that are associated with funding sources to draw the attention of their representatives to these organizations towards the value of providing cooperation and assistance to civil aviation projects, particularly where these are necessary for the provision of the vital air transport infrastructure and/or the economic development of a country;

4. *Urges* Contracting States to give high priority to civil aviation development and, when seeking external cooperation and assistance for this purpose, to stipulate to financing institutions through an appropriate level of government that they wish ICAO to be associated as executing agency with civil aviation projects which may be funded;

5. *Encourages* the actions of developing countries in seeking funds for the development of their civil aviation from all appropriate sources to complement funds available from national budgets, financial institutions, donor States and other development partners so that such development may progress at the maximum feasible rate;

6. *Recognizes* that extra-budgetary contributions from donors will allow the Technical Cooperation and Technical Assistance Programmes to expand their services to States in relation to safety, air navigation security, environmental protection and efficiency in civil aviation, thus further contributing to the achievement of the Strategic Objectives, in particular to the implementation of SARPs and the rectification of deficiencies identified by audits;

7. *Authorizes* the Secretary General to receive, on behalf of the ICAO Technical Cooperation and Technical Assistance Programmes, financial and in-kind contributions to technical cooperation and technical assistance projects, including voluntary contributions in the form of scholarships, fellowships, training equipment and funds for training, from States, financing institutions and other public and private sources and to act as an intermediary between States regarding the granting of scholarships, fellowships and provision of training equipment;

8. *Urges* those States which are in a position to do so to provide additional funds to the ICAO Technical Cooperation and Technical Assistance Programmes through the ICAO Voluntary Funds for the implementation of civil aviation projects;

9. *Encourages* States and other development partners, including the industry and the private sector, to contribute to the ICAO Objectives Implementation Funding Mechanism which allows them to participate in the implementation of ICAO’s civil aviation projects; and

10. *Requests* the Council to advise and assist developing countries to secure the support of financing institutions, donor States and other development partners in implementing ICAO regional and subregional safety and security programmes, such as the Cooperative Operational Safety and Continuing Airworthiness Programme (COSCAP) and Cooperative Aviation Security Programme (CASP).

APPENDIX C

Implementation of the Technical Cooperation and Technical Assistance Programmes

Whereas the aim of ICAO is to ensure the safe and orderly growth of international civil aviation throughout the world;

Whereas the implementation of technical cooperation and technical assistance projects complements the Regular Programme efforts towards the achievements of ICAO’s Strategic Objectives;

Whereas Contracting States increasingly call upon ICAO to provide advice, technical cooperation and technical assistance to implement SARPs and develop their civil aviation through the strengthening of their administration, the modernization of their infrastructure and the development of their human resources;

Whereas, on an urgent basis, there is a need for effective follow-up and remedial action as a result of the ICAO Universal Safety Oversight Audit Programme/Continuous Monitoring Approach (USOAP CMA) and Universal Security Audit Programme (USAP) audits in order to provide support to States in addressing the identified deficiencies, including Significant Safety and Security Concerns;

Whereas extra-budgetary funding provided to the Technical Cooperation and Technical Assistance Programmes allows ICAO, through its Technical Cooperation Bureau, to provide initial support to States to address the deficiencies identified through the USOAP CMA, ICAO Coordinated Validation Missions (ICVMs) and USAP audits;

Whereas implementation of projects in compliance with ICAO SARPs by the Technical Cooperation Bureau or any other third party outside ICAO results in substantially enhanced safety, security and efficiency of civil aviation worldwide;

Whereas ex-post evaluations could constitute a valuable tool for establishing the impact of projects on aviation and for the planning of future projects;

Whereas non-State entities (public and private) implementing projects for Contracting States in the field of civil aviation increasingly call upon ICAO, through the Technical Cooperation Bureau, to provide advice, technical cooperation and technical assistance in the traditional technical cooperation and technical assistance fields and ensure project compliance with ICAO SARPs;

The Assembly:

1. *Draws the attention* of Contracting States requesting technical cooperation and technical assistance to the advantages to be derived from well-defined projects based on civil aviation master plans;

2. *Draws the attention* of Contracting States to the cooperation and assistance provided through subregional and regional projects executed by ICAO, such as COSCAPs and CASPs and *urges* the Council to continue to give high priority to management and implementation of such projects through the Technical Cooperation and Technical Assistance Programmes in view of the great benefit such projects represent;

3. *Urges* States to give high priority to the training of their national civil aviation technical, operational and management personnel through the development of a comprehensive training programme and *reminds* States of the importance of making adequate provision for such training and of the need to provide suitable incentives to retain the services, in their respective fields, of such personnel after they have completed their training;

4. *Encourages* States to concentrate their efforts upon the further development of existing training centres and to support Regional Training Centres which are located in their area for the advanced training of their national civil aviation personnel where such training is not available nationally, so as to promote a self-reliant capability within that region;

5. *Urges* States receiving technical cooperation and technical assistance through ICAO to avoid project implementation delays by ensuring timely decisions regarding experts, training and procurement components in accordance with the terms of the project agreements;

6. *Draws the attention* of Contracting States to the Civil Aviation Purchasing Service (CAPS), which is a facility provided by ICAO to developing countries to purchase high value items of civil aviation equipment and to contract for technical services;

7. *Requests* that Contracting States, in particular, developing countries, encourage fully qualified technical experts to apply for inclusion in ICAO's Technical Cooperation and Technical Assistance Programmes' roster of experts;

8. *Encourages* States to make use of the quality assurance services offered by the Technical Cooperation Bureau, on a cost-recovery basis, for the supervision of projects implemented by third parties outside the Technical Cooperation and Technical Assistance Programmes of ICAO, including the review of their compliance with ICAO SARPs; and

9. *Encourages* States and donors to include, and provide funding for, ex-post evaluations of their civil aviation projects as an integral part of project planning and implementation.

A22-7: Statute of the Joint Inspection Unit

A39-17: ICAO Programme for Aviation Volunteers

Whereas in accordance with Article 37 of the *Convention on International Civil Aviation* each Member State undertakes to collaborate in securing the highest practicable degree of uniformity in regulation, standards, procedures and organization in relation to aircraft, personnel, airports, airways and auxiliary services in all matters in which uniformity will facilitate and improve air navigation;

Whereas many States have difficulties meeting their obligations under the Convention and discrepancies in the level of implementation of ICAO Standards and Recommended Practices (SARPs) still exist;

Whereas a number of States are confronted with insufficient financial and human resources capacity and cannot adequately address the deficiencies in their civil aviation systems;

Whereas ICAO plays a leadership role in facilitating the implementation of SARPs and the rectification of civil aviation related deficiencies by coordinating assistance and harnessing resources among aviation partners;

Whereas assistance to States in addressing the shortcomings identified during ICAO safety and security audits, in developing capabilities in the implementation of ICAO SARPs, in responding to emergencies affecting States' aviation systems and in fostering self-reliance and growth is required and desirable;

Recalling the United Nations General Assembly Resolution 70/129 – Integrating volunteering into peace and development: the plan of action for the next decade and beyond;

Recognizing that volunteerism, in its diversity, universality and values, can be a powerful development tool and asset for Governments and partners worldwide, which potential as a complementary resource for technical support, should be fully exploited; and

Whereas skilled and experienced aviation professionals from ICAO, the aviation industry, States and the private sector are an invaluable source of knowledge that could contribute to the sustainable development of Civil Aviation;

The Assembly:

1. *Advances* volunteerism as a significant and meaningful instrument for qualified experts to positively engage in the sustainable development of civil aviation worldwide;

2. *Endorses* the decisions taken by the Council on the establishment and promotion of the ICAO Programme for Aviation Volunteers (IPAV);

3. *Encourages* the meaningful participation and integration, as Volunteers, of skilled and experienced aviation professionals from ICAO, States, the aviation industry and the private sector into ICAO programmes and projects of technical assistance/cooperation through the IPAV;

4. *Invites* Contracting States to consider the IPAV for technical assistance/cooperation, where appropriate;

5. *Emphasizes* that the provision of adequate means for Volunteer action is essential to leverage the full potential of volunteerism and the IPAV;

6. *Encourages* Contracting States and other stakeholders in a position to do so, in coordination with the international civil aviation community, to participate in the IPAV by providing financial and human resources to support developing and least developed States in their efforts to meet their obligations under the *Convention on International Civil Aviation;*

7. *Invites* donor States, financing institutions and other development partners to provide sustained funding in support of the administration, monitoring and implementation of the IPAV through the IPAV Voluntary Fund; and

8. *Calls upon* the Council to continue to support and assist in the promotion of the IPAV.

A22-11: International assistance in re-establishing operation of international airports and related air navigation facilities

Whereas the aim of ICAO is to ensure the safe and orderly growth of international civil aviation throughout the world;

Whereas the provision of airports, air navigation, meteorological and communications services and other air navigation facilities is essential to facilitate international air navigation;

Whereas there have been instances where airports and related air navigation facilities have been damaged or disrupted by major disasters, and the States concerned were unable, without international cooperation, to re-establish the operation of such airports and facilities; and

Whereas it is in the interests of all Contracting States that the operation of such international airports and related facilities be re-established as soon as possible;

The Assembly:

1. *Urges* all those States able to do so to provide, at the request of the State concerned addressed to the Council, immediate assistance to that State through the provision of qualified staff and operational equipment, to permit speedy resumption of full operation of the international airport, including those facilities that were damaged or destroyed, until such time as the service in the country involved has been fully restored;

2. *Directs* the Council to establish at the earliest possible date a contingency plan of operational experts and emergency equipment to render, at the request of the State concerned and at its expense, immediate assistance for the speedy resumption of operation of an international airport and related facilities that were damaged or destroyed, to be in effect until the replaced service is restored in the country concerned;

3. *Directs* the Council to use all means at its disposal to accommodate any such requests by States;

4. *Invites* all Contracting States to make available for this purpose, at the request of the Council, the necessary personnel and equipment to assist the States concerned in the speedy re-establishment of the operation of international airports and related air navigation facilities.

A39-22: Formulation and implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS) and notification of differences

A38-12: Consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation

A22-19: Assistance and advice in the implementation of Regional Plans

A29-13: Improvement of Safety Oversight

A32-11: Establishment of an ICAO universal safety oversight audit programme

A33-9: Resolving deficiencies identified by the Universal Safety Oversight Audit Programme and encouraging quality assurance for technical cooperation projects

A35-15: Consolidated statement of continuing ICAO policies and practices related to a global air traffic management (ATM) system and communications, navigation and surveillance/air traffic management (CNS/ATM) systems

A32-12: Follow-up to the 1998 Worldwide CNS/ATM Systems Implementation Conference

A38-4: Protecting information from safety data collection and processing systems in order to maintain and improve aviation safety

A39-12: ICAO global planning for safety and air navigation

A37-5: The Universal Safety Oversight Audit Programme (USOAP) continuous monitoring approach

A39-14: Regional cooperation and assistance to resolve safety deficiencies, establishing priorities and setting measurable targets

A38-8: Proficiency in the English language used for radiotelephony communications

PART VII. UNLAWFUL INTERFERENCE

GENERAL

A33-1: Declaration on misuse of civil aircraft as weapons of destruction and other terrorist acts involving civil aviation

Witnessing the abhorrent terrorist acts which occurred in the United States on 11 September 2001 resulting in the loss of numerous innocent lives, human suffering and great destruction;

Expressing its deepest sympathy to the United States, to the more than seventy other States worldwide which lost nationals and to the families of the victims of such unprecedented criminal acts;

Recognizing that such terrorist acts are not only contrary to elementary considerations of humanity but constitute also use of civil aircraft for an armed attack on civilized society and are incompatible with international law;

Recognizing that the new type of threat posed by terrorist organizations requires new concerted efforts and policies of cooperation on the part of States;

Recalling its Resolutions A22-5, A27-9 and A32-22 on acts of unlawful interference and terrorism aimed at the destruction of civil aircraft in flight;

Recalling United Nations General Assembly Resolution 55/158 on *measures to eliminate international terrorism* and United Nations Security Council Resolutions 1368 and 1373 on *condemning and combatting international terrorism*;

The Assembly:

1. *Strongly condemns* these terrorist acts as contrary to elementary considerations of humanity, norms of conduct of society and as violations of international law;

Solemnly

2. *Declares* that such acts of using civil aircraft as weapons of destruction are contrary to the letter and spirit of the *Convention on International Civil Aviation*, in particular its preamble and Articles 4 and 44, and that such acts and other terrorist acts involving civil aviation or civil aviation facilities constitute grave offences in violation of international law;

3. *Urges* all Contracting States to ensure, in accordance with Article 4 of the Convention, that civil aviation is not used for any purpose inconsistent with the aims of the *Convention on International Civil Aviation*, and to hold accountable and punish severely those who misuse civil aircraft as weapons of destruction, including those responsible for planning and organizing such acts or for aiding, supporting or harbouring the perpetrators;

4. *Urges* all Contracting States to strengthen cooperation in order to assist in the investigation of such acts and in the apprehension and prosecution of those responsible and to ensure that those who participated in these terrorist acts, whatever the nature of their participation, find no safe haven anywhere;

5. *Urges* all Contracting States to intensify their efforts in order to achieve the full implementation and enforcement of the multilateral conventions on aviation security, as well as of the ICAO Standards and Recommended Practices (SARPs) and Procedures relating to aviation security, to monitor such implementation, and to take within their territories appropriate additional security measures commensurate to the level of threat in order to prevent and eradicate terrorist acts involving civil aviation;

6. *Urges* all Contracting States to make contributions in the form of financial or human resources to ICAO's AVSEC mechanism to support and strengthen the combat against terrorism and unlawful interference in civil aviation; *calls on* Contracting States to agree on special funding for urgent action by ICAO in the field of aviation security referred to in paragraph 7 below; and *directs* the Council to develop proposals and take appropriate decisions for a more stable funding of ICAO action in the field of aviation security, including appropriate remedial action;

7. *Directs* the Council and the Secretary General to act urgently to address the new and emerging threats to civil aviation, in particular to review the adequacy of the existing aviation security conventions; to review the ICAO aviation security programme, including a review of Annex 17 and other related Annexes to the Convention; to consider the establishment of an ICAO Universal Security Oversight Audit Programme relating to, inter alia, airport security arrangements and civil aviation security programmes; and to consider any other action which it may consider useful or necessary, including technical cooperation; and

8. *Directs* the Council to convene, at the earliest date, if possible, in the year 2001, an international high-level, ministerial conference on aviation security in Montreal with the objectives of preventing, combatting and eradicating acts of terrorism involving civil aviation; of strengthening ICAO's role in the adoption of SARPs in the field of security and the audit of their implementation; and of ensuring the necessary financial means as referred to in paragraph 6 above.

A17-1: Declaration by the Assembly

Whereas international civil air transport helps to create and preserve friendship and understanding among the peoples of the world and promotes commerce between nations;

Whereas acts of violence directed against international civil air transport and airports and other facilities used by such air transport jeopardize the safety thereof, seriously affect the operation of international air services and undermine the confidence of the peoples of the world in the safety of international civil air transport; and

Whereas Contracting States, noting the increasing number of acts of violence against international air transport, are gravely concerned with the safety and security of such air transport;

The Assembly:

Condemns all acts of violence which may be directed against aircraft, aircraft crews and passengers engaged in international air transport;

Condemns all acts of violence which may be directed against civil aviation personnel, civil airports and other facilities used by international civil air transport;

Urgently calls upon States not to have recourse, under any circumstances, to acts of violence directed against international civil air transport and airports and other facilities serving such transport;

Urgently calls upon States, pending the coming into force of appropriate international conventions, to take effective measures to deter and prevent such acts and to ensure, in accordance with their national laws, the prosecution of those who commit such acts;

Adopts the following declaration:

The Assembly of the International Civil Aviation Organization,

Meeting in Extraordinary Session to deal with the alarming increase in acts of unlawful seizure and of violence against international civil air transport aircraft, civil airport installations and related facilities;

Mindful of the principles enunciated in the *Convention on International Civil Aviation*;

Recognizing the urgent need to use all of the Organization's resources to prevent and deter such acts;

Solemnly

1. Deplores acts which undermine the confidence placed in air transport by the peoples of the world.

2. Expresses regret for the loss of life and injury and damage to important economic resources caused by such acts.

3. Condemns all acts of violence which may be directed against aircraft, crews and passengers engaged in, and against civil aviation personnel, civil airports and other facilities used by, international civil air transport.

4. Recognizes the urgent need for a consensus among States in order to secure widespread international cooperation in the interests of the safety of international civil air transport.

5. Requests concerted action on the part of States towards suppressing all acts which jeopardize the safe and orderly development of international civil air transport.

6. Requests application, as soon as possible, of the decisions and recommendations of this Assembly so as to prevent and deter such acts.

A33-3: Increasing the effectiveness of ICAO (to face new challenges)

A34-1: Use of funds in the separate account established under Resolving Clause 3 of Assembly Resolution A33-27

CONTINUING ICAO POLICY RELATED TO UNLAWFUL INTERFERENCE

A39-18: Consolidated statement on 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 A38-15 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 A38-15, Appendices A to I inclusive, and has amended the statement to reflect the decisions taken during the 39th 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 39th 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 A38-15.

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 Communiqués issued by the ICAO-WCO Joint Conferences on Enhancing Air Cargo Security and Facilitation, held in Singapore in July 2012, in Manama, Bahrain in April 2014, and in Kuala Lumpur, Malaysia in July 2016;

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

Noting with satisfaction the actions taken to implement the ICAO Comprehensive Aviation Security Strategy (ICASS) 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;

Mindful of the valuable lessons learned in the implementation of the ICASS, which has provided the basis and solid foundation for addressing current and future aviation security challenges, and should be used in developing the Global Aviation Security Plan (GASeP) as the future global framework for progressive aviation security enhancement;

Mindful of United Nations Security Council Resolution 2309 (2016) – Threats to international peace and security caused by terrorist acts: Aviation security;

Recognizing the importance of global consultations and outreach efforts with Member States to elaborate and refine the elements of the GASeP; and

Recognizing that it is necessary for the Organization to continue to implement the ICASS, until the GASeP has been fully developed and approved for implementation.

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* all 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 ICASS, 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 ICASS during the 2014-2016 triennium;

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 ICASS;

9. *Directs* the Council to consider the lessons learned from ICASS in establishing the GASeP based on clear and collective aviation security goals and targets, and supported by concrete and measurable indicators to guide ICAO, States and stakeholders in ensuring continuous improvement in aviation security;

10. *Directs* the Council to task the Aviation Security Panel to expeditiously develop the GASeP and present the Plan to the Council for approval and consultation with Member States and key stakeholders by the second half of 2017;

11. *Urges* all Member States to take active participation in global and regional consultations in order for the GASeP to be truly global and also reflect aspirations, needs and priorities at the national and regional levels.

