

ASSEMBLY 40th SESSION

Montréal, 24 September – 4 October 2019

PLENARY MEETINGS

Minutes



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

INTERNATIONAL CIVIL AVIATION ORGANIZATION

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INTERNATIONAL CIVIL AVIATION ORGANIZATION

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TABLE OF CONTENTS

	<i>Page</i>
Minutes of the First Meeting , Tuesday, 24 September 2019 at 1100 hours.....	1
Opening of the Session by the President of the Council	1
Address by the Honourable François Legault, Premier of the Province of Québec	7
Address by Ms. Valérie Plante, Mayor of the City of Montréal	10
Address by Mr. Michael Keenan, Deputy Minister of Transport, representing the Government of Canada	11
Presentation of the <i>Council President Certificates</i> (CPCs) to recipient States.....	12
Approval of the Agenda	13
Establishment of Committees and Commissions	13
— Establishment of the Credentials, Executive and Coordinating Committees and the Technical, Economic, Legal and Administrative Commissions	13
Reference of subjects to Committees and Commissions	13
Election of Member States to be represented on the Council	13
— Deadline for notification of candidatures for the first and second parts of the Council election	13
— Maximum number of Member States to be elected in each part of the Council election ...	13
Minutes of the Second Meeting , Tuesday, 24 September 2019 at 1500 hours.....	15
Reports by Committees and Commissions of the Assembly and action thereon	15
— Oral interim report of the Credentials Committee	15
Election of the President of the Assembly	16
Election of the four Vice-Presidents of the Assembly and Chairpersons of Commissions	17
Statements by delegations of Member States	17
Minutes of the Third Meeting , Wednesday, 25 September 2019 at 0920 hours.....	19
Reports by Committees and Commissions of the Assembly and action thereon	19
— Approval of oral report of the Executive Committee on Agenda Item 10	19
Statements by delegations of Member States	19
Minutes of the Fourth Meeting , Saturday, 28 September 2019 at 0900 hours	21
Election of Member States to be represented on the Council	21
— Parts One and Two of the election	21
Statement by the representative of the audit consultancy firm BDO Jordan	25
Deadline for presentation of candidatures for Part Three of the Council election.....	25
Statements by delegations of Member States	25

Minutes of the Fifth Meeting , Tuesday, 1 October 2019 at 1400 hours.....	27
Election of Member States to be represented on the Council	27
— Part Three of the election	27
Statement by the representative of the audit consultancy firm BDO Jordan	31
Reports by Committees and Commissions of the Assembly and action thereon	32
— Approval of Report from the Legal Commission on the General Section and Agenda Items 37 to 40	32
Statements by delegations of Member States	33
Minutes of the Sixth Meeting , Thursday, 3 October 2019 at 0920 hours.....	35
Reports by Committees and Commissions of the Assembly and action thereon.....	35
— Approval of Reports from the Economic Commission on the General Section and Agenda Items 31 to 36	35
— Approval of the Final Report of the Credentials Committee	37
— Approval of the