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 air law 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), by the *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Montréal, 2014) 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), to the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (Beijing, 2010), and to the *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Montréal, 2014). 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 above-mentioned air law instruments to give effect, even before ratification, acceptance, approval or accession, to the principles of those instruments 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, to the 2014 *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board 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, and in protecting civil aviation against cyber-attacks, and threats to the landside areas of airports, as well as attacks carried out or facilitated by insiders;

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 a broad set of risk management strategies and tools must be employed to align security measures with security risk in order to ensure the effectiveness and sustainability of aviation security measures;

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;

3*bis*. *Reiterates* the responsibility of all States for the implementation of effective aviation security measures within their territory, taking into account the evolving threat;

4. *Urges* Member States to fully and sustainably implement Annex 17 — *Security* and security-related provisions of Annex 9 — *Facilitation* 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 rectify any gaps or deficiencies as a matter of urgency, 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 other security-related guidance material 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;

h) give consideration to the potential security vulnerability of remotely piloted aircraft systems in order to prevent unlawful interference;

i) ensure that civil aviation threat and risk assessments in airspace are performed, and that States provide information to relevant stakeholders in a timely manner on all possible risks to civil aviation;

j) address the risk of attacks in landside areas, including terminal buildings, by working with all stakeholders to:

   i. maintain a practical balance between the needs of effective and sustainable security measures and passenger facilitation;
   ii. implement a set of risk-based measures that are flexible and practical, with clearly defined responsibilities among relevant actors;
   iii. avoid the creation of any areas of mass gathering either inside or proximate to the terminal; and
   iv. sustain a culture of constant vigilance, deterrence, prevention, response and resilience in a coordinated manner in the face of evolving threats; and

k) ensure the protection of civil aviation against cyber-attacks and cyber threats.

8. *Calls upon* Member States to enhance their use of information exchange mechanisms, particularly Advance Passenger Information (API) provided by air carriers, to strengthen aviation security and 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. *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, risks to landside areas of airports and air traffic management security, in consultation with the Aviation Security Panel;

12. *Directs* the Council to require the Secretary General to update and amend at appropriate intervals the Aviation 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;

13. *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;

14. *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

15. *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*, and the 2014 *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board 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 A38-15, Appendix E;

Whereas one of the primary objectives of the Organization continues to be ensuring the 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 the 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 USAP audits 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 disclosure 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;

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

Considering that full implementation of the USAP-CMA began on 1 January 2015;

Recalling that the 38th Session of the Assembly requested the Council to report on the overall implementation of the USAP-CMA;

The Assembly:

1. *Notes with satisfaction* that the USAP has 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. *Requests* the Council to ensure the continuation of the USAP and 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 security-related SARPs, and implementation of State corrective action plans;

4. *Requests* the Council to direct the ICAO Secretariat to review the scope and methodology of the Universal Security Audit Programme, in consultation with Member States, to ensure that it provides reliable information to Member States regarding the effective implementation of aviation security measures on the ground, and that the methodology takes into consideration a risk-based approach for the implementation of aviation security measures;

5. *Endorses* the policy of a limited level of disclosure 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 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. *Urges* States able to do so to assist in the delivery of effective and targeted capacity development, training and other necessary resources, technical assistance, technology transfers and programmes, where it is needed to enable all States to achieve an enhanced and effective aviation security regime;

4. *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 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;

5. *Invites* Member States to also consider requesting assistance from other international organizations to meet their technical assistance requirements arising from the need to protect international civil aviation;

6. *Urges* ICAO, 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;

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

8. *Directs* the Council to request the Secretary General to assess the quality and effectiveness of ICAO assistance projects;

9. *Urges* Member States and relevant stakeholders to partner for the organization and delivery of capacity-building activities, documenting the commitments made by each party;

10. *Requests* the Council to direct the Secretary General to enhance the ICAO Training Programme for Aviation Security, Aviation Security Training Packages (ASTPs) and Aviation Security Workshops, and promote other methods of aviation security training such as e-learning and blended learning;

11. *Urges* Member States to contribute training documentation to aid in the future development and updates of the ICAO Training Programme for Aviation Security including, *inter alia*, ASTPs and Aviation Security Workshops;

12. *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;

13. *Urges* Member States to utilize ICAO ASTCs for security training; and

14. *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 African Union (AU), the European Union (EU), the Arab Civil Aviation Commission (ACAC), the African Civil Aviation Commission (AFCAC), the European Civil Aviation Conference (ECAC), the Latin American Civil Aviation Commission (LACAC), 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

(as adopted by the 37th Session of the Assembly)

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.

A36-18: Financial contributions to the Aviation Security Plan of Action

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 the threat of terrorist acts, unlawful seizure of aircraft and other acts of unlawful interference against civil aviation, including acts aimed at destruction of aircraft, as well as acts aimed at using the aircraft as a weapon of destruction, have a serious adverse effect on the safety, efficiency and regularity of international civil aviation, endanger the lives of persons on board and on the ground and undermine the confidence of the peoples of the world in the safety of international civil aviation;

Recalling its Resolution A35-10;

Endorsing the Aviation Security Plan of Action adopted by the Council, to urgently address the new and emerging threats to civil aviation, in particular the establishment of an ICAO Universal Security Audit Programme relating to, inter alia, airport security arrangements and civil aviation security programmes, the review of the adequacy of the existing aviation security conventions and the review of the ICAO aviation security programme, including a review of Annex 17 and other related Annexes to the Convention;

Convinced that aviation security remains a critical and priority programme of ICAO and of the need to establish and implement work programmes in the next triennium to address the issues identified under Assembly Resolution A35-10; and

Noting that the Secretary General had integrated close to 50 per cent of the Aviation Security Plan of Action into the Regular Budget and that the funding required to implement the work programme relating to aviation security could not be fully included within the Regular Budget for 2008-2010 due to budgetary and financial constraints;

The Assembly:

1. *Expresses* its appreciation to the Contracting States for the voluntary contributions in the form of human and financial resources expected to reach at least US$4.6 million by the end of 2008 for the implementation of the Aviation Security Plan of Action during the 2008-2010 triennium;

2. *Urges* all Contracting States, as soon as possible, and preferably as part of their 2008 assessment, to provide voluntary contributions to finance the implementation of the Aviation Security Plan of Action, the suggested contributions to be based upon the 2008 scales of assessments approved by the Assembly for the Regular Budget;

3. *Urges* all Contracting States to make pledges of voluntary contributions in advance and make contributions early in 2008 so as to ensure the proper planning and implementation of the Aviation Security Plan of Action;

4. *Urges* the Council to support the long-term sustainability of the Aviation Security Plan of Action by continuing to incorporate the funding requirements within the Regular Budget progressively, and accordingly *requests* that the Secretary General make specific proposals for their complete integration in Programme budgeting for 2011-2013; and

5. *Declares* that this resolution supersedes Assembly Resolution A35-10.

A27-9: Acts of unlawful interference aimed at the destruction of civil aircraft in flight

Considering the recent acts of unlawful interference against international civil aviation which have resulted in the deaths of many innocent people and the destruction of civil aircraft, and expressing its most heartfelt sympathy to the families of all those who have died as a result of these criminal acts;

Noting with abhorrence repeated acts of unlawful interference aimed at the total destruction of civil aircraft in flight and the deaths of all on board;

Recognizing that all acts of unlawful interference against international civil aviation constitute serious crimes in violation of international law;

Recalling its Resolutions A17-1 and A27-7;

Noting Resolution 635 of the Security Council of the United Nations;

The Assembly:

1. *Condemns* energetically all recent criminal acts of destruction of civil aircraft in flight;

2. *Urges* Member States to intensify their efforts to implement fully the Standards, Recommended Practices and Procedures related to aviation security developed by ICAO and to take any appropriate additional security measures whenever an increase in the level of threat so requires;

3. *Requests* Member States, in a position to do so, to increase technical, financial and material assistance to States which need it to ensure universal application of these provisions;

4. *Urgently requests* Member States to accelerate studies and research related to security equipment and to the detection of explosives, with a view to their widespread application as soon as practicable, and to take an active part in the development of an international regime for the marking of explosives for detectability;

5. *Directs* the Council to take the necessary measures for the resumption of its work and that of its subsidiary bodies as soon as possible following the Assembly, in order to complete in the shortest possible time the whole programme which it adopted in its Resolution of 16 February 1989, and to undertake any other action which it considers necessary.

OTHER MATTERS RELATED TO UNLAWFUL INTERFERENCE

A36-19: Threat to civil aviation posed by man-portable air defence systems (MANPADS)

Expressing its deep concern regarding the global threat posed to civil aviation by terrorist acts, in particular the threat posed by man-portable air defence systems (MANPADS), other surface-to-air missiles systems, light weapons and rocket-propelled grenades;

Recalling United Nations General Assembly resolutions 61/66 on the illicit trade in small arms and light weapons in all its aspects, 60/77 on prevention of the illicit transfer and unauthorized access to and use of man-portable air defence systems, 61/71 on assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them and 60/288 on the United Nations Global Counter-Terrorism Strategy;

Noting the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (A/60/88) and the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, Elements for Export Controls of MANPADS, and the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Material;

Noting with satisfaction the ongoing efforts of other international and regional organizations aimed at developing a more comprehensive and coherent response to the threat to civil aviation posed by MANPADS; and

Recognizing that the specific threat posed by MANPADS requires a comprehensive approach and responsible policies on the part of States;

The Assembly:

1. *Urges* all Contracting States to take the necessary measures to exercise strict and effective controls on the import, export, transfer or retransfer and stockpile management of MANPADS and associated training and technologies, as well as limiting the transfer of MANPADS production capabilities;

2. *Calls upon* all Contracting States to cooperate at the international, regional and subregional levels with a view to enhancing and coordinating international efforts aimed at implementing countermeasures carefully chosen with regard to their effectiveness and cost, and combating the threat posed by MANPADS;

3. *Calls upon* all Contracting States to take the necessary measures to ensure the destruction of non-authorized MANPADS in their territory, as soon as possible;

4. *Urges* all Contracting States to implement the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons as referred to in the United Nations General Assembly resolution 61/66 on the illicit trade in small arms and light weapons in all its aspects;

5. *Urges* all Contracting States to apply the principles defined in the Elements for Export Controls of MANPADS of the Wassenaar Arrangement;

6. *Directs* the Council to request that the Secretary General monitor on an ongoing basis the threat to civil aviation posed by MANPADS, continuously develop appropriate countermeasures to this threat, and periodically request that Contracting States inform the Organization regarding the status of implementation of the resolution and the measures taken to fulfil its requirements; and

7. *Declares* that this resolution supersedes Resolution A35-11.

A35-2: Application of Article IV of the *Convention on the Marking of Plastic Explosives for the Purpose of Detection*

Recognizing the importance of the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* in the prevention of unlawful acts against civil aviation;

Conscious of the current proposal made by the International Explosives Technical Commission to amend the Technical Annex to the Convention for the purpose of increasing the required minimum concentration of the detection agent 2,3-Dimethyl-2,3-Dinitrobutane (DMNB) from 0.1 to 1.0 per cent by mass;

Bearing in mind the desirability of maintaining a uniform regime for the detection system of the explosives, particularly after the amendment to the Technical Annex; and

Noting the recommendation of the Legal Committee as approved by the Council that Article IV of the Convention should be applied *mutatis mutandis* to the explosives which are not marked in accordance with the amended Technical Annex;

The Assembly:

Urges the ICAO Contracting States which are Parties to the Convention to apply Article IV of the Convention in their mutual relations in the following manner:

1) The explosives which, at the time of manufacture, met the requirements in Part 2 of the Technical Annex but which no longer meet the requirements of Part 2 because of the above-mentioned amendment to the Technical Annex, namely to increase the minimum concentration of the detection agent DMNB from 0.1 to 1.0 per cent by mass, shall be subjected to the provisions of Article IV, paragraphs (2) and (3), from the entry into force of that amendment.

2) Accordingly, when such an amendment to Part 2 of the Technical Annex enters into force, each State Party not having expressly objected to the amendment shall take the necessary measures to ensure that:

   a) all stocks of those explosives in its territory referred to in the preceding paragraph are destroyed or consumed for purposes not inconsistent with the objectives of this Convention, marked or rendered permanently ineffective within a period of three years from the entry into force of the amendment, if these explosives are not held by its authorities performing military or police functions; and

   b) all stocks of those explosives referred to in sub-paragraph (a) held by its authorities performing military or police functions and that are not incorporated as an integral part of duly authorized military devices are destroyed or consumed for purposes not inconsistent with the objectives of this Convention, marked or rendered permanently ineffective within a period of fifteen years from the entry into force of the amendment.

3) The foregoing paragraph shall apply to any State Party that withdraws its objection to the amendment as from the date it expresses its consent to be bound.

4) The above paragraphs shall apply *mutatis mutandis* to any future amendment to the Technical Annex unless any Contracting State notifies all other Contracting States and the Council that it does not agree to such application. Such notification shall take place within the 90-day period referred to in paragraph 3 of Article VII of the Convention.

A20-1: Diversion and seizure by Israeli military aircraft of a Lebanese civil aircraft

A22-5: Sabotage and destruction of a Cuban civil aircraft on scheduled service in the Caribbean with the loss of 73 passengers and crew

A35-1: Acts of terrorism and destruction of Russian civil aircraft resulting in the deaths of 90 people — passengers and crew members

A39-19: Addressing Cybersecurity in Civil Aviation

Whereas the global aviation system is a highly complex and integrated system that comprises information and communications technology critical for the safety and security of civil aviation operations;

Noting that the aviation sector is increasingly reliant on the availability of information and communications technology systems, as well as on the integrity and confidentiality of data;

Mindful that the threat posed by cyber incidents on civil aviation is rapidly and continuously evolving, that threat actors are focused on malicious intent, disruption of business continuity and theft of information for political, financial or other motivations, and that the threat can easily evolve to affect critical civil aviation systems worldwide;

Recognizing that not all cybersecurity issues affecting the safety of civil aviation are unlawful and/or intentional, and should therefore be addressed through the application of safety management systems;

Reaffirming the importance and urgency of protecting civil aviation's critical infrastructure systems and data against cyber threats;

Considering the need to work collaboratively towards the development of an effective and coordinated global framework for civil aviation stakeholders to address the challenges of cybersecurity, along with short-term actions to increase the resilience of the global aviation system to cyber threats that may jeopardize the safety of civil aviation;

Acknowledging the value of relevant initiatives, action plans, publications and other media designed to address cybersecurity issues in a collaborative and comprehensive manner;

Recalling initiatives by the principals of Airports Council International (ACI), the Civil Air Navigation Services Organisation (CANSO), the International Air Transport Association (IATA) and the International Coordinating Council of Aerospace Industries Associations (ICCAIA) and ICAO that recognized the need to work together and be guided by a shared vision, strategy and roadmap to strengthen the global aviation system's protection from and resilience to cyber threats; and

Recognizing the multi-faceted and multi-disciplinary nature of cybersecurity challenges and solutions;

The Assembly:

1. *Calls upon* States and industry stakeholders to take the following actions to counter cyber threats to civil aviation:

a) Identify the threats and risks from possible cyber incidents on civil aviation operations and critical systems, and the serious consequences that can arise from such incidents;

b) Define the responsibilities of national agencies and industry stakeholders with regard to cybersecurity in civil aviation;

c) Encourage the development of a common understanding among Member States of cyber threats and risks, and of common criteria to determine the criticality of the assets and systems that need to be protected;

d) Encourage government/industry coordination with regard to aviation cybersecurity strategies, policies, and plans, as well as sharing of information to help identify critical vulnerabilities that need to be addressed;

e) Develop and participate in government/industry partnerships and mechanisms, nationally and internationally, for the systematic sharing of information on cyber threats, incidents, trends and mitigation efforts;

f) Based on a common understanding of cyber threats and risks, adopt a flexible, risk-based approach to protecting critical aviation systems through the implementation of cybersecurity management systems;

g) Encourage a robust all-round cybersecurity culture within national agencies and across the aviation sector;

h) Determine legal consequences for activities that compromise aviation safety by exploiting cyber vulnerabilities;

i) Promote the development and implementation of international standards, strategies and best practices on the protection of critical information and communications technology systems used for civil aviation purposes from interference that may jeopardize the safety of civil aviation;

j) Establish policies and allocate resources when needed to ensure that, for critical aviation systems: system architectures are secure by design; systems are resilient; methods for data transfer are secured, ensuring integrity and confidentiality of data; system monitoring, and incident detection and reporting, methods are implemented; and forensic analysis of cyber incidents is carried out; and

k) Collaborate in the development of ICAO's cybersecurity framework according to a horizontal, cross-cutting and functional approach involving air navigation, communication, surveillance, aircraft operations and airworthiness and other relevant disciplines.

2. *Instructs* the Secretary General to:

a) Assist and facilitate States and industry in taking these actions; and

b) Ensure that cybersecurity matters are fully considered and coordinated across all relevant disciplines within ICAO.

PART VIII. ORGANIZATION AND PERSONNEL

ORGANIZATIONAL MATTERS

A31-2: Increasing the effectiveness of ICAO

A32-1: Increasing the effectiveness of ICAO (measures for continuing improvement in the 1999–2001 triennium and beyond)

A33-3: Increasing the effectiveness of ICAO (to face new challenges)

A22-7: Statute of the Joint Inspection Unit

GENERAL PERSONNEL POLICY

A1-51: Personnel policy

Whereas the Assembly has reviewed the actions taken by the Interim Council in establishing and developing policies and regulations governing the terms and conditions of service for the staff of the Interim Organization;

Whereas it is necessary that the Council determine the terms and conditions of service for the staff of the Permanent Organization; and

Whereas the Assembly notes that it has not been possible for the Interim Organization to achieve the measure of internationalism in appointments to the Secretariat which is desirable;

The Assembly therefore:

1. *Endorses* in principle the personnel policies and regulations developed by the Interim Council and their continuation until changed by action of the Council;

2. *Directs* that a permanent personnel policy and regulations governing service thereunder be developed on the basis of the interim regulations, with particular regard to the recommendations on this subject contained in the report of Commission 5 (Doc 4383, A1-AD/29); and

3. *Directs* the Council to establish procedures whereby specially qualified persons may be seconded by Contracting States for service in the Secretariat, wherever this policy would be in the best interests of the Organization.

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* Member 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* Member 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.

A21-12: International Civil Service Commission

A2-27: Privileges and immunities for ICAO

RECRUITMENT AND STAFFING

A4-31: National distribution in the Secretariat

Whereas the Assembly, pursuant to Article 58 of the Convention, may lay down the rules governing the determination by Council of the method of appointment and of termination of appointment of the Secretary General and other personnel of the Organization;

Whereas the principles contained in the ICAO Service Code (Part I — General Policy, A.-Recruitment Policy) include a provision that recruitment shall be on as wide a geographical basis as possible and shall be directed toward the achievement, so far as practicable, of a balanced distribution among nationals of Contracting States throughout the Secretariat; and

Whereas it is apparent from the report of the Council to this Assembly (Doc 6980, A4-AD/1) that it has not been possible to achieve full implementation of these principles up to the present time and that the internationally recruited personnel belongs, in a large proportion, to a group of States of the same historical and political origin, which make use of a common language;

The Assembly directs:

The Council to take, without prejudice to the essential of efficiency, or to the express responsibility which devolves upon the Secretary General, appropriate measures to insure a balanced distribution among nationals of Contracting States in the personnel of the Organization.

A14-6: Compliance with the principle of equitable geographical representation in posts of the ICAO Secretariat and Regional Offices

Whereas Article 58 of the Chicago Convention provides that, subject to any rules laid down by the Assembly, the Council shall determine the method of appointment of the personnel of the Organization;

Whereas the Council is at present studying the structure of the Secretariat, recruitment policy and conditions of service;

Whereas the main burden of direction and administration of the ICAO Secretariat has so far been borne by personnel recruited from the more advanced Contracting States;

Whereas other less advanced Contracting States may soon have available in increasing numbers personnel suitable for recruitment at all levels; and

Whereas it is most desirable for personnel from as many of these States as practicable to participate in the work of the ICAO Secretariat;

The Assembly resolves that:

1. When recruiting staff or renewing contracts with existing staff, the principle of equitable geographical distribution be given weight with all other relevant factors;

2. Except in the categories of the General and Language Services, Council pursue a recruitment policy which would provide a greater proportion of short-term contracts of not more than three years initially, with the possibility of extension from time to time for further periods not exceeding three years in the case of each such extension; and

3. In cases where it is desired to recruit a person from the Government Service of a Contracting State, the Secretary General shall take all practical steps to obtain the consent and cooperation of that State and, if appropriate, its advice as to the suitability of the person for the position in question.

A24-20: Compliance with and implementation of the principle of equitable geographical representation in the posts of the Secretariat of ICAO

Acting in accordance with Assembly Resolution A14-6, and in particular its Clause 2, concerning the principle of equitable geographical representation in the posts of the ICAO Secretariat;

Bearing in mind that it is highly desirable to observe this principle together with other criteria in the recruitment of personnel and the renewal of staff contracts;

Acknowledging the desire of Contracting States to have better understanding and cooperation by further promoting the international character of the Organization; and

Reaffirming the general interest of Contracting States in maintaining a high standard of technical competence and efficiency;

The Assembly:

1. *Resolves* that the Council should, as a matter of urgency:

   a) adopt measures to provide for more equitable geographical distribution of posts in the ICAO Secretariat so that the various regions of the world are, as far as possible, able to achieve adequate representation;

   b) establish recruitment policies, including policies in respect of selection, promotion, renewal of contracts, duration of contracts, extension of service, termination of appointments and ancillary matters, in order to achieve the principle of a balanced representation among the nationals of all Contracting States in the regions;

   c) review the current practice in appointments and promotions and adopt principles, policies and methods governing appointments, termination of appointments, promotions, extension of service, renewal and duration of contracts in respect of key posts in the Secretariat;

d) adopt new measures for effective and timely implementation of the policies, methods and procedures established in pursuance of a), b) and c) above; and

e) report to the session of the Assembly in 1986 on the measures taken to implement this resolution, on the basis of an annual progress report presented to it by the Secretary General.

2. *Invites* Contracting States to encourage qualified candidates to apply for vacancies in the professional staff.

A39-30: ICAO *Gender Equality Programme* promoting the participation of women in the global aviation sector

Recognizing that half of the world's population is made up of women.

Acknowledging that at the Twenty-third Special Session of the United Nations General Assembly (UNGA) in June 2000, upon reviewing the implementation of the Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women in September 1995, Governments committed to further actions to accelerate the implementation of the Platform for Action and to ensure that commitments for gender equality, development and peace were fully realized;

Considering that UNGA Resolution A/RES/69/151, adopted on 18 December 2014, highlights the need raised in previous resolutions regarding "*Strengthening the institutional arrangements for support of gender equality and the empowerment of women*" and calls upon all actors, including the UN specialized agencies and the private sector, to intensify and accelerate action to achieve the full and effective implementation of the Beijing Declaration and the Platform for Action;

Noting that in September 2015, at the United Nations Sustainable Development Summit 2015, world leaders came together at UN Headquarters in New York to adopt the *2030 Agenda for Sustainable Development*, committing their nations to a new global partnership to reduce extreme poverty and setting out a series of goals and targets known as the Sustainable Development Goals, of which Goal 5 is to achieve gender equality and empower all women and girls;

Welcoming the outcomes of the September 2015 Global Leader's Meeting on Gender Equality and Women's Empowerment: *A Commitment to Action*, in which more than 80 world leaders committed to end discrimination against women and further measures and targets to accelerate the achievement of women's empowerment and gender equality;

Welcoming also the UN Women's theme for International Women's Day 2016: *Planet 50-50 by 2030: "Step It Up" for Gender Equality*, as a timely initiative to assist national leaders in intensifying their commitments to gender equality and women's empowerment and in accelerating momentum for effective implementation;

Stressing that in 2016, 21 years after the adoption of the Platform for Action, significant levels of inequality between women and men persist in critical areas including, but not limited to, access to decent work and closing the gender pay gap;

Recalling ICAO Assembly Resolution A36-27: Gender Equality, in particular its resolving clause 1 b), which states that "every effort should continue to be made by ICAO to attain gender equality and equity, with full respect for the principle of equitable geographical representation";

Recalling also, the 1995 Beijing Platform for Action¸ in which the Secretary-General of the United Nations urged International Organizations and Specialized Agencies of the United Nations, such as ICAO, to establish programmes in order to achieve the goal of 50/50 gender balance at all levels;

Welcoming achievements made by ICAO and States pursuant to ICAO Assembly Resolution A36-27;

Acknowledging that appointments to the ICAO Secretariat are based on merit, while having due regard to the importance of recruiting staff on as wide a geographical basis as possible and ensuring equal gender representation; and

Recognizing that, notwithstanding the extant challenges, ICAO should continue to focus greater attention on women's rights and gender equality by playing its part in furthering the goals of the Beijing Declaration and Platform for Action and UN Sustainable Development Goal 5.

The Assembly:

1. *Reaffirms* its commitment to enhancing gender equality and the advancement of women's development by supporting UN Sustainable Development Goal 5: *Achieve gender equality and empower all women and girls* including by aiming to achieve an aspirational goal of 50-50 (women-men) by 2030 at all professional and higher levels of employment in the global aviation sector;

2. *Urges* States, regional and international aviation organizations and the international aviation industry to demonstrate strong, determined leadership and commitment to advance women's rights and to take the necessary measures to strengthen gender equality by supporting policies, as well as the establishment and improvement of programmes and projects, to further women's careers within ICAO's governing and technical bodies, the ICAO Secretariat and the global aviation sector;

3. *Urges* States, as part of national commitments to gender equality, to work cooperatively with ICAO by sharing best practices and working in partnership with ICAO on programmes and projects aimed at increasing the pool of women in the aviation sector and encouraging women to further develop their aviation careers, including through the promotion of women in aviation careers by State Ministries responsible for higher education;

4. *Instructs* the Secretary General to establish an *ICAO Gender Equality Programme* by mid-2017 with the primary aim of facilitating and coordinating targeted programmes and projects to enable and make regular reports on progress toward the goal of gender equality by 2030, especially in professional and higher levels of employment, within ICAO, and within States and the global aviation sector;

5. *Requests* the Secretary General to report annually to the Council on the measures implemented and the progress being made in promoting gender equality within all levels of staff categories in the ICAO Secretariat, and on aviation gender equality statistics, to the extent that they are provided on a voluntary basis, in States and the international aviation industry; and

6. *Declares* that this Resolution supersedes Resolution A36-27.

A38-12, Appendix M: The Headquarters' and Regional Offices' technical Secretariat

A1-51, Clause 3: Secondment

APPOINTMENTS AND PROMOTIONS

A1-8: Appointments and promotions in ICAO

Whereas Article 58 of the *Convention on International Civil Aviation* provides that subject to any rules laid down by the Assembly of ICAO and to the provisions of the Convention, the Council shall determine the method of appointment and of termination of appointment, the training and the salaries, allowances and conditions of service of the Secretary General and other personnel of ICAO, and may employ or make use of the nationals of any Contracting State;

Whereas this Assembly considers that it is desirable to define more precisely the method of appointment and promotion of the staff of ICAO; and

Whereas the procedure adopted by the Interim Council of PICAO, whereby Appointment and Promotion Boards were established to review the qualifications of candidates and to advise concerning appointments and promotions, meets with the approval of the Assembly;

Now therefore the Assembly resolves:

a) That appointments and promotions of personnel on the staff of the Organization other than the Secretary General shall be made by the Secretary General after considering the advice of Appointment and Promotion Boards, which shall be established for this purpose by the Council and consist of such members of the Secretariat as the Council may determine and function in accordance with such rules of procedure as the Council may lay down; and

b) That appointments and promotions to such senior positions on the staff as the Council may determine shall be subject to the approval of the President of the Council.

MISCELLANEOUS

A3-9: Staff Provident Fund and Pension Plan

The Third Assembly:

5. *Decides* to invest in the Council the authority to choose members of the ICAO Staff Pension Committee on behalf of the Assembly, pursuant to Article 21 of the United Nations Staff Pension Fund Regulations, and to determine the number of members to comprise this Committee.

A1-14, Clause 5: ICAO Familiarization Programme

PART IX. LANGUAGES AND ADMINISTRATIVE SERVICES

LANGUAGES

A37-25: ICAO Policy on the language services

Whereas the provision of adequate levels of service in the working languages of ICAO pursuant to the relevant Assembly resolutions and decisions is highly important to the world-wide dissemination of ICAO documentation, in particular the Standards and Recommended Practices (SARPs), and to the proper functioning of the Organization and its standing bodies;

Whereas it is essential to maintain parity and quality of service in all working languages of the Organization; and

Whereas it is vitally important to ensure a unified and harmonized understanding of ICAO publications by all Contracting States in all ICAO working languages, in order to maintain the safety and security of international civil aviation and to minimize the impact of aviation on the environment;

The Assembly:

1. *Reaffirms* that multilingualism is one of the fundamental principles to achieve goals of ICAO as the specialized UN agency;

2. *Reaffirms* its previous resolutions regarding the strengthening of the working languages of ICAO;

3. *Recognizes* that language services are an integral part of any ICAO programme;

4. *Resolves* that parity and quality of service in all of the working languages of ICAO be the continuous objective of the Organization;

5. *Resolves* that the introduction of a new language should not affect the quality of service in the other working languages of the Organization;

6. *Resolves* that the Council continue to monitor language services, which will be a subject of review;

7. *Requests* the Secretary General to develop and implement a quality management system in the field of language services;

8. *Requests* the Secretary General of ICAO to adhere to UN best practices related to the language Services, including temporary recruitment of staff at peak periods and the level of outsourcing translations and interpretation;

9. *Requests* the Council to consider the need for amendment of Doc 7231/11 “ICAO Publications Regulations” to provide dissemination of ICAO publications in all working languages of ICAO;

10. *Invites* those Member States who represent ICAO's working languages, if they so desire, to support ICAO through the establishment of officially recognized centres for translation of ICAO publications and by the secondment of competent staff to the ICAO Secretariat, including the Regional Offices, in order to reduce backlogs and support special events*;* and

11. *Declares* that this Resolution supersedes Assembly Resolution A31-17.

A22-30: Review of all aspects of language services

The Assembly:

Considering the need to maintain the effectiveness of ICAO in all matters concerning international civil aviation, and

Taking note of the comments in the Executive Committee which made reference to findings of the Joint Inspection Unit Report No. JIU/REP/77/5 of July 1977 concerning the rising costs of language services, and the growing burden of the language services on ICAO budgets,

Recommends that the Council:

1. keep under review all aspects of the language services in ICAO;

2. consider in consultation with States and make suggestions of ways in which the ICAO budget might be relieved of the rising cost of language services; and

A22-29: Use of languages in the Air Navigation Commission

The Assembly:

Considering that the Assembly, at its 21st Session, requested the Council to study all the financial aspects of language services in ICAO, particularly the introduction of additional working languages;

Considering that the Council has examined this question at its 83rd, 84th, and 90th Sessions and, in WP/17, has made a very complete study of the use of languages both in ICAO and in the United Nations and its specialized agencies and also of the functional and budgetary implications of multilingualism;

Considering that according to Rule 23 of the Rules of Procedure of the Air Navigation Commission, the Council determines the languages in which "the discussions of the Commission shall be conducted and its documentation drawn";

Considering that, while simultaneous interpretation in the four languages of the Organization is provided for the discussions of the Air Navigation Commission, the documentation of the Commission is prepared and circulated in one of the four languages only, English;

Considering that according to Rules 64 and 65 of the Standing Rules of Procedure of the Assembly of ICAO all preparatory documentation as well as recommendations, resolutions and decisions of the Assembly shall be prepared and circulated in the English, French, Russian and Spanish languages and "speeches made in any of the four languages shall be interpreted into the three other languages"; that the same applies to the Council pursuant to Rules 56 and 57 of its Rules of Procedure;

that the Council has furthermore decided, in application of Rule 38 of the Rules of Procedure of its standing committees, that, according to Rule 44 of the Rules of Procedure of the Legal Committee, the documentation of that Committee shall be prepared and circulated in those same languages;

Considering, furthermore, that according to Article 51 of the Rules of Procedure of the United Nations General Assembly, the official languages and the working languages of the General Assembly are also used in its commissions and sub-commissions; that this rule is constantly referred to in the rules of the conferences convened under the aegis of the United Nations;

Considering that this rule is applied in all the Specialized Agencies and that it is evident from Appendix C to WP/17 that the non-translation of the documentation of the Air Navigation Commission is a unique exception in the United Nations System;

Considering that such a practice is detrimental not only to the members of the Commission, but also to the national administrations interested in its work, and that a revision of this situation would enable States to participate more fully in one of the essential activities of ICAO;

Considering that it appears necessary and practicable to undertake such a revision while maintaining a balanced budgetary position in ICAO, and keeping within reasonable limits the expenses required for implementation; and

Considering that it is essential, therefore, that provisions to be made for this revision be gradually implemented;

1. *Decides* the principle of the preparation and circulation of the working papers of the Air Navigation Commission in the four working languages of the Organization; and

2. *Charges* the Council, in accordance with its responsibilities under Rule 23 of the Rules of Procedure of the Air Navigation Commission, to monitor the progressive application of this decision, in making every effort to maintain and if possible increase the efficiency of the Commission's work.

A16-16: French and Spanish text of the Convention

A22-2: Amendment regarding the authentic Russian text of the Convention

A21 Decision: Limited use of the Arabic language

(see Doc 9113, A21-EX, page 52, paragraph 44:5)

A23 Decision: Use of Arabic language at sessions of the Assembly

(see Doc 9311, A23-EX, Vol. 1, page 18, paragraph 7:29)

A26 Decision: Extension of Arabic language services in ICAO

(see Doc 9489, A26-EX, page 25, paragraph 7:40)

A29-21: Strengthening the use of Arabic Language in ICAO

The Assembly:

Recalling decisions taken at its 21st, 24th, 26th and 27th Sessions on the adoption of the Arabic language and extension of its use in ICAO;

Noting that a number of Arab States have made voluntary contributions to strengthen the use of Arabic in the Organization; and

Noting the desire of the Arabic-speaking States and interested States to extend the use of Arabic to include all activities of ICAO including the Council;

1. *Requests* the Council and the Secretary General to take the necessary measures to intensify the progressive use of the Arabic language in interpretation and translation services starting January 1st, 1993, including in the Council;

2. *Requests* the Council to closely monitor these measures with the objective of achieving the utilization of the Arabic language in ICAO on the same level as the other languages in the Organization by the end of 1998;

3. *Requests* the Council to submit a progress report on the implementation of this Resolution to the next ordinary session of the ICAO Assembly.

A22 Decision: Introduction of the Chinese language in ICAO

(see Doc 9210, A22-EX, page 51, paragraphs 17:1 and 17:2)

A31-16: Strengthening the use of Chinese Language in ICAO

The Assembly:

Recalling decisions taken at its 22nd Session of the Assembly and 140th Session of the Council on the adoption of the Chinese language and extension of its use in ICAO;

Noting that the use of Chinese language is only limited to oral interpretation at sessions of the Assembly and the Council;

Noting that the People's Republic of China had made voluntary contributions to strengthen the use of Chinese in the Organization; and

Noting the importance of extension of the use of the Chinese language to include all activities of ICAO;

1. *Requests* the Council and the Secretary General to take the necessary measures to intensify the progressive use of the Chinese language in interpretation and translation services as soon as possible;

2. *Requests* the Council to closely monitor these measures with the objective of achieving the utilization of the Chinese language in ICAO on the same level as the other languages in the Organization by the end of year 2001 within the resources of the Organization;

3. *Requests* the Secretary General to prepare the Authentic Chinese text of the Chicago Convention for its adoption at an international conference convened during the next session of the Assembly; and

4. *Requests* the Council to submit a progress report on the implementation of this resolution to the next ordinary session of the ICAO Assembly.

A32-2: Amendment of the *Convention on International Civil Aviation* regarding the authentic Chinese text

A32-3: Ratification of the Protocol Amending the Final Clause of the *Convention on International Civil Aviation*

ADMINISTRATIVE SERVICES

A31-1: Official emblem and seal of ICAO

A39-22: Formulation and implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS) and notification of differences

A1-54: ICAO publications

Whereas it is essential to the attainment of the objectives of the Organization to make available to the Contracting States in a suitable published form the results of the work of the Organization and information concerning its activities; and

Whereas, with respect to such published material, the Assembly is concerned to reduce delays in production and distribution, to avoid duplication of contents and to minimize expense;

The Assembly therefore resolves:

1. That it shall be the policy of the Organization to publish a monthly bulletin, proceedings, standards, regional manuals, multi-language glossaries and such other material as the Council, upon the recommendations of the Publications Committee, may determine to be essential to meet the objectives of the Organization, within the budgetary appropriation for the fiscal year;

2. That the Council establish regulations governing all phases of preparation and distribution of published materials; these regulations shall define relations between the appropriate standing committees of the Council and a central publications authority in the Secretariat having full responsibility for coordinating all aspects of the publications programme; and

3. That the Secretary General submit to the Council recommendations, for its guidance in establishing such regulations, with particular reference to the format, typography, size and method of reproducing publications, having due regard to the needs of the users and the considerable economies which may be effected by the use of an offset printing process, the establishment of a standing order system with purchasers to reduce wastage, the advantages of local reproduction of certain publications at points outside Canada, the preparation and public sale of a comprehensive index of ICAO publications, the establishment of uniformity in pricing policy, and the designation of agencies in various parts of the world for the sale of ICAO publications.

A24-21: Publication and Distribution of Documentation

Whereas in accordance with Resolution A1-54, the Assembly has from the earliest days of the Organization recognized its interest in reducing delays in the production and distribution of ICAO publications and documentation;

Bearing in mind the need to exercise economies and search for efficiency in the work of the Organization, the distribution of documentation and the conduct of meetings;

Whereas there exist rules and agreements in ICAO concerning working languages;

Whereas it is of capital importance to recognize effectively that, for publications and documentation, the agreed working languages are of equal importance in all fields and aspects of the life of the Organization;

Whereas there are already other Assembly resolutions providing for the languages used in the Air Navigation Commission, in categorical recognition of this principle of equality; and

Whereas there must be a fair and equal opportunity for all user States to consult the documentation produced by the Organization, in the various agreed working languages;

The Assembly:

1. *Adopts* simultaneous distribution in all the working languages of ICAO as a principle of policy for the publications and documentation of the Organization according to the conditions determined by the Assembly and the Council;

2. *Directs* the Council:

   a) In close contact with the Secretary General, to apply the above-mentioned principle of simultaneous distribution in the agreed languages and closely monitor compliance therewith;

   b) To inform future sessions of the Assembly as to the effective and complete implementation of the foregoing principle; and

3. *Invites* Contracting States to cooperate with the Organization in achieving the objectives of this resolution.

A11-16: Efficiency in the preparation and conduct of meetings

A16-13: Frequency and site of ordinary sessions of the Assembly

A3-5: Dispatch of documentation for ICAO meetings

The Third Assembly resolves:

2. That the Council maintain as far as practicable its present practice of dispatching main supporting documentation* for agenda of meetings at least 90 days prior to the opening date of a meeting.

A38-12: Consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation

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* By "main supporting documentation" is meant the Secretariat's review of the problem plus any pertinent material of sufficient importance to warrant inclusion with the Secretariat's review. Any subsequent documentation, such as comments by Contracting States on the agenda, should be distributed as soon as possible.

PART X. FINANCE

FINANCIAL REGULATIONS

A36-35: Amendment of the Financial Regulations

Whereas the Council has approved the establishment of an Ancillary Revenue Generation Fund to provide greater impetus and sustainability of revenue generating activities while, at the same time, increasing transparency and accountability for the operations;

Whereas the Council has approved the principle of Results-Based Budgeting to better align the financial requirements of the Organization to its planned results;

Whereas the Council has approved the adoption of internationally recognized accounting standards approved by the United Nations and the United Nations System's Chief Executive Board for application on or before 1 January 2010 to improve the quality, comparability and credibility of the United Nations system's financial reporting;

Whereas the Council has approved further amendments to the Financial Regulations to improve clarity and to better reflect current and future processes and practices with the implementation of a new financial system;

The Assembly:

1. *Resolves* that the amendments as set out below to Financial Regulations 5.2 and 6.2 are approved effective 1 January 2008;

2. *Confirms* the Financial Regulations approved by the Council effective 1 January 2008 as set out in the Appendix to A35-WP/45, AD/11;

3. *Notes* that this Resolution supersedes, effective 1 January 2008, all previous resolutions on the Financial Regulations (A12-35, A14-54, A14-55, A18-27, A21-35, A24-29, A32-29, A33-29 and A35-25); and

4. *Approves* the following changes to A36-WP/45, AD/11:

Financial Regulation 5.2

c) irrespective of a) and b) above, up to the amount by which, for one or more financial years not yet submitted to the Assembly, actual miscellaneous income exceeds the amount of income taken into account by the Assembly in approving the appropriations for that year or those years to finance expenditure on projects related to the efficient delivery of the Organization's Business Plan.

Financial Regulation 6.2

A cash surplus is defined as the difference between accumulated surplus shown in the financial statements under the General Fund and assessments receivable from Contracting States. A cash surplus may be used to meet expenditures and to finance deficits in the Revolving Fund established under Financial Regulation 7.8, subject to Council approval except that cash surplus at the end of the year prior to the year in which the Assembly is held shall be disposed of in the manner to be decided by the Assembly.

A37-29: Amendment of the Financial Regulations

Whereas the Council is respectful of the position of the Assembly in approving the Budgets and Appropriations of the Organization;

Whereas the Council is able to meet on a regular basis to deal with exigencies and developments affecting the amounts appropriated; and

Whereas the Council requires the flexibility between Assembly sessions to accommodate changes in the financing needs;

The Assembly resolves that:

1. The amendments as set out in the Appendix of A37-WP/57, AD/14 to Financial Regulation 5.2 are approved effective 1 January 2011 and to other Financial Regulations are confirmed pursuant to Financial Regulation 14.1.

A38-28: Amendment of the Financial Regulations

Whereas the Council is respectful of the position of the Assembly in approving the Budgets and Appropriations of the Organization;

Whereas the Council is able to meet on a regular basis to deal with exigencies and developments affecting the amounts appropriated;

Whereas the Council requires the flexibility between Assembly sessions to accommodate changes in the financing needs;

The Assembly resolves that the amendments as set out below to Financial Regulations 5.6 and 7.6 are confirmed pursuant to Financial Regulation 14.1.

Reg. No.	**Edited changes**	**New revised text**
5.6	The Secretary General up to 10 per cent per appropriation for each Strategic Objective or Supporting Strategy and, above this percentage, the Council, irrespective of its authority under Regulation 5.9 to effect transfers between Strategic Objectives or Supporting Strategies, may determine that any unspent balance of appropriations in any financial year ~~during the period between normal triennial sessions of the Assembly~~ be carried over to the following year. The total of expended and carried over appropriations shall not exceed the Total Authorized Appropriation plus amounts carried over from the previous year. Any balance of unspent appropriations and appropriations not carried over to the following year shall be cancelled.	The Secretary General up to 10 per cent per appropriation for each Strategic Objective or Supporting Strategy and, above this percentage, the Council, irrespective of its authority under Regulation 5.9 to effect transfers between Strategic Objectives or Supporting Strategies, may determine that any unspent balance of appropriations in any financial year be carried over to the following year. The total of expended and carried over appropriations shall not exceed the Total Authorized Appropriation plus amounts carried over from the previous year. Any balance of unspent appropriations and appropriations not carried over to the following year shall be cancelled.
7.6	Income including ~~from investments of, and~~ bank interest earned ~~on, the Working Capital~~ by a Fund ~~and the General Fund~~ shall be credited to ~~the General~~ that Fund except: a) ~~as Miscellaneous Income.~~ Income from investments and bank interest ~~on any other~~ earned by the General Fund and Working Capital Fund shall be credited to ~~that other~~ the General Fund as miscellaneous income; and b) Income from investments and bank interest earned by Funds established in support of the Technical Co-operation Programme shall be credited to the Administrative and Operational Services Cost Fund (AOSC) or to the Contributor as specified under the Agreement with the Contributor.	Income including bank interest earned by a Fund shall be credited to that Fund except: a) Income from investments and bank interest earned by the General Fund and Working Capital Fund shall be credited to the General Fund as miscellaneous income; and b) Income from investments and bank interest earned by Funds established in support of the Technical Co-operation Programme shall be credited to the Administrative and Operational Services Cost Fund (AOSC) or to the Contributor as specified under the Agreement with the Contributor.

A39-34: Amendment of the Financial Regulations

Whereas the Council is respectful of the position of the Assembly in approving the Budgets and Appropriations of the Organization;

Whereas the Council is able to meet on a regular basis to deal with exigencies and developments affecting the amounts appropriated;

Whereas the Council requires the flexibility between Assembly sessions to accommodate changes in the financing needs;

The Assembly resolves that the amendments as set out below to Financial Regulations 5.9, 7.3 and 11.4 are confirmed pursuant to Financial Regulation 14.1.

Reg. No.	Edited changes	New revised text
5.9	Transfers from one Strategic Objective or Supporting Strategy to another may be effected by the Secretary General up to an amount not exceeding ~~10~~20 per cent of the annual appropriation for each of the Strategic Objectives or Supporting Strategies to which the transfer is made. Above this percentage, transfers between Strategic Objectives or Supporting Strategies may be effected by the Secretary General, with the prior approval of the Council after obtaining the advice of the Finance Committee. All transfers, including those that fall within the authority of the Secretary General, shall be reported to the Assembly.	Transfers from one Strategic Objective or Supporting Strategy to another may be effected by the Secretary General up to an amount not exceeding 20 per cent of the annual appropriation for each of the Strategic Objectives or Supporting Strategies to which the transfer is made. Above this percentage, transfers between Strategic Objectives or Supporting Strategies may be effected by the Secretary General, with the prior approval of the Council after obtaining the advice of the Finance Committee. All transfers, including those that fall within the authority of the Secretary General, shall be reported to the Assembly.
7.3	b) the Working Capital Fund shall be utilized to make advances as necessary: i) to the General Fund to finance temporary cash deficits as a result of delays in receipt of income, the sums so advanced to be reimbursed as soon as receipts are available for the purpose; ii) to the relevant Joint Financing Fund for the operation of projects under agreements concluded under Chapter XV of the Convention, for the purpose of defraying expenses pending receipt of contributions assessable to participating States by virtue of these agreements, the outstanding balance of the sums so advanced not to exceed $100 000 at any time and to be reimbursed as soon as receipts from participating States are available for the purpose; and iii) in cases where the Council has approved appropriations under Regulations 5.2 a) and b), to the relevant special fund created under Regulation 8.4 subject to the limit therein specified.	b) the Working Capital Fund shall be utilized to make advances as necessary: i) to the General Fund to finance temporary cash deficits as a result of delays in receipt of income, the sums so advanced to be reimbursed as soon as receipts are available for the purpose; ii) to the relevant Joint Financing Fund for the operation of projects under agreements concluded under Chapter XV of the Convention, for the purpose of defraying expenses pending receipt of contributions assessable to participating States by virtue of these agreements, the outstanding balance of the sums so advanced not to exceed $100 000 at any time and to be reimbursed as soon as receipts from participating States are available for the purpose; and iii) in cases where the Council has approved appropriations under Regulations 5.2 a) and b), to the relevant special fund created under Regulation 8.4 subject to the limit therein specified.

Reg. No.	Edited changes	New revised text
11.4	The Secretary General may write off losses of cash, stores and other assets provided that a statement of all such accounts written off shall be submitted to the External Auditors with the annual accounts. For individual write-off actions exceeding CAD 20 000 in ~~original value~~ Net Book Value, prior approval of the Finance Committee must be obtained.	The Secretary General may write off losses of cash, stores and other assets provided that a statement of all such accounts written off shall be submitted to the External Auditors with the annual accounts. For individual write-off actions exceeding CAD 20 000 in Net Book Value, prior approval of the Finance Committee must be obtained.

ASSESSMENTS

A36-31: Apportionment of the expenses of ICAO among Contracting States (Principles to be applied in the determination of scales of assessment)

The Assembly resolves:

1. that scales of assessments for the apportionment of expenses of the Organization shall be determined on the basis of the principles set out below:

a) The general principles determining the basis of apportionment of expenses among Contracting States are:

1) capacity of Contracting States to pay, as measured by national income, taking into consideration national income per head of population;

2) a Contracting State's interest and importance in civil aviation;

3) the use of a percentage system to apportion each State's share of the expenses of the Organization out of the total of 100 per cent;

4) the determination of a minimum and a maximum contribution.

b) In respect of the principles at paragraph a):

1) the percentage system shall express the contributions of States to two places of decimals;

2) the minimum contribution of any one Contracting State shall be .06 per cent for a full financial year;

3) the maximum contribution to be paid by any one Contracting State in any one year shall not, as a matter of principle, exceed 25 per cent of the total contribution.

c) In the application of the principles at paragraph a), the following shall be taken into account:

1) in the computation of the scale, capacity to pay shall carry a weight of 75 per cent and interest and importance in civil aviation a weight of 25 per cent, and from these shall be obtained coefficient figures for each State expressed as percentages of the whole;

2) in taking account of the capacity of Contracting States to pay, only total national income and per capita income shall be considered as being subject to quantitative evaluation and to inclusion in the computed scale;

3) the adjustment to each State's national income shall be based on the arrangements in force in this regard in the United Nations at the time that the scales of assessments of the Organization are prepared by the Secretary General;

4) interest and importance in civil aviation shall be measured by the capacity tonne-kilometres available on each State's scheduled air services;

5) capacity tonne-kilometres shall be given a weight of 75 per cent for international services and 25 per cent for domestic services.

d) The difference between the maximum contribution by application of the principles and the fixed maximum contribution shall be distributed over the remaining Contracting States by applying the same principles.

e) The increase in a State's contribution as compared with the previous year's, expressed in per cent of the total contribution, shall not exceed 20 per cent of the previous year's contribution for the year 2008 and no further limitation principle will be applied for subsequent years.

2. that the approved scales of assessments shall not be adjusted to include the assessments of new Member States joining the Organization in the interval between Assemblies; the assessments of these new States shall be kept in addition to the existing 100 per cent scale and their contributions shall be credited to the General Fund;

3. that the draft scales of assessments for each successive triennial period shall be prepared by the Secretary General on the basis of the principles set out in Clause 1 above; and

4. that this resolution consolidates the existing assessment principles of the Organization and supersedes, effective 1 January 2008, resolutions A21-33 and A23-24.

A26-23: Ways and means of overcoming delays in payment of assessments

The Assembly notes that:

1. in accordance with Resolution A24-28, Clause 5, the Council has reported upon and the Assembly has considered ways and means of overcoming delays in the payment of assessments;

2. while long-term arrears create financial difficulties for the Organization, of particular concern are the delays in payment of current year contributions which give rise to cash shortages and threaten the Organization's ability to meet its current obligations;

3. in preparing the Budget, provision should only be made for interest income which is expected to be earned from investment of unutilized Working Capital Funds. No provision should be made for other interest income which would be dependent on the timing of contribution payments by Contracting States, since the timing of contribution payments is outside of the Organization's control.

Resolves:

1. that the current policy of making direct representations to States for timely payment of current year assessments, informing them of the serious repercussions of delays in assessment payments on the functioning of the Organization be intensified;

2. that a scheme of incentives be implemented effective 1 January 1987 to encourage timely payment of assessed contributions, whereby amounts of realized surplus in each of the three financial years preceding the year of the Assembly, up to a maximum equivalent to the Organization's interest earnings on investments in each of these years would be distributed to Contracting States according to a weighted scale on the basis of the dates and amounts of current year contributions paid-in as well as the share of undistributed surpluses accrued from previous years' budgets;

3. that following adoption of the audited accounts by the Assembly, an incentive amount equivalent to the interest earned for the three years will be apportioned among the Contracting States according to the incentive points accumulated over the three-year period. If the amount of surplus available for distribution is less than the interest earned, only the amount available for distribution will be apportioned. The appropriate share of incentive so calculated will be distributed to Contracting States along with other budget surpluses distributed in accordance with Financial Regulation 6.2 (a).

A36:34: Working Capital Fund

A36-32: Assessments to the General Fund for 2008, 2009 and 2010

The Assembly:

1. *Resolves* that the amounts to be assessed on Contracting States for 2008, 2009 and 2010 pursuant to Article 61, Chapter XII, of the Convention shall be determined in accordance with the scales set out below.

	2008 per cent	*2009 per cent*	*2010 per cent*
Afghanistan	0.06	0.06	0.06
Albania	0.06	0.06	0.06
Algeria	0.08	0.08	0.08
Andorra	0.06	0.06	0.06
Angola	0.06	0.06	0.06
Antigua and Barbuda	0.06	0.06	0.06
Argentina	0.33	0.31	0.31
Armenia	0.06	0.06	0.06
Australia	1.77	1.71	1.71
Austria	0.74	0.71	0.71
Azerbaijan	0.06	0.06	0.06
Bahamas	0.06	0.06	0.06

	2008 per cent	*2009 per cent*	*2010 per cent*
Bahrain	0.07	0.09	0.09
Bangladesh	0.08	0.08	0.08
Barbados	0.06	0.06	0.06
Belarus	0.06	0.06	0.06
Belgium	0.83	0.80	0.80
Belize	0.06	0.06	0.06
Benin	0.06	0.06	0.06
Bhutan	0.06	0.06	0.06
Bolivia	0.06	0.06	0.06
Bosnia and Herzegovina	0.06	0.06	0.06
Botswana	0.06	0.06	0.06
Brazil	0.92	0.89	0.89
Brunei Darussalam	0.06	0.06	0.06
Bulgaria	0.06	0.06	0.06
Burkina Faso	0.06	0.06	0.06
Burundi	0.06	0.06	0.06
Cambodia	0.06	0.06	0.06
Cameroon	0.06	0.06	0.06
Canada	2.48	2.39	2.39
Cape Verde	0.06	0.06	0.06
Central African Republic	0.06	0.06	0.06
Chad	0.06	0.06	0.06
Chile	0.26	0.25	0.25
China	2.42	3.67	3.67
Colombia	0.21	0.20	0.20
Comoros	0.06	0.06	0.06
Congo	0.06	0.06	0.06
Cook Islands	0.06	0.06	0.06
Costa Rica	0.06	0.06	0.06
Côte d'Ivoire	0.06	0.06	0.06
Croatia	0.06	0.06	0.06
Cuba	0.07	0.07	0.07
Cyprus	0.06	0.06	0.06
Czech Republic	0.18	0.22	0.22
Democratic People’s Republic of Korea	0.06	0.06	0.06
Democratic Republic of the Congo	0.06	0.06	0.06
Denmark	0.56	0.54	0.54

	2008 per cent	2009 per cent	2010 per cent
Djibouti	0.06	0.06	0.06
Dominican Republic	0.06	0.06	0.06
Ecuador	0.06	0.06	0.06
Egypt	0.17	0.16	0.16
El Salvador	0.06	0.06	0.06
Equatorial Guinea	0.06	0.06	0.06
Eritrea	0.06	0.06	0.06
Estonia	0.06	0.06	0.06
Ethiopia	0.07	0.06	0.06
Fiji	0.06	0.06	0.06
Finland	0.48	0.47	0.47
France	5.17	5.00	5.00
Gabon	0.06	0.06	0.06
Gambia	0.06	0.06	0.06
Georgia	0.06	0.06	0.06
Germany	7.08	6.85	6.85
Ghana	0.06	0.06	0.06
Greece	0.46	0.44	0.44
Grenada	0.06	0.06	0.06
Guatemala	0.06	0.06	0.06
Guinea	0.06	0.06	0.06
Guinea-Bissau	0.06	0.06	0.06
Guyana	0.06	0.06	0.06
Haiti	0.06	0.06	0.06
Honduras	0.06	0.06	0.06
Hungary	0.14	0.19	0.19
Iceland	0.07	0.06	0.06
India	0.54	0.55	0.55
Indonesia	0.29	0.28	0.28
Iran (Islamic Republic of)	0.18	0.19	0.19
Iraq	0.06	0.06	0.06
Ireland	0.42	0.50	0.50
Israel	0.47	0.45	0.45
Italy	3.71	3.59	3.59
Jamaica	0.06	0.06	0.06
Japan	12.16	11.75	11.75

	2008 per cent	*2009 per cent*	*2010 per cent*
Jordan	0.06	0.06	0.06
Kazakhstan	0.06	0.06	0.06
Kenya	0.06	0.06	0.06
Kiribati	0.06	0.06	0.06
Kuwait	0.19	0.18	0.18
Kyrgyzstan	0.06	0.06	0.06
Lao People's Democratic Republic	0.06	0.06	0.06
Latvia	0.06	0.06	0.06
Lebanon	0.06	0.06	0.06
Lesotho	0.06	0.06	0.06
Liberia	0.06	0.06	0.06
Libyan Arab Jamahiriya	0.06	0.06	0.06
Lithuania	0.06	0.06	0.06
Luxembourg	0.38	0.36	0.36
Madagascar	0.06	0.06	0.06
Malawi	0.06	0.06	0.06
Malaysia	0.57	0.55	0.55
Maldives	0.06	0.06	0.06
Mali	0.06	0.06	0.06
Malta	0.06	0.06	0.06
Marshall Islands	0.06	0.06	0.06
Mauritania	0.06	0.06	0.06
Mauritius	0.07	0.06	0.06
Mexico	1.46	1.63	1.63
Micronesia (Federated States of)	0.06	0.06	0.06
Monaco	0.06	0.06	0.06
Mongolia	0.06	0.06	0.06
Montenegro	0.06	0.06	0.06
Morocco	0.09	0.08	0.08
Mozambique	0.06	0.06	0.06
Myanmar	0.06	0.06	0.06
Namibia	0.06	0.06	0.06
Nauru	0.06	0.06	0.06
Nepal	0.06	0.06	0.06
Netherlands	1.96	1.90	1.90
New Zealand	0.37	0.36	0.36
Nicaragua	0.06	0.06	0.06

	2008 per cent	*2009 per cent*	*2010 per cent*
Niger	0.06	0.06	0.06
Nigeria	0.06	0.06	0.06
Norway	0.57	0.55	0.55
Oman	0.11	0.11	0.11
Pakistan	0.16	0.16	0.16
Palau	0.06	0.06	0.06
Panama	0.06	0.06	0.06
Papua New Guinea	0.06	0.06	0.06
Paraguay	0.06	0.06	0.06
Peru	0.10	0.10	0.10
Philippines	0.18	0.17	0.17
Poland	0.42	0.41	0.41
Portugal	0.47	0.45	0.45
Qatar	0.16	0.24	0.24
Republic of Korea	2.45	2.37	2.37
Republic of Moldova	0.06	0.06	0.06
Romania	0.07	0.08	0.08
Russian Federation	0.73	0.79	0.79
Rwanda	0.06	0.06	0.06
Saint Kitts and Nevis	0.06	0.06	0.06
Saint Lucia	0.06	0.06	0.06
Saint Vincent and the Grenadines	0.06	0.06	0.06
Samoa	0.06	0.06	0.06
San Marino	0.06	0.06	0.06
Sao Tome and Principe	0.06	0.06	0.06
Saudi Arabia	0.71	0.69	0.69
Senegal	0.06	0.06	0.06
Serbia	0.06	0.06	0.06
Seychelles	0.06	0.06	0.06
Sierra Leone	0.06	0.06	0.06
Singapore	1.24	1.20	1.20
Slovakia	0.06	0.06	0.06
Slovenia	0.07	0.07	0.07
Solomon Islands	0.06	0.06	0.06
Somalia	0.06	0.06	0.06
South Africa	0.46	0.45	0.45
Spain	2.38	2.30	2.30

	2008 per cent	2009 per cent	2010 per cent
Sri Lanka	0.08	0.08	0.08
Sudan	0.06	0.06	0.06
Suriname	0.06	0.06	0.06
Swaziland	0.06	0.06	0.06
Sweden	0.77	0.75	0.75
Switzerland	1.00	0.97	0.97
Syrian Arab Republic	0.06	0.06	0.06
Tajikistan	0.06	0.06	0.06
Thailand	0.56	0.54	0.54
The former Yugoslav Republic of Macedonia	0.06	0.06	0.06
Timor-Leste	0.06	0.06	0.06
Togo	0.06	0.06	0.06
Tonga	0.06	0.06	0.06
Trinidad and Tobago	0.06	0.06	0.06
Tunisia	0.06	0.06	0.06
Turkey	0.44	0.43	0.43
Turkmenistan	0.06	0.06	0.06
Uganda	0.06	0.06	0.06
Ukraine	0.06	0.06	0.06
United Arab Emirates	0.64	0.88	0.88
United Kingdom	5.94	5.74	5.74
United Republic of Tanzania	0.06	0.06	0.06
United States	25.00	25.00	25.00
Uruguay	0.06	0.06	0.06
Uzbekistan	0.06	0.06	0.06
Vanuatu	0.06	0.06	0.06
Venezuela	0.16	0.15	0.15
Viet Nam	0.07	0.09	0.09
Yemen	0.06	0.06	0.06
Zambia	0.06	0.06	0.06
Zimbabwe	0.06	0.06	0.06
	100.00	100.00	100.00

A37-27: Assessments to the General Fund for 2011, 2012 and 2013

The Assembly:

1. *Resolves* that the amounts to be assessed on Contracting States for 2011, 2012 and 2013 pursuant to Article 61, Chapter XII, of the Convention shall be determined in accordance with the scales set out below.

	2011 per cent	*2012 per cent*	*2013 per cent*
Afghanistan	0.06	0.06	0.06
Albania	0.06	0.06	0.06
Algeria	0.11	0.11	0.11
Andorra	0.06	0.06	0.06
Angola	0.06	0.06	0.06
Antigua and Barbuda	0.06	0.06	0.06
Argentina	0.25	0.25	0.25
Armenia	0.06	0.06	0.06
Australia	1.72	1.72	1.72
Austria	0.65	0.65	0.65
Azerbaijan	0.06	0.06	0.06
Bahamas	0.06	0.06	0.06
Bahrain	0.13	0.13	0.13
Bangladesh	0.06	0.06	0.06
Barbados	0.06	0.06	0.06
Belarus	0.06	0.06	0.06
Belgium	0.82	0.82	0.82
Belize	0.06	0.06	0.06
Benin	0.06	0.06	0.06
Bhutan	0.06	0.06	0.06
Bolivia (Plurinational State of)	0.06	0.06	0.06
Bosnia and Herzegovina	0.06	0.06	0.06
Botswana	0.06	0.06	0.06
Brazil	1.33	1.33	1.33
Brunei Darussalam	0.06	0.06	0.06
Bulgaria	0.06	0.06	0.06
Burkina Faso	0.06	0.06	0.06
Burundi	0.06	0.06	0.06
Cambodia	0.06	0.06	0.06
Cameroon	0.06	0.06	0.06

	2011 per cent	*2012 per cent*	*2013 per cent*
Canada	2.55	2.55	2.55
Cape Verde	0.06	0.06	0.06
Central African Republic	0.06	0.06	0.06
Chad	0.06	0.06	0.06
Chile	0.28	0.28	0.28
China	4.06	4.06	4.06
Colombia	0.22	0.22	0.22
Comoros	0.06	0.06	0.06
Congo	0.06	0.06	0.06
Cook Islands	0.06	0.06	0.06
Costa Rica	0.06	0.06	0.06
Côte d'Ivoire	0.06	0.06	0.06
Croatia	0.07	0.07	0.07
Cuba	0.07	0.07	0.07
Cyprus	0.06	0.06	0.06
Czech Republic	0.27	0.27	0.27
Democratic People's Republic of Korea	0.06	0.06	0.06
Democratic Republic of the Congo	0.06	0.06	0.06
Denmark	0.56	0.56	0.56
Djibouti	0.06	0.06	0.06
Dominican Republic	0.06	0.06	0.06
Ecuador	0.06	0.06	0.06
Egypt	0.17	0.17	0.17
El Salvador	0.06	0.06	0.06
Equatorial Guinea	0.06	0.06	0.06
Eritrea	0.06	0.06	0.06
Estonia	0.06	0.06	0.06
Ethiopia	0.08	0.08	0.08
Fiji	0.06	0.06	0.06
Finland	0.50	0.50	0.50
France	4.92	4.92	4.92
Gabon	0.06	0.06	0.06
Gambia	0.06	0.06	0.06
Georgia	0.06	0.06	0.06
Germany	6.56	6.56	6.56

	2011 per cent	2012 per cent	2013 per cent
Ghana	0.06	0.06	0.06
Greece	0.50	0.50	0.50
Grenada	0.06	0.06	0.06
Guatemala	0.06	0.06	0.06
Guinea	0.06	0.06	0.06
Guinea-Bissau	0.06	0.06	0.06
Guyana	0.06	0.06	0.06
Haiti	0.06	0.06	0.06
Honduras	0.06	0.06	0.06
Hungary	0.22	0.22	0.22
Iceland	0.06	0.06	0.06
India	0.73	0.73	0.73
Indonesia	0.26	0.26	0.26
Iran (Islamic Republic of)	0.20	0.20	0.20
Iraq	0.06	0.06	0.06
Ireland	0.65	0.65	0.65
Israel	0.39	0.39	0.39
Italy	3.52	3.52	3.52
Jamaica	0.06	0.06	0.06
Japan	9.08	9.08	9.08
Jordan	0.06	0.06	0.06
Kazakhstan	0.06	0.06	0.06
Kenya	0.06	0.06	0.06
Kiribati	0.06	0.06	0.06
Kuwait	0.23	0.23	0.23
Kyrgyzstan	0.06	0.06	0.06
Lao People’s Democratic Republic	0.06	0.06	0.06
Latvia	0.06	0.06	0.06
Lebanon	0.06	0.06	0.06
Lesotho	0.06	0.06	0.06
Liberia	0.06	0.06	0.06
Libyan Arab Jamahiriya	0.09	0.09	0.09
Lithuania	0.06	0.06	0.06
Luxembourg	0.31	0.31	0.31
Madagascar	0.06	0.06	0.06

	2011 per cent	*2012 per cent*	*2013 per cent*
Malawi	0.06	0.06	0.06
Malaysia	0.47	0.47	0.47
Maldives	0.06	0.06	0.06
Mali	0.06	0.06	0.06
Malta	0.06	0.06	0.06
Marshall Islands	0.06	0.06	0.06
Mauritania	0.06	0.06	0.06
Mauritius	0.06	0.06	0.06
Mexico	1.72	1.72	1.72
Micronesia (Federated States of)	0.06	0.06	0.06
Monaco	0.06	0.06	0.06
Mongolia	0.06	0.06	0.06
Montenegro	0.06	0.06	0.06
Morocco	0.10	0.10	0.10
Mozambique	0.06	0.06	0.06
Myanmar	0.06	0.06	0.06
Namibia	0.06	0.06	0.06
Nauru	0.06	0.06	0.06
Nepal	0.06	0.06	0.06
Netherlands	1.85	1.85	1.85
New Zealand	0.30	0.30	0.30
Nicaragua	0.06	0.06	0.06
Niger	0.06	0.06	0.06
Nigeria	0.06	0.06	0.06
Norway	0.61	0.61	0.61
Oman	0.07	0.07	0.07
Pakistan	0.15	0.15	0.15
Palau	0.06	0.06	0.06
Panama	0.06	0.06	0.06
Papua New Guinea	0.06	0.06	0.06
Paraguay	0.06	0.06	0.06
Peru	0.10	0.10	0.10
Philippines	0.16	0.16	0.16
Poland	0.59	0.59	0.59
Portugal	0.48	0.48	0.48

	2011 per cent	2012 per cent	2013 per cent
Qatar	0.41	0.41	0.41
Republic of Korea	2.41	2.41	2.41
Republic of Moldova	0.06	0.06	0.06
Romania	0.15	0.15	0.15
Russian Federation	1.46	1.46	1.46
Rwanda	0.06	0.06	0.06
Saint Kitts and Nevis	0.06	0.06	0.06
Saint Lucia	0.06	0.06	0.06
Saint Vincent and the Grenadines	0.06	0.06	0.06
Samoa	0.06	0.06	0.06
San Marino	0.06	0.06	0.06
Sao Tome and Principe	0.06	0.06	0.06
Saudi Arabia	0.77	0.77	0.77
Senegal	0.06	0.06	0.06
Serbia	0.06	0.06	0.06
Seychelles	0.06	0.06	0.06
Sierra Leone	0.06	0.06	0.06
Singapore	1.07	1.07	1.07
Slovakia	0.11	0.11	0.11
Slovenia	0.07	0.07	0.07
Solomon Islands	0.06	0.06	0.06
Somalia	0.06	0.06	0.06
South Africa	0.42	0.42	0.42
Spain	2.47	2.47	2.47
Sri Lanka	0.07	0.07	0.07
Sudan	0.06	0.06	0.06
Suriname	0.06	0.06	0.06
Swaziland	0.06	0.06	0.06
Sweden	0.74	0.74	0.74
Switzerland	0.95	0.95	0.95
Syrian Arab Republic	0.06	0.06	0.06
Tajikistan	0.06	0.06	0.06
Thailand	0.50	0.50	0.50
The Former Yugoslav Republic of Macedonia	0.06	0.06	0.06
Timor-Leste	0.06	0.06	0.06

	2011 per cent	2012 per cent	2013 per cent
Togo	0.06	0.06	0.06
Tonga	0.06	0.06	0.06
Trinidad and Tobago	0.06	0.06	0.06
Tunisia	0.06	0.06	0.06
Turkey	0.63	0.63	0.63
Turkmenistan	0.06	0.06	0.06
Uganda	0.06	0.06	0.06
Ukraine	0.10	0.10	0.10
United Arab Emirates	1.07	1.07	1.07
United Kingdom	5.68	5.68	5.68
United Republic of Tanzania	0.06	0.06	0.06
United States	25.00	25.00	25.00
Uruguay	0.06	0.06	0.06
Uzbekistan	0.06	0.06	0.06
Vanuatu	0.06	0.06	0.06
Venezuela (Bolivarian Republic of)	0.22	0.22	0.22
Viet Nam	0.10	0.10	0.10
Yemen	0.06	0.06	0.06
Zambia	0.06	0.06	0.06
Zimbabwe	0.06	0.06	0.06
	100.00	100.00	100.00

A38-26: Assessments to the General Fund for 2014, 2015 and 2016

The Assembly:

1. *Resolves* that the amounts to be assessed on Member States for 2014, 2015 and 2016 pursuant to Article 61, Chapter XII, of the Convention shall be determined in accordance with the scales set out in the Appendix to A38-WP/93, AD/13.

	2014 per cent	2015 per cent	2016 per cent
Afghanistan	0.06	0.06	0.06
Albania	0.06	0.06	0.06
Algeria	0.11	0.11	0.11
Andorra	0.06	0.06	0.06
Angola	0.06	0.06	0.06

	2014 per cent	*2015 per cent*	*2016 per cent*
Antigua and Barbuda	0.06	0.06	0.06
Argentina	0.37	0.37	0.37
Armenia	0.06	0.06	0.06
Australia	1.83	1.83	1.83
Austria	0.65	0.65	0.65
Azerbaijan	0.06	0.06	0.06
Bahamas	0.06	0.06	0.06
Bahrain	0.12	0.12	0.12
Bangladesh	0.06	0.06	0.06
Barbados	0.06	0.06	0.06
Belarus	0.06	0.06	0.06
Belgium	0.76	0.76	0.76
Belize	0.06	0.06	0.06
Benin	0.06	0.06	0.06
Bhutan	0.06	0.06	0.06
Bolivia (Plurinational State of)	0.06	0.06	0.06
Bosnia and Herzegovina	0.06	0.06	0.06
Botswana	0.06	0.06	0.06
Brazil	2.31	2.31	2.31
Brunei Darussalam	0.06	0.06	0.06
Bulgaria	0.06	0.06	0.06
Burkina Faso	0.06	0.06	0.06
Burundi	0.06	0.06	0.06
Cambodia	0.06	0.06	0.06
Cameroon	0.06	0.06	0.06
Canada	2.58	2.58	2.58
Cape Verde	0.06	0.06	0.06
Central African Republic	0.06	0.06	0.06
Chad	0.06	0.06	0.06
Chile	0.37	0.37	0.37
China	5.83	5.83	5.83
Colombia	0.30	0.30	0.30
Comoros	0.06	0.06	0.06
Congo	0.06	0.06	0.06
Cook Islands	0.06	0.06	0.06

	2014 per cent	*2015 per cent*	*2016 per cent*
Costa Rica	0.06	0.06	0.06
Côte d'Ivoire	0.06	0.06	0.06
Croatia	0.09	0.09	0.09
Cuba	0.06	0.06	0.06
Cyprus	0.06	0.06	0.06
Czech Republic	0.29	0.29	0.29
Democratic People’s Republic of Korea	0.06	0.06	0.06
Democratic Republic of the Congo	0.06	0.06	0.06
Denmark	0.52	0.52	0.52
Djibouti	0.06	0.06	0.06
Dominican Republic	0.06	0.06	0.06
Ecuador	0.06	0.06	0.06
Egypt	0.20	0.20	0.20
El Salvador	0.06	0.06	0.06
Equatorial Guinea	0.06	0.06	0.06
Eritrea	0.06	0.06	0.06
Estonia	0.06	0.06	0.06
Ethiopia	0.14	0.14	0.14
Fiji	0.06	0.06	0.06
Finland	0.48	0.48	0.48
France	4.59	4.59	4.59
Gabon	0.06	0.06	0.06
Gambia	0.06	0.06	0.06
Georgia	0.06	0.06	0.06
Germany	6.06	6.06	6.06
Ghana	0.06	0.06	0.06
Greece	0.47	0.47	0.47
Grenada	0.06	0.06	0.06
Guatemala	0.06	0.06	0.06
Guinea	0.06	0.06	0.06
Guinea-Bissau	0.06	0.06	0.06
Guyana	0.06	0.06	0.06
Haiti	0.06	0.06	0.06
Honduras	0.06	0.06	0.06
Hungary	0.26	0.26	0.26

	2014 per cent	*2015 per cent*	*2016 per cent*
Iceland	0.06	0.06	0.06
India	0.85	0.85	0.85
Indonesia	0.44	0.44	0.44
Iran (Islamic Republic of)	0.30	0.30	0.30
Iraq	0.06	0.06	0.06
Ireland	0.67	0.67	0.67
Israel	0.40	0.40	0.40
Italy	3.22	3.22	3.22
Jamaica	0.06	0.06	0.06
Japan	8.07	8.07	8.07
Jordan	0.07	0.07	0.07
Kazakhstan	0.11	0.11	0.11
Kenya	0.06	0.06	0.06
Kiribati	0.06	0.06	0.06
Kuwait	0.24	0.24	0.24
Kyrgyzstan	0.06	0.06	0.06
Lao People's Democratic Republic	0.06	0.06	0.06
Latvia	0.06	0.06	0.06
Lebanon	0.06	0.06	0.06
Lesotho	0.06	0.06	0.06
Liberia	0.06	0.06	0.06
Libya	0.12	0.12	0.12
Lithuania	0.06	0.06	0.06
Luxembourg	0.27	0.27	0.27
Madagascar	0.06	0.06	0.06
Malawi	0.06	0.06	0.06
Malaysia	0.51	0.51	0.51
Maldives	0.06	0.06	0.06
Mali	0.06	0.06	0.06
Malta	0.06	0.06	0.06
Marshall Islands	0.06	0.06	0.06
Mauritania	0.06	0.06	0.06
Mauritius	0.06	0.06	0.06
Mexico	1.36	1.36	1.36
Micronesia (Federated States of)	0.06	0.06	0.06

	2014 per cent	2015 per cent	2016 per cent
Monaco	0.06	0.06	0.06
Mongolia	0.06	0.06	0.06
Montenegro	0.06	0.06	0.06
Morocco	0.12	0.12	0.12
Mozambique	0.06	0.06	0.06
Myanmar	0.06	0.06	0.06
Namibia	0.06	0.06	0.06
Nauru	0.06	0.06	0.06
Nepal	0.06	0.06	0.06
Netherlands	1.60	1.60	1.60
New Zealand	0.30	0.30	0.30
Nicaragua	0.06	0.06	0.06
Niger	0.06	0.06	0.06
Nigeria	0.07	0.07	0.07
Norway	0.68	0.68	0.68
Oman	0.11	0.11	0.11
Pakistan	0.15	0.15	0.15
Palau	0.06	0.06	0.06
Panama	0.07	0.07	0.07
Papua New Guinea	0.06	0.06	0.06
Paraguay	0.06	0.06	0.06
Peru	0.13	0.13	0.13
Philippines	0.24	0.24	0.24
Poland	0.66	0.66	0.66
Portugal	0.46	0.46	0.46
Qatar	0.64	0.64	0.64
Republic of Korea	2.18	2.18	2.18
Republic of Moldova	0.06	0.06	0.06
Romania	0.18	0.18	0.18
Russian Federation	2.21	2.21	2.21

	2014 per cent	2015 per cent	2016 per cent
Rwanda	0.06	0.06	0.06
Saint Kitts and Nevis	0.06	0.06	0.06
Saint Lucia	0.06	0.06	0.06
Saint Vincent and the Grenadines	0.06	0.06	0.06
Samoa	0.06	0.06	0.06
San Marino	0.06	0.06	0.06
Sao Tome and Principe	0.06	0.06	0.06
Saudi Arabia	0.85	0.85	0.85
Senegal	0.06	0.06	0.06
Serbia	0.06	0.06	0.06
Seychelles	0.06	0.06	0.06
Sierra Leone	0.06	0.06	0.06
Singapore	1.03	1.03	1.03
Slovakia	0.12	0.12	0.12
Slovenia	0.07	0.07	0.07
Solomon Islands	0.06	0.06	0.06
Somalia	0.06	0.06	0.06
South Africa	0.41	0.41	0.41
South Sudan	0.06	0.06	0.06
Spain	2.47	2.47	2.47
Sri Lanka	0.08	0.08	0.08
Sudan	0.06	0.06	0.06
Suriname	0.06	0.06	0.06
Swaziland	0.06	0.06	0.06
Sweden	0.69	0.69	0.69
Switzerland	0.95	0.95	0.95
Syrian Arab Republic	0.06	0.06	0.06
Tajikistan	0.06	0.06	0.06
Thailand	0.55	0.55	0.55
The former Yugoslav Republic of Macedonia	0.06	0.06	0.06
Timor-Leste	0.06	0.06	0.06
Togo	0.06	0.06	0.06
Tonga	0.06	0.06	0.06
Trinidad and Tobago	0.06	0.06	0.06
Tunisia	0.06	0.06	0.06

	2014 per cent	2015 per cent	2016 per cent
Turkey	1.31	1.31	1.31
Turkmenistan	0.06	0.06	0.06
Uganda	0.06	0.06	0.06
Ukraine	0.12	0.12	0.12
United Arab Emirates	1.80	1.80	1.80
United Kingdom	4.77	4.77	4.77
United Republic of Tanzania	0.06	0.06	0.06
United States	22.07	22.07	22.07
Uruguay	0.06	0.06	0.06
Uzbekistan	0.06	0.06	0.06
Vanuatu	0.06	0.06	0.06
Venezuela (Bolivarian Republic of)	0.44	0.44	0.44
Viet Nam	0.13	0.13	0.13
Yemen	0.06	0.06	0.06
Zambia	0.06	0.06	0.06
Zimbabwe	0.06	0.06	0.06
	100.00	100.00	100.00

A39-32: Assessments to the General Fund for 2017, 2018 and 2019

The Assembly:

Resolves that the amounts to be assessed on Member States for 2017, 2018 and 2019 pursuant to Article 61, Chapter XII, of the Convention shall be determined in accordance with the scales set out in the Table below:

	2017 per cent	2018 per cent	2019 per cent
Afghanistan	0.06	0.06	0.06
Albania	0.06	0.06	0.06
Algeria	0.13	0.13	0.13
Andorra	0.06	0.06	0.06
Angola	0.09	0.09	0.09
Antigua and Barbuda	0.06	0.06	0.06
Argentina	0.69	0.69	0.69
Armenia	0.06	0.06	0.06

	2017 per cent	2018 per cent	2019 per cent
Australia	2.06	2.06	2.06
Austria	0.60	0.60	0.60
Azerbaijan	0.06	0.06	0.06
Bahamas	0.06	0.06	0.06
Bahrain	0.09	0.09	0.09
Bangladesh	0.08	0.08	0.08
Barbados	0.06	0.06	0.06
Belarus	0.06	0.06	0.06
Belgium	0.76	0.76	0.76
Belize	0.06	0.06	0.06
Benin	0.06	0.06	0.06
Bhutan	0.06	0.06	0.06
Bolivia (Plurinational State of)	0.06	0.06	0.06
Bosnia and Herzegovina	0.06	0.06	0.06
Botswana	0.06	0.06	0.06
Brazil	2.94	2.94	2.94
Brunei Darussalam	0.06	0.06	0.06
Bulgaria	0.06	0.06	0.06
Burkina Faso	0.06	0.06	0.06
Burundi	0.06	0.06	0.06
Cabo Verde	0.06	0.06	0.06
Cambodia	0.06	0.06	0.06
Cameroon	0.06	0.06	0.06
Canada	2.61	2.61	2.61
Central African Republic	0.06	0.06	0.06
Chad	0.06	0.06	0.06
Chile	0.42	0.42	0.42
China	7.95	7.95	7.95
Colombia	0.31	0.31	0.31
Comoros	0.06	0.06	0.06
Congo	0.06	0.06	0.06
Cook Islands	0.06	0.06	0.06
Costa Rica	0.06	0.06	0.06
Côte d'Ivoire	0.06	0.06	0.06

	2017 per cent	*2018 per cent*	*2019 per cent*
Croatia	0.07	0.07	0.07
Cuba	0.06	0.06	0.06
Cyprus	0.06	0.06	0.06
Czechia	0.27	0.27	0.27
Democratic People's Republic of Korea	0.06	0.06	0.06
Democratic Republic of the Congo	0.06	0.06	0.06
Denmark	0.45	0.45	0.45
Djibouti	0.06	0.06	0.06
Dominican Republic	0.06	0.06	0.06
Ecuador	0.07	0.07	0.07
Egypt	0.22	0.22	0.22
El Salvador	0.06	0.06	0.06
Equatorial Guinea	0.06	0.06	0.06
Eritrea	0.06	0.06	0.06
Estonia	0.06	0.06	0.06
Ethiopia	0.16	0.16	0.16
Fiji	0.06	0.06	0.06
Finland	0.43	0.43	0.43
France	4.13	4.13	4.13
Gabon	0.06	0.06	0.06
Gambia	0.06	0.06	0.06
Georgia	0.06	0.06	0.06
Germany	5.48	5.48	5.48
Ghana	0.06	0.06	0.06
Greece	0.35	0.35	0.35
Grenada	0.06	0.06	0.06
Guatemala	0.06	0.06	0.06
Guinea	0.06	0.06	0.06
Guinea-Bissau	0.06	0.06	0.06
Guyana	0.06	0.06	0.06
Haiti	0.06	0.06	0.06
Honduras	0.06	0.06	0.06
Hungary	0.18	0.18	0.18

	2017 per cent	2018 per cent	2019 per cent
Iceland	0.06	0.06	0.06
India	0.85	0.85	0.85
Indonesia	0.55	0.55	0.55
Iran (Islamic Republic of)	0.38	0.38	0.38
Iraq	0.09	0.09	0.09
Ireland	0.60	0.60	0.60
Israel	0.41	0.41	0.41
Italy	2.75	2.75	2.75
Jamaica	0.06	0.06	0.06
Japan	7.50	7.50	7.50
Jordan	0.06	0.06	0.06
Kazakhstan	0.17	0.17	0.17
Kenya	0.07	0.07	0.07
Kiribati	0.06	0.06	0.06
Kuwait	0.25	0.25	0.25
Kyrgyzstan	0.06	0.06	0.06
Lao People’s Democratic Republic	0.06	0.06	0.06
Latvia	0.06	0.06	0.06
Lebanon	0.06	0.06	0.06
Lesotho	0.06	0.06	0.06
Liberia	0.06	0.06	0.06
Libya	0.11	0.11	0.11
Lithuania	0.06	0.06	0.06
Luxembourg	0.27	0.27	0.27
Madagascar	0.06	0.06	0.06
Malawi	0.06	0.06	0.06
Malaysia	0.60	0.60	0.60
Maldives	0.06	0.06	0.06
Mali	0.06	0.06	0.06
Malta	0.06	0.06	0.06
Marshall Islands	0.06	0.06	0.06
Mauritania	0.06	0.06	0.06
Mauritius	0.06	0.06	0.06
Mexico	1.16	1.16	1.16
Micronesia (Federated States of)	0.06	0.06	0.06

	2017 per cent	*2018 per cent*	*2019 per cent*
Monaco	0.06	0.06	0.06
Mongolia	0.06	0.06	0.06
Montenegro	0.06	0.06	0.06
Morocco	0.11	0.11	0.11
Mozambique	0.06	0.06	0.06
Myanmar	0.06	0.06	0.06
Namibia	0.06	0.06	0.06
Nauru	0.06	0.06	0.06
Nepal	0.06	0.06	0.06
Netherlands	1.58	1.58	1.58
New Zealand	0.31	0.31	0.31
Nicaragua	0.06	0.06	0.06
Niger	0.06	0.06	0.06
Nigeria	0.16	0.16	0.16
Norway	0.76	0.76	0.76
Oman	0.13	0.13	0.13
Pakistan	0.13	0.13	0.13
Palau	0.06	0.06	0.06
Panama	0.12	0.12	0.12
Papua New Guinea	0.06	0.06	0.06
Paraguay	0.06	0.06	0.06
Peru	0.16	0.16	0.16
Philippines	0.30	0.30	0.30
Poland	0.62	0.62	0.62
Portugal	0.41	0.41	0.41
Qatar	0.83	0.83	0.83
Republic of Korea	2.18	2.18	2.18
Republic of Moldova	0.06	0.06	0.06
Romania	0.14	0.14	0.14
Russian Federation	2.77	2.77	2.77

	2017 per cent	2018 per cent	2019 per cent
Rwanda	0.06	0.06	0.06
Saint Kitts and Nevis	0.06	0.06	0.06
Saint Lucia	0.06	0.06	0.06
Saint Vincent and the Grenadines	0.06	0.06	0.06
Samoa	0.06	0.06	0.06
San Marino	0.06	0.06	0.06
Sao Tome and Principe	0.06	0.06	0.06
Saudi Arabia	1.12	1.12	1.12
Senegal	0.06	0.06	0.06
Serbia	0.06	0.06	0.06
Seychelles	0.06	0.06	0.06
Sierra Leone	0.06	0.06	0.06
Singapore	1.01	1.01	1.01
Slovakia	0.11	0.11	0.11
Slovenia	0.06	0.06	0.06
Solomon Islands	0.06	0.06	0.06
Somalia	0.06	0.06	0.06
South Africa	0.39	0.39	0.39
South Sudan	0.06	0.06	0.06
Spain	2.03	2.03	2.03
Sri Lanka	0.08	0.08	0.08
Sudan	0.06	0.06	0.06
Suriname	0.06	0.06	0.06
Swaziland	0.06	0.06	0.06
Sweden	0.71	0.71	0.71
Switzerland	1.04	1.04	1.04
Syrian Arab Republic	0.06	0.06	0.06
Tajikistan	0.06	0.06	0.06
Thailand	0.59	0.59	0.59
The former Yugoslav Republic of Macedonia	0.06	0.06	0.06
Timor-Leste	0.06	0.06	0.06
Togo	0.06	0.06	0.06
Tonga	0.06	0.06	0.06
Trinidad and Tobago	0.06	0.06	0.06
Tunisia	0.06	0.06	0.06

	2017 per cent	*2018 per cent*	*2019 per cent*
Turkey	1.30	1.30	1.30
Turkmenistan	0.06	0.06	0.06
Uganda	0.06	0.06	0.06
Ukraine	0.10	0.10	0.10
United Arab Emirates	2.25	2.25	2.25
United Kingdom	4.27	4.27	4.27
United Republic of Tanzania	0.06	0.06	0.06
United States	20.24	20.24	20.24
Uruguay	0.06	0.06	0.06
Uzbekistan	0.06	0.06	0.06
Vanuatu	0.06	0.06	0.06
Venezuela (Bolivarian Republic of)	0.41	0.41	0.41
Viet Nam	0.14	0.14	0.14
Yemen	0.06	0.06	0.06
Zambia	0.06	0.06	0.06
Zimbabwe	0.06	0.06	0.06
	100.00	100.00	100.00

BUDGETS

A36-29: Budgets for 2008, 2009 and 2010

A. *The Assembly*, with respect to the Budget 2008-2009-2010, *notes* that:

1. in accordance with Article 61 of the Convention, the Council has submitted and the Assembly has considered annual budget estimates [indicative estimates for the Administrative and Operational Services Costs of the Technical Cooperation Programme (AOSC)] for each of the financial years 2008, 2009 and 2010;

2. in accordance with Articles 49 (e) and 61 of the Convention, the Assembly approves the budgets of the Organization.

B. *The Assembly*, with respect to the Technical Cooperation Programme:

Recognizing that the AOSC are mainly financed by fees from implementation of projects assigned to ICAO for execution by external funding sources such as Governments, the United Nations Development Programme and other sources;

Recognizing that the Technical Cooperation Programme cannot be determined with a high degree of precision until such time as the Governments of donor and recipient countries have decided on the relevant projects;

Recognizing that due to the situation cited above, the annual AOSC net budget figures shown below in Canadian dollars for the years 2008, 2009 and 2010 represent indicative budget estimates only:

2008	**2009**	**2010**
9 723 000	9 827 000	10 328 000

Recognizing that technical cooperation is an important means of fostering the development and safety of civil aviation;

Recognizing the circumstances facing the Technical Cooperation Programme of the Organization and the necessity to take continuing measures; and

Recognizing that in the event that the AOSC operation for any given financial year ends in a financial deficit, such deficit should first be met from the accumulated surplus of the AOSC Fund and a call for support from the Regular Programme Budget would be the last resort;

Resolves that the Indicative Budget Estimates of the Administrative and Operational Services Costs of the Technical Cooperation Programme are hereby approved on the understanding that subsequent adjustments to the Indicative Budget Estimates shall be made within the framework of the annual AOSC Budget Estimates in accordance with the provisions of Article IX of the Financial Regulations, provided that the overall requirements shall not at any time exceed the funds placed at the disposal of the Organization for this purpose.

C. *The Assembly*, with respect to the Regular Programme:

Resolves that:

1. for the financial years 2008, 2009 and 2010, there are hereby authorized for expenditure in accordance with the Financial Regulations, and subject to the provisions of this Resolution, the following amounts in Canadian dollars for the Regular Programme, separately for the years stated:

	2008	2009	2010
Programme			
A – SAFETY	14 415 000	15 014 000	16 185 000
B – SECURITY	5 019 000	6 532 000	8 778 000
C – ENVIRONMENT	1 674 000	1 672 000	1 755 000
D – EFFICIENCY	20 640 000	21 436 000	21 304 000
E – CONTINUITY	1 951 000	2 114 000	2 046 000
F – LAW	607 000	658 000	790 000
Management and Administration	18 670 000	18 582 000	19 638 000
Programme Support	14 086 000	14 001 000	14 871 000
Organizational realignment	2 889 000	76 000	140 000
TOTAL AUTHORIZED APPROPRIATION	**79 951 000**	**80 085 000**	**85 507 000**
Operational	79 386 000	79 692 000	85 371 000
Capital	565 000	393 000	136 000

2. the separate annual Total Authorized Appropriation be financed as follows in Canadian dollars, in accordance with the Financial Regulations:

	2008	2009	2010
a) by Assessments on Contracting States in accordance with Resolution on the Scale of Assessments	74 184 000	74 060 000	79 204 000
b) by Miscellaneous Income	1 916 000	1 917 000	1 917 000
c) Ancillary Revenue Generation Fund Surplus	3 851 000	4 108 000	4 386 000
TOTAL	**79 951 000**	**80 085 000**	**85 507 000**

3. the Council shall review the method of assessing Contracting States, consistent with Financial Regulation 6.6, in order to determine whether the Secretary General should routinely seek contributions in more than one currency beginning in 2008, given the need to manage exchange rate risk effectively and also avoid imposing inordinate administrative burdens on either Contracting States or the Secretariat.

A37-26: Budgets for 2011, 2012 and 2013

A. *The Assembly*, with respect to the Budget 2011-2012-2013, *notes* that:

1. in accordance with Article 61 of the Convention, the Council has submitted and the Assembly has considered annual budget estimates [indicative estimates for the Administrative and Operational Services Costs of the Technical Co-operation Programme (AOSC)] for each of the financial years 2011, 2012 and 2013;

2. in accordance with Articles 49 (e) and 61 of the Convention, the Assembly approves the budgets of the Organization.

B. *The Assembly*, with respect to the Technical Co-operation Programme:

Recognizing that the AOSC are mainly financed by fees from implementation of projects assigned to ICAO for execution by external funding sources such as Governments, the United Nations Development Programme and other sources;

Recognizing that the Technical Co-operation Programme cannot be determined with a high degree of precision until such time as the Governments of donor and recipient countries have decided on the relevant projects;

Recognizing that due to the situation cited above, the annual AOSC net budget figures shown below in Canadian dollars (CAD) for the years 2011, 2012 and 2013 represent indicative budget estimates only:

2011	**2012**	**2013**
10 700 000	11 000 000	11 600 000

Recognizing that technical co-operation is an important means of fostering the development and safety of civil aviation;

Recognizing the circumstances facing the Technical Co-operation Programme of the Organization and the necessity to take continuing measures; and

Recognizing that in the event that the AOSC operation for any given financial year ends in a financial deficit, such deficit should first be met from the accumulated surplus of the AOSC Fund and a call for support from the Regular Programme Budget would be the last resort;

Resolves that the Indicative Budget Estimates of the Administrative and Operational Services Costs of the Technical Co-operation Programme are hereby approved on the understanding that subsequent adjustments to the Indicative Budget Estimates shall be made within the framework of the annual AOSC Budget Estimates in accordance with the provisions of Article IX of the Financial Regulations.

C. *The Assembly*, with respect to the Regular Programme:

Resolves that:

1. separately for the financial years 2011, 2012 and 2013, the following amounts in Canadian dollars, requiring an outlay of funds, are hereby authorized for expenditure for the Regular Programme in accordance with the Financial Regulations, and subject to the provisions of this Resolution:

Programme	**2011**	**2012**	**2013**	**Total**
SAFETY	22 815 000	23 437 000	24 913 000	71 165 000
SECURITY	13 403 000	13 771 000	13 866 000	41 040 000
ENVIRONMENTAL PROTECTION AND SUSTAINABLE DEVELOPMENT OF AIR TRANSPORT	11 431 000	11 843 000	12 311 000	35 585 000
Programme Support	19 748 000	20 714 000	22 143 000	62 605 000
Management and Administration	13 265 000	13 475 000	14 080 000	40 820 000
Management and Administration — Governing Bodies	6 932 000	7 004 000	7 951 000	21 887 000
TOTAL AUTHORIZED APPROPRIATION	**87 594 000**	**90 244 000**	**95 264 000**	**273 102 000**
Operational	86 555 000	89 554 000	94 681 000	270 790 000
Capital	1 039 000	690 000	583 000	2 312 000

2. the separate annual Total Authorized Appropriation be financed as follows in Canadian dollars, in accordance with the Financial Regulations:

		2011	**2012**	**2013**	**Total**
a)	Assessments on States	82 024 000	84 256 000	88 727 000	255 007 000
b)	Transfer from ARGF Surplus	4 370 000	4 688 000	5 082 000	14 140 000
c)	Miscellaneous Income	1 200 000	1 300 000	1 455 000	3 955 000
	TOTAL:	**87 594 000**	**90 244 000**	**95 264 000**	**273 102 000**

3. separately for the financial years 2011, 2012 and 2013, the following additional amounts in Canadian dollars, requiring an outlay of funds, are hereby authorized for expenditure for the Regular Programme in accordance with the Financial Regulations, and subject to the provisions of this Resolution to be financed without increasing Assessment of States through Reimbursement from AOSC fund of $5 311 500 and by the Transfer from Incentive Scheme for Long-Outstanding Arrears Account of $2 202 200:

Programme	**2011**	**2012**	**2013**	**Total**
SAFETY	119 000	977 000	888 000	1 984 000
SECURITY	71 000	73 000	76 000	220 000
ENVIRONMENTAL PROTECTION AND SUSTAINABLE DEVELOPMENT OF AIR TRANSPORT	48 000	49 000	51 000	148 000
Programme Support	387 000	399 000	425 000	1 211 000
Management and Administration	1 262 000	1 295 000	1 349 000	3 906 000
Management and Administration — Governing Bodies	14 000	15 000	16 000	45 000
TOTAL AUTHORIZED APPROPRIATION	**1 901 000**	**2 808 000**	**2 805 000**	**7 514 000**

A38-22: Budgets for 2014, 2015 and 2016

A. *The Assembly*, with respect to the Budget 2014-2015-2016, *notes* that:

1. in accordance with Article 61 of the Convention, the Council has submitted and the Assembly has considered annual budget estimates [indicative estimates for the Administrative and Operational Services Costs of the Technical Co-operation Programme (AOSC)] for each of the financial years 2014, 2015 and 2016;

2. in accordance with Articles 49 (e) and 61 of the Convention, the Assembly approves the budgets of the Organization.

B. *The Assembly*, with respect to the **Technical Co-operation Programme**:

Recognizing that the AOSC are mainly financed by fees from implementation of projects assigned to ICAO for execution by external funding sources such as Governments, the United Nations Development Programme and other sources;

Recognizing that the Technical Co-operation Programme cannot be determined with a high degree of precision until such time as the Governments of donor and recipient countries have decided on the relevant projects;

Recognizing that due to the situation cited above, the annual AOSC net budget figures shown below in Canadian dollars (CAD) for the years 2014, 2015 and 2016 represent indicative budget estimates only:

	2014	**2015**	**2016**
Estimated Expenditures	8 300 000	8 400 000	8 500 000

Recognizing that technical co-operation is an important means of fostering the development and safety of civil aviation;

Recognizing the circumstances facing the Technical Co-operation Programme of the Organization and the necessity to take continuing measures; and

Recognizing that in the event that the AOSC operation for any given financial year ends in a financial deficit, such deficit should first be met from the accumulated surplus of the AOSC Fund and a call for support from the Regular Programme Budget would be the last resort;

Resolves that the Indicative Budget Estimates of the Administrative and Operational Services Costs of the Technical Co-operation Programme are hereby approved on the understanding that subsequent adjustments to the Indicative Budget Estimates shall be made within the framework of the annual AOSC Budget Estimates in accordance with the provisions of Article IX of the Financial Regulations.

C. *The Assembly*, with respect to the **Regular Programme**:

Resolves that:

1. separately for the financial years 2014, 2015 and 2016, the following amounts in Canadian dollars, requiring an outlay of funds, are hereby authorized for expenditure for the Regular Programme in accordance with the Financial Regulations, and subject to the provisions of this Resolution:

	2014	2015	2016	Total
Strategic Objective				
SAFETY	23 219 000	24 097 000	24 721 000	72 037 000
AIR NAVIGATION CAPACITY AND EFFICIENCY	17 353 000	17 628 000	18 353 000	53 334 000
SECURITY AND FACILITATION	8 903 000	9 148 000	9 342 000	27 393 000
ECONOMIC DEVELOPMENT OF AIR TRANSPORT	3 138 000	3 178 000	3 534 000	9 850 000
ENVIRONMENTAL PROTECTION	4 474 000	4 557 000	5 129 000	14 160 000
Programme Support	12 651 000	12 767 000	13 136 000	38 554 000
Management & Administration	15 581 000	15 788 000	16 078 000	47 447 000
Management & Administration — Governing Bodies	7 433 000	7 574 000	8 756 000	23 763 000
TOTAL AUTHORIZED APPROPRIATION	**92 752 000**	**94 737 000**	**99 049 000**	**286 538 000**
Operational	92 224 000	94 139 000	98 625 000	284 988 000
Capital	528 000	598 000	424 000	1 550 000

2. the separate annual Total Authorized Appropriation be financed as follows in Canadian dollars, in accordance with the Financial Regulations:

		2014	2015	2016	Total
a)	Assessments on States	86 120 000	88 075 000	92 355 000	266 550 000
b)	Reimbursement from AOSC Fund	1 231 000	1 260 000	1 291 000	3 782 000
c)	Transfer from ARGF Surplus	5 082 000	5 082 000	5 082 000	15 246 000
d)	Miscellaneous Income	319 000	320 000	321 000	960 000
	TOTAL:	**92 752 000**	**94 737 000**	**99 049 000**	**286 538 000**

A39-37: Budgets for 2017, 2018 and 2019

A. *The Assembly*, with respect to the Budget 2017-2018-2019, *notes* that:

1. in accordance with Article 61 of the Convention, the Council has submitted and the Assembly has considered annual budget estimates [indicative estimates for the Administrative and Operational Services Costs of the Technical Co-operation Programme (AOSC)] for each of the financial years 2017, 2018 and 2019;

2. in accordance with Articles 49 (e) and 61 of the Convention, the Assembly approves the budgets of the Organization.

B. *The Assembly*, with respect to the Technical Cooperation Programme:

Recognizing that the AOSC are mainly financed by fees from implementation of projects assigned to ICAO for execution by external funding sources such as Governments, the United Nations Development Programme and other sources;

Recognizing that the Technical Cooperation Programme cannot be determined with a high degree of precision until such time as the Governments of donor and recipient countries have decided on the relevant projects;

Recognizing that due to the situation cited above, the annual AOSC net budget figures shown below in Canadian dollars (CAD) for the years 2017, 2018 and 2019 represent indicative budget estimates only:

	2017	**2018**	**2019**
Estimated Expenditures	9 560 000	9 700 000	9 930 000

Recognizing that technical cooperation is an important means of fostering the development and safety of civil aviation;

Recognizing the circumstances facing the Technical Cooperation Programme of the Organization and the necessity to take continuing measures; and

Recognizing that in the event that the AOSC operation for any given financial year ends in a financial deficit, such deficit should first be met from the accumulated surplus of the AOSC Fund and a call for support from the Regular Programme Budget would be the last resort.

Resolves that the Indicative Budget Estimates of the Administrative and Operational Services Costs of the Technical Cooperation Programme are hereby approved on the understanding that subsequent adjustments to the Indicative Budget Estimates shall be made within the framework of the annual AOSC Budget Estimates in accordance with the provisions of Article IX of the Financial Regulations.

C. *The Assembly*, with respect to the **Regular Programme**:

Resolves that:

1. separately for the financial years 2017, 2018 and 2019, the following amounts in Canadian dollars, requiring an outlay of funds, are hereby authorized for expenditure for the Regular Programme in accordance with the Financial Regulations, and subject to the provisions of this Resolution:

	2017	2018	2019	Total
Strategic Objective (Programmes)				
SAFETY	22 962 000	23 181 000	24 008 000	70 151 000
AIR NAVIGATION CAPACITY AND EFFICIENCY	14 627 000	15 116 000	15 320 000	45 063 000
SECURITY AND FACILITATION	8 773 000	8 878 000	9 173 000	26 824 000
ECONOMIC DEVELOPMENT OF AIR TRANSPORT	3 112 000	3 182 000	3 494 000	9 788 000
ENVIRONMENTAL PROTECTION	3 432 000	3 484 000	3 883 000	10 799 000
Programme Support	30 957 000	31 774 000	34 076 000	96 807 000
Management & Administration	13 779 000	14 253 000	14 589 000	42 621 000
TOTAL PROPOSED APPROPRIATION	**97 642 000**	**99 868 000**	**104 543 000**	**302 053 000**
Operational	96 568 000	98 922 000	103 778 000	299 268 000
Capital	1 074 000	946 000	765 000	2 785 000

2. the separate annual Total Authorized Appropriation be financed as follows in Canadian dollars, in accordance with the Financial Regulations:

		2017	2018	2019	Total
a)	Assessments on States	89 344 000	91 540 000	96 181 000	277 065 000
b)	Reimbursement from AOSC Fund	1 202 000	1 202 000	1 202 000	3 606 000
c)	Transfer from ARGF Surplus	6 415 000	6 415 000	6 416 000	19 246 000
d)	Transfer from Incentive Scheme for Long-Outstanding Arrears Account	333 000	333 000	334 000	1 000 000
e)	Miscellaneous Income	348 000	378 000	410 000	1 136 000
	TOTAL:	**97 642 000**	**99 868 000**	**104 543 000**	**302 053 000**

WORKING CAPITAL FUND

A39-33: Working Capital Fund

The Assembly:

1. *Notes that:*

a) in accordance with Resolution A38-27, the Council has reported upon, and the Assembly has considered, the adequacy of the level of the Working Capital Fund and the related borrowing authority;

b) the accumulation of contributions in arrears has constituted, together with the delays in payment of current year contributions, a growing obstacle to the implementation of the work programme while creating financial uncertainty;

c) based on past trends, there is only a limited risk that the level of the Working Capital Fund may not be sufficient to cover the needs in the foreseeable future;

d) experience has shown that in general payments are not made at the beginning of the year when contributions are due and that ICAO cannot rely on contributions being paid even by the end of the year to which they relate and that such unacceptable avoidance of their financial obligations under the Convention by some Member States is leading to a potential financial crisis within the Organization that could impact all Member States;

e) as long as the cash flow remains uncertain, ICAO would need the Working Capital Fund as a buffer on which it could draw to meet its unavoidable cash commitments; and

f) the Council reviewed the financial situation of the Organization and the level of the Working Capital Fund in February 2016 and noted that it has not been necessary to use the Working Capital Fund in 2015.

2. *Resolves that:*

a) the level of the Working Capital Fund remain at USD 8.0 million;

b) the Council shall continue to monitor the level of the Working Capital Fund no later than November 2017, 2018 and 2019 to determine if an increase is urgently needed during that year or for the following year;

c) if the Council determines that it is warranted, the level of the Working Capital Fund shall be established at a level no higher than USD 10.0 million, subject to increases resulting from advances paid by new States becoming members of the Organization after approval of the scales. Such adjustment to the Working Capital Fund will be based on the scales of assessment in effect for the year for which the increase in the level of the Working Capital Fund is approved;

d) the Secretary General be authorized, with the prior approval of the Finance Committee of the Council, to finance regular and supplementary appropriations that cannot be financed from the General Fund and the Working Capital Fund, by borrowing externally amounts needed to meet immediate obligations of the Organization, and that the Secretary General be required to repay such amounts as rapidly as possible; the outstanding total of such indebtedness of the Organization at no time to exceed CAD 3.0 million during the triennium;

e) the Council shall report to the next ordinary session of the Assembly:

i) on the adequacy of the level of the Working Capital Fund in the light of experience during 2016, 2017 and 2018;

ii) whether the financial position of the General Fund and the Working Capital Fund would indicate the need for assessing Member States for cash deficits caused by arrears of contributions; and

iii) on the appropriateness of the level of the borrowing authority; and

f) Resolution A38-27 is no longer effective and is hereby superseded; and

3. *Urges*:

a) all Member States to pay their assessments as early as possible in the year in which they fall due in order to lessen the likelihood of the Organization having to draw on the Working Capital Fund and resort to external borrowing; and

b) the Member States in arrears to meet their obligations to the Organization as promptly as possible, as called for by Resolution A39-31.

A38-23: Confirmation of Council action in assessing the contributions to the General Fund and determining advances to the Working Capital Fund of States which have adhered to the Convention

The Assembly:

1. *Notes* that:

a) Financial Regulations 6.9 and 7.5 provide that the Council shall, if the Assembly is not in session, determine the assessment of contributions and the advance to the Working Capital Fund of a new Member State, subject to approval or adjustment at the next regular session of the Assembly; and

b) the Council has acted accordingly in respect of the State which became member of the International Civil Aviation Organization after the 37th Session of the Assembly, and assessable, as indicated below;

2. *Confirms* the action of the Council in assessing the contribution and the advance to the Working Capital Fund of the following State at the percentage rate indicated, such assessment rate to apply from the assessable date indicated:

Name of New Member State	Date of Membership	Date from which Assessable	Assessment Rate
South Sudan	10 November 2011	1 December 2011	0.06%

CONTRIBUTIONS IN ARREARS

A39-31: Discharge by Member States of financial obligations to the Organization and action to be taken in case of their failure to do so

Whereas Article 62 of the *Convention on International Civil Aviation* provides that the Assembly may suspend the voting power in the Assembly and in the Council of any Member State that fails to discharge, within a reasonable period, its financial obligations to the Organization;

The Assembly:

Considering that Article 6.5 a) of the *ICAO Financial Regulations* provides that contributions from Member States shall be considered due and payable in full as of the first day of the financial year to which they relate and Article 6.5 b) which stipulates that as of 1 January of the following financial year, any unpaid balance due shall be considered to be one year in arrears;

Noting that the delays in payment of current year contributions have constituted an obstacle to the implementation of the work programme and created serious cash flow difficulties;

Urges that all Member States in arrears make suitable arrangements for liquidating their arrears; and

Urges all Member States and, in particular, the States elected to the Council, to take all necessary measures to pay their contributions on time;

Resolves that, with effect from 1 January 2017:

1. All Member States should recognize the necessity to pay their contributions at the beginning of the year in which they fall due, in order to avoid the need for the Organization to draw on the Working Capital Fund to make good the shortfall;

2. The Secretary General be directed to dispatch to all Member States, at least three times in the year, schedules showing the current amounts due for the current year and up to 31 December of the previous year;

3. The Council be authorized to discuss and conclude arrangements with Member States, whose contributions are in arrears for three or more years, for the settlement of accumulated arrears to the Organization, any such settlements or arrangements to be reported to the next session of the Assembly;

4. All Member States that are three years or more in arrears in the payment of their contributions should:

   a) effect without delay payment of the amounts outstanding with respect to advances to the Working Capital Fund, the current year contribution, and partial settlement of their arrears in the amount of 5 per cent of the arrears; and

   b) conclude within six months of the date of the payment referred to in sub-paragraph a) above, if they have not already done so, an agreement with the Organization for the settlement of the balance of their arrears, such agreement to provide for the payment annually, in full, of their current contributions and the balance of the arrears in instalments over a period of no more than ten years, which period may, at the discretion of the Council, be extended, to a maximum of twenty years in respect of special cases, i.e. those Member States which are classified by the United Nations as Least Developed Countries;

5. The Council should further intensify the current policy of inviting Member States in arrears to make settlement proposals for the liquidation of long-outstanding arrears of contributions in accordance with the provisions of Resolving Clause 4 above, taking full account of the economic position of the States concerned including the possibility of accepting other currencies in accordance with the provisions of Article 6.6 of the Financial Regulations, to the extent that the Secretary General can use these currencies;

6. The voting power in the Assembly be suspended for those Member States in arrears for an amount equal to or in excess of the total assessments for the three preceding financial years and of those Member States not in compliance with agreements entered into in accordance with Resolving Clause 4 b) above, such suspension to be revoked immediately upon the settlement of outstanding amounts due and amounts due under agreements; and

7. The voting power in the Council be suspended for those Council Member States that have annual assessed contributions or part thereof, in arrears for longer than 18 months, such suspension to be revoked immediately upon the settlement of outstanding amounts due; and

8. The voting power of a Member State suspended under Resolving Clause 6 may also be restored by action of the Assembly or the Council provided:

a) it has already concluded with the Council an agreement that provides for the settlement of its outstanding obligations and for the payment of current contributions and has complied with the terms of that agreement; or

b) the Assembly is satisfied that the State's willingness to reach an equitable settlement of its financial obligations to the Organization has been demonstrated;

9. Any State whose voting power has been suspended by the Assembly under Article 62 of the Convention may have it restored by the Council under the conditions stipulated in Resolving Clause 8 a) above, provided that a willingness on its part to reach an equitable settlement of its financial obligations to the Organization has been demonstrated;

10. The following additional measures be applied to those Member States whose voting rights have been suspended under Article 62 of the Convention:

a) lose eligibility to host meetings, conferences, workshops and seminars which are funded, in whole or in part, by the Regular Programme;

b) receive only the same free documentation as that provided to non-Member States, including those available in electronic media, and any other documents that are essential for safety, regularity or efficiency of international air navigation;

c) Nominees or Representatives lose eligibility to be voted into any office;

d) for purposes of recruitment to posts in the Secretariat, if all other circumstances are equal, candidates from States in arrears would be considered as having the status of candidates from a State that has already achieved the desired level of representation (under equal geographical representation principles), even if it has not achieved that level; and

e) lose the right to participate in the ICAO Familiarization course;

11. Only those States which have no outstanding annual assessed contributions except for the current year's assessment will be eligible for election to the Council, Committees, and bodies;

12. The Secretary General be directed to report to Council any voting rights deemed to be suspended and suspension revoked under Clauses 6 and 7, as well as any non-eligibility for election to the Council, Committees and bodies under Clause 11, and to apply measures stipulated in Clause 10 accordingly; and

13. This Resolution supersedes Assembly Resolution A38-24.

A38-25: Incentives for the settlement of long-outstanding arrears

The Assembly,

Recalling the concern expressed by previous Assemblies at the increase in the contributions in arrears;

Reiterating the necessity of all Member States to pay their contributions on the date on which they fall due;

Noting that a number of States have had their voting power suspended in the Assembly and the Council in accordance with Assembly Resolution A38-24;

Reaffirming the extreme importance of participation by all States in the activities of the Organization;

Noting that the cash surplus had traditionally been distributed to those Member States that have paid their contributions for the financial years for which the surpluses had been determined; and

Wishing to encourage States to liquidate their arrears and at the same time provide incentives for doing so;

Resolves that*:*

1. the distribution of cash surpluses be restricted to Member States that, at the date of the distribution of the surpluses, have paid their contributions for the financial years for which the *surpluses* had been determined and that the entitlement to the surpluses be terminated for States which have outstanding contributions for the years concerned, except for those States with agreements and which have complied with the terms of their agreements;

2. Member States with arrears of three full years or more and which either have existing agreements or enter into agreements for settlement of long-outstanding arrears, and which have complied with the terms of their agreements, shall have their share of cash surplus distributed even though they have not paid the assessments for the financial years for which the surpluses had been determined;

3. with effect from 1 January 2005, subject to cash surplus availability, only that portion of a payment from a Member State that is in excess of the sum of the three preceding years' assessments and all instalments due under agreements entered into under Resolving Clause 4 of Assembly Resolution A37-32 shall be retained in a separate account to finance expenditure on aviation security activities, and new and unforeseen projects related to aviation safety, and/or to the enhancement of the efficient delivery of ICAO programmes, such action to be under the control of the Council and reported to the next ordinary session of the Assembly;

4. the Council be requested to closely monitor the question of outstanding contributions, and the effects of the incentive schemes on payment of arrears by States, and report to the next ordinary session of the Assembly on the results of their efforts including other measures to be considered; and

5. this resolution supersedes Resolution A35-27.

A34-1: Use of funds in the separate account established under Resolving Clause 3 of Assembly Resolution A33-27

The Assembly,

Considering that Assembly Resolution A33-27, Resolving Clause 3, provides that payments of contributions in arrears by Contracting States with arrears of three full years or more will be retained in a separate account to finance expenditure on aviation security activities, and new and unforeseen projects related to aviation safety, and/or to the enhancement of the efficient delivery of ICAO programmes, such action to be under the control of the Council and reported to the next ordinary session of the Assembly;

Recalling that Assembly Resolution A33-10 endorses the concept of an International Financial Facility for Aviation Safety (IFFAS) with the objective of financing safety-related projects for which States cannot otherwise provide or obtain the necessary financial resources, with the principal area of application being safety-related deficiencies identified through the ICAO Universal Safety Oversight Audit Programme (USOAP) as an element of the Global Aviation Safety Plan (GASP);

Recalling further that Assembly Resolution A33-10, Resolving Clause 5 a) encourages Contracting States to consider voluntary contributions to finance preparatory work in development of the IFFAS;

Noting that the Council considered at its 167th and 168th Sessions the question of the use of funds from the separate account established under Resolution A33-27, Resolving Clause 3, to finance in particular aviation security activities and IFFAS;

Noting that it is essential for the proper functioning of ICAO that Contracting States pay their contributions on the date they fall due, and that the use of the funds in the separate account should not create an incentive for Contracting States to withhold their contributions in order to direct those contributions to a particular use;

Taking into account the view of the Council that this Extraordinary Session of the Assembly should be invited to decide, as a policy matter without prejudice to the aforesaid resolutions, on the use of the funds currently standing in the separate account;

Therefore:

1. *Agrees* to apply, on a non-recurring basis, the funds presently held pursuant to Resolving Clause 3 of Assembly Resolution A33-27, amounting to US$3.14 million plus accrued interest, as follows:

   a) one third of the total amount so held to finance aviation security activities of a general nature and intended to benefit all or a substantial number of Contracting States;

   b) one third of the total amount so held to finance the enhancement of the efficient delivery of ICAO programmes including USOAP; and

   c) one third of the total amount so held to finance IFFAS-related activities involving the establishment, operation and administration of IFFAS, including pilot projects, in whole or in part, which are to be carried out under the auspices of IFFAS for the benefit of a specified group or groups of States at the regional or subregional level, but in no case to be made available to any single State as a sole borrower or grantee under IFFAS;

2. *Reaffirms* that such action shall be under the control of the Council and shall be reported to the next ordinary session of the Assembly;

3. *Agrees* therefore to review this matter at the next ordinary session of the Assembly to be held in 2004; and

4. *Urges* all Contracting States to consider making voluntary contributions to finance the development of IFFAS.

A39-33: Working Capital Fund

ACCOUNTS AND AUDITS

A37-30: Approval of the accounts of the Organization for the financial years 2007, 2008 and 2009 and examination of the Audit Reports thereon

Whereas the accounts of the Organization for the financial years 2007, 2008 and 2009 and the Audit Reports thereon, submitted by the Auditor General of Canada (2007) and the Cour des comptes of France (2008 and 2009) — a member of the Joint Panel of External Auditors of the United Nations and Specialized Agencies — as the External Auditor of ICAO, have been submitted to the Assembly after being circulated to Contracting States;

Whereas the Council has examined the Audit Reports and submitted them to the Assembly for its review; and

Whereas in accordance with Chapter VIII Article 49 (f) of the Convention, expenditures have been reviewed:

The Assembly:

1. *Notes* the Report of the External Auditor on the audited accounts for the financial year 2007 and the comments by the Secretary General in response to the recommendations in the Audit Report;

2. *Notes* the Report of the External Auditor on the audited accounts for the financial year 2008 and the comments by the Secretary General in response to the recommendations in the Audit Report;

3. *Notes* the Report of the External Auditor on the audited accounts for the financial year 2009 with related comments by the Secretary General in response to the recommendations in the Audit Report, and the report on the status of the implementation of the External Auditor's prior years' recommendations;

4. *Approves* the audited accounts for the financial year 2007;

5. *Approves* the audited accounts for the financial year 2008; and

6. *Approves* the audited accounts for the financial year 2009.

A38-29: Approval of the accounts of the Organization for the financial years 2010, 2011 and 2012 and examination of the Audit Reports thereon

Whereas the accounts of the Organization for the financial years 2010, 2011 and 2012 and the Audit Reports thereon, submitted by the Cour des comptes of France - a member of the Joint Panel of External Auditors of the United Nations and Specialized Agencies - as the External Auditor of ICAO, have been submitted to the Assembly after being circulated to Member States;

Whereas the Council has examined the Audit Reports and submitted them to the Assembly for its review; and

Whereas in accordance with Chapter VIII Article 49 (f) of the Convention, expenditures have been reviewed;

The Assembly:

1. *Notes* the Reports of the External Auditor on the Financial Statements as well as the Secretary General's comments to the Report of the External Auditor for the financial year 2010;

2. *Notes* the Reports of the External Auditor on the Financial Statements as well as the Secretary General's comments to the Report of the External Auditor for the financial year 2011;

3. *Notes* the Reports of the External Auditor on the Financial Statements as well as the Secretary General's comments to the Report of the External Auditor for the financial year 2012;

4. *Approves* the audited Financial Statements for the financial year 2010;

5. *Approves* the audited Financial Statements for the financial year 2011; and

6. *Approves* the audited Financial Statements for the financial year 2012.

A39-35: Approval of the accounts of the Organization for the financial years 2013, 2014 and 2015 and examination of the Audit Reports thereon

Whereas the accounts of the Organization for the financial years 2013, 2014 and 2015 and the Audit Reports thereon, submitted by the Cour des Comptes of France (2013) and Corte dei Conti of Italy (2014 and 2015) - members of the Joint Panel of External Auditors of the United Nations and Specialized Agencies - as the External Auditor of ICAO, have been submitted to the Assembly after being circulated to Member States;

Whereas the Council has examined the Audit Reports and submitted them to the Assembly for its review; and

Whereas in accordance with Chapter VIII Article 49 (f) of the Convention, expenditures have been reviewed;

The Assembly:

1. *Notes* the Reports of the External Auditor on the Financial Statements as well as the Secretary General's Comments to the Report of the External Auditor for the financial year 2013;

2. *Notes* the Reports of the External Auditor on the Financial Statements as well as the Secretary General's Comments to the Report of the External Auditor for the financial year 2014;

3. *Notes* the Reports of the External Auditor on the Financial Statements as well as the Secretary General's Comments to the Report of the External Auditor for the financial year 2015;

4. *Approves* the audited Financial Statements for the financial year 2013;

5. *Approves* the audited Financial Statements for the financial year 2014; and

6. *Approves* the audited Financial Statements for the financial year 2015.

A5-10: Joint audit procedure

Whereas ICAO since the beginning has had recourse to the services of professional auditors;

Whereas a Joint Panel of Auditors for the United Nations and the Specialized Agencies has, pursuant to UN Resolution 347 (IV), been established;

Whereas under the Agreement between the United Nations and ICAO there is obligation to secure as much uniformity as is practicable with respect to administrative and financial operations and practices; and

Whereas it has proved impracticable to proceed with an alternative scheme in which the two systems would have been associated;

The Assembly resolves:

1. to revoke the action taken in Resolution A1-63 authorizing the appointment of the Auditors of the Organization; and

2. to confirm the decision taken by the Council of ICAO to appoint as External Auditor of ICAO a member of the Joint Panel of Auditors for the United Nations and Specialized Agencies.

A36-38: Appointment of the External Auditor

The Assembly:

1. *Notes* that:

   a) the Financial Regulations provide that, subject to confirmation by the Assembly, the Council shall appoint an External Auditor to the Organization; and

   b) the Council reviewed the nominations submitted by Contracting States in 2007 and approved the appointment of Mr. Philippe Séguin, the First President of the Cour des comptes of France, a member of the Panel of External Auditors of the United Nations and Specialized Agencies, as the External Auditor of ICAO for the financial years 2008, 2009 and 2010 in accordance with Financial Regulation 13.1.

2. *Expresses* its sincere appreciation to Mrs. Sheila Fraser, Auditor General of Canada, for the high quality of her service to the Organization as its External Auditor and for her effective and cooperative assistance to the officials and organs of ICAO during her tenure of office and takes this opportunity to again express sincere appreciation to her predecessors, also Auditors General of Canada; and

3. C*onfirms* the action taken by the Council in appointing Mr. Philippe Séguin, the First President of the Cour des comptes of France, as the External Auditor of ICAO for the financial years 2008, 2009 and 2010.

A37-31: Appointment of the External Auditor

The Assembly:

1. *Notes* that:

a) the Financial Regulations provide that, subject to confirmation by the Assembly, the Council shall appoint an External Auditor to the Organization; and

b) the Council approved the extension of appointment to the First President of the Cour des Comptes as External Auditor of ICAO for 2011, 2012 and 2013 for the same fee as charged for the current triennium.

2. *Confirms* the action taken by the Council in appointing Mr. Didier Migaud, First President of the Cour des Comptes, as the External Auditor of ICAO for the financial years 2011, 2012 and 2013.

A38-30: Appointment of the External Auditor

The Assembly:

1. *Notes* that:

a) the Financial Regulations provide that, subject to confirmation by the Assembly, the Council shall appoint an External Auditor to the Organization; and

b) the Council reviewed the nominations submitted by Member States in 2013 and approved the appointment of Mr. Giuseppe Cogliandro, President of the Audit Chamber for Community and International Affairs of the Corte dei Conti of Italy, a member of the Panel of External Auditors of the United Nations and Specialized Agencies, as ICAO's External Auditor for the accounts of the financial years 2014, 2015 and 2016, in accordance with Financial Regulation 13.1.

2. *Expresses its sincere appreciation* to Mr. Didier Migaud, Premier président of the Cour des comptes of France, for the high quality of his service to the Organization as its External Auditor (2008-2013) and for his effective and cooperative assistance during that period to the officials and organs of ICAO; and

3. C*onfirms* the action taken by the Council in appointing Mr. Giuseppe Cogliandro, President of the Audit Chamber for Community and International Affairs of the Corte dei Conti of Italy as ICAO's External Auditor for the accounts of the financial years 2014, 2015 and 2016.

A39-36: Appointment of the External Auditor

The Assembly:

1. *Notes* that:

   a) the Financial Regulations provide that, subject to confirmation by the Assembly, the Council shall appoint an External Auditor to the Organization; and

   b) the Council approved the extension of appointment to the President of the Corte dei Conti as External Auditor of ICAO for 2017, 2018 and 2019.

2. *Confirms* the action taken by the Council in appointing Mr. Raffaele Squitieri, President of the Corte dei Conti of Italy, as the External Auditor of ICAO for the financial years 2017, 2018 and 2019.

MISCELLANEOUS

A36-39: Study on the apportionment of costs between the Administrative and Operational Service Cost (AOSC) Fund and the Regular Programme Budget

The Assembly requests the Council to consider and approve a cost-recovery policy and work with the Secretariat to ensure the pilot project provides accurate and timely information for the Council's decision.

A33-24: Information and Communication Technology (ICT) Fund

Whereas the Council considers that improvements to information and communication systems of the Organization are important means to improve the efficiency and effectiveness of the Organization set forth in Assembly Resolutions A31-2 and A32-1;

Whereas the Assembly has noted that the current accounting system is over 30 years old and that improvements are necessary to meet the information requirements of Contracting States for the Regular and Technical Cooperation Programmes;

Whereas the Assembly has noted the comments of the External Auditor relating to inadequacy and risks of ICAO's current financial system contained in A33WP/28, AD/12 (Doc 9780); and

Recognizing that programme budget estimates do not include significant investments in information and communication technology;

The Assembly:

1. *Requests* States to make voluntary contributions in cash or in kind for ICT at ICAO;

2. *Decides* to use interest on the General Fund in excess to the amounts included in the budget under miscellaneous income for the years 2001 and 2002 for improvements to the ICT and specifically for the implementation of a new financial system;

3. *Decides* that the balance of unobligated appropriations including supplementary appropriations related to Council's authority under Financial Regulations 5.2 at 31 December 2001 be also used to fund improvements in ICT at ICAO;

4. *Resolves* to create an ICT Fund with the resources noted above;

5. *Instructs* the Secretary General to accord high priority to the modernization of financial systems, the enhancement of ICAO Web Sites and consolidation of file servers; and

6. *Requests* the Council to monitor progress achieved through the use of the ICT Fund and report at the next ordinary session of the Assembly on use of the ICT fund.

A35-32: Information and Communication Technology (ICT) Fund

The Assembly,

Recalling that:

1. improvements to the information and communication systems of the Organization are important means to improve the efficiency and effectiveness of the Organization set forth in Assembly Resolutions A31-2 and A32-1;

2. the current accounting system is over 30 years old and improvements are necessary to meet the information requirements of Contracting States for the Regular and Technical Cooperation Programmes;

3. programme budget estimates do not include significant investments in information and communication technology; and

4. under Assembly Resolution A33-24, an Information and Communication Technology (ICT) Fund was established to fund the modernization of financial systems, the enhancement of ICAO websites and the consolidation of file servers;

Notes the Report on the ICT Fund and the progress made on the three projects and the expenditure incurred thereon to date;

Notes that:

1. the $2.5 million allocated to date would be insufficient to fund the modernization of the financial and related systems;

2. the preliminary estimated cost of implementing a modern integrated financial and related systems amounts to approximately $8 million; and

3. another $500 000 could be required to maintain and enhance the development of the ICAO website;

Resolves:

1. to authorize the transfer of an amount of $2 million from the accumulated funds of the Administrative and Operational Services Costs of the Technical Cooperation Programme to the ICT Fund to fund part of the cost of modernizing the financial and related systems;

2. to authorize the Council to transfer from the Incentive for Settlement of Long-Outstanding Arrears Account to the ICT Fund such amounts as are available and are deemed appropriate to fund the modernization of the financial and other related systems after carefully examining its estimated costs and taking into account the needs of the Organization.

Requests:

1. States to make voluntary contributions in cash or in kind for the modernization of the financial and related systems and the further development of the ICAO websites;

2. the Council to monitor progress achieved through the use of the ICT Fund and report at the next ordinary session of the Assembly on the use of the ICT Fund;

3. the External Auditor to pay particular attention to the appropriate use of the funds allocated to the modernization of financial and related systems in the course of her audit.

A22-30: Review of all aspects of language services

A36-18: Financial contributions to the Aviation Security Plan of Action

Appendix A

RESERVATIONS TO RESOLUTIONS ADOPTED BY THE ICAO ASSEMBLY

This Appendix indicates reservations to the resolutions adopted by the ICAO Assembly. For each reservation cited, reference is made to the Resolution number and title, and, where applicable, that part of the Resolution to which the reservation refers, to the State(s) making the reservation, and to the document(s) which contain(s) the reservation and, where given, the accompanying supporting statement of the Member State(s).

Resolution	State	References
Resolution A39-2:	India	Preamble
	Argentina, China, India, Russian Federation, Saudi Arabia, Venezuela (Bolivarian Republic of)	Operative clause 6
	United States	Annex Guiding principle p)
Resolution A39-3	Argentina, Venezuela (Bolivarian Republic of)	Operative clauses 3, 4 and 5
	India	Operative clauses 5 and 11
	Russian Federation	Preambular clause 14 and Operative clauses 5, 9, 11, 18, 20 and 21

Appendix B

LIST OF RESOLUTIONS RESULTING FROM CONSOLIDATIONS, WITH AN INDICATION OF THEIR ORIGIN

Resolution	*Resulting from consolidation of*
A16-6*	A4-20, A10-6, A12-8, A14-3, A15-4, A15-19
A16-9*	A12-5, A15-5, A15-8, Appendix H
A16-10	A12-5, A15-5
A16-13	A4-6, A14-4
A16-14*	A2-8, A4-4, A10-9
A16-23*	A14-32, A15-19, A15-20
A16-26*	A1-44, A10-33
A16-27*	A10-35, A12-21, A14-36, A15-23
A16-28*	A10-35, A12-21, A14-36, A15-23
A16-29*	A2-15, A10-35, A12-21, A14-36
A16-30*	A1-40, A10-35, A12-21, A14-36
A16-32*	A1-45, A2-22, A15-21
A16-33*	A2-13, A4-17
A16-34*	A10-38, A12-20, A14-35
A16-36*	A10-39, A12-23, A14-38
A16-54*	A11-14, A14-48, A15-36
A16-56*	A6-2, A7-1, A8-7, A9-6
A18-20*	A14-34, A15-17
A21-9*	A16-37, A17-2, A17-3, A17-8, A18-9
A21-10*	A16-56, A18-7
A21-33*	A12-30, A18-24, A18-25, A19-3, A19-4, A19-5
A22-12*	A18-11, A21-19
A22-13*	A16-3, A18-12
A23-13	A18-16, A21-22, A22-28
A26-7*	A17-5, A17-6, A17-7, A17-9, A17-10, A17-11, A17-13, A17-14, A17-16, A17-17, A17-23, A20-2, A21-9, A22-16, A22-17, A23-21, A23-22, A24-18, A24-19
A31-6*	A29-8, A29-9
A31-11*	A16-4, A22-12, A22-13, A22-14, Directive Clauses 1 c) and 3 a) 1) ii), A22-15, A23-10, A28-3, A29-12
A31-15*	A7-6, A10-40, A16-36, A27-3
A32-17*	A2-9, A4-19, A7-14, A7-15, A10-32, A10-36, A12-18, A12-19, A15-5, A15-22, A16-22, A16-26, A16-27, A16-28, A16-29, A16-30, A16-31, A16-33, A16-34, A18-20, A18-21, A21-26, A21-28, A22-24, A24-12, A24-14, A26-13, A27-4, A27-15, A29-18, A31-12, A31-13

* No longer in force.
See http://www.icao.int/Meetings/a39/Pages/resolutions.aspx for resolutions no longer in force.

Appendix C

LIST OF RESOLUTIONS THAT HAVE BEEN CONSOLIDATED, WITH AN INDICATION OF THE RESULTING RESOLUTION

Resolution	*Consolidated in*
A1-40	A16-30*
A1-44	A16-26*
A1-45	A16-32*
A2-8	A16-14*
A2-13	A16-33*
A2-15	A16-29*
A2-22	A16-32*
A4-4	A16-14*
A4-6	A16-13
A4-17	A16-33*
A4-20	A16-6*
A6-2	A16-56*
A7-1	A16-56*
A7-6	A31-15*
A8-7	A16-56*
A9-6	A16-56*
A10-6	A16-6*
A10-9	A16-14*
A10-33	A16-26*
A10-35	A16-27*, A16-28*, A16-29* and A16-30*
A10-38	A16-34*
A10-39	A16-36*
A10-40	A31-15*
A11-14	A16-54*
A12-5	A16-9* and A16-10
A12-8	A16-6*
A12-20	A16-34*
A12-21	A16-27*, A16-28*, A16-29* and A16-30*
A12-23	A16-36*
A12-30	A21-33*
A14-3	A16-6*
A14-4	A16-13
A14-32	A16-23*
A14-34	A18-20*
A14-35	A16-34
A14-36	A16-27*, A16-28*, A16-29* and A16-30*
A14-38	A16-36*
A14-48	A16-54*
A15-4	A16-6*
A15-5	A16-9* and A16-10
A15-8, Appendix H	A16-9*
A15-17	A18-20*
A15-19	A16-6* and A16-23*
A15-20	A16-23*
A15-21	A16-42*
A15-23	A16-27* and A16-28*
A15-36	A16-54*
A16-3	A22-13*
A16-4	A31-11*
A16-36	A31-15*
A16-37	A21-9*
A16-56	A21-10*
A17-2	A21-9*
A17-3	A21-9*
A17-5	A26-7*
A17-6	A26-7*
A17-7	A26-7*
A17-8	A21-9*
A17-9	A26-7*
A17-10	A26-7*
A17-11	A26-7*
A17-13	A26-7*
A17-14	A26-7*
A17-16	A26-7*
A17-17	A26-7*
A17-23	A26-7*
A18-7	A21-10*
A18-9	A21-9*
A18-11	A22-12*
A18-12	A22-13*
A18-16	A23-13*
A18-24	A21-33*
A18-25	A21-33*
A19-3	A21-33*
A19-4	A21-33*
A19-5	A21-33*

* No longer in force.
See http://www.icao.int/Meetings/a39/Pages/resolutions.aspx for resolutions no longer in force.

Resolution	*Consolidated in*	*Resolution*	*Consolidated in*
A20-2	A26-7*	A23-22	A26-7*
A21-9	A26-7*	A24-18	A26-7*
A21-19	A22-12*	A24-19	A26-7*
A21-22	A23-13		
		A27-3	A31-15*
A22-12	A31-11		
A22-13	A31-11	A28-3	A31-11*
A22-14, Directive clauses 1 c) and 3 a) 1) ii)	A31-11*		
		A29-8	A31-6*
		A29-9	A31-6*
A22-15	A31-11*	A29-12	A31-11*
A22-16	A26-7*		
A22-17	A26-7*		
A22-28	A23-13		
A23-10	A31-11*		
A23-21	A26-7*		

* No longer in force.
See http://www.icao.int/Meetings/a39/Pages/resolutions.aspx for resolutions no longer in force.

Appendix D

SUBJECT INDEX OF RESOLUTIONS IN FORCE

Appendix E

INDEX OF RESOLUTIONS IN FORCE*

(in numerical order)

**Note.— Regarding resolutions no longer in force, please refer to the separate publication "Assembly Resolutions no Longer in Force", which is available at http://www.icao.int/Meetings/a39/Pages/resolutions.aspx*

In addition to the resolutions listed in this Index, three other resolutions are also in force but their texts have not been reproduced in this document for the following reason:

— *A6-12, A12-4 and A14-1: these resolutions govern the Standing Rules of Procedure of the Assembly. The current version of these Rules appears in Doc 7600.*

— END —

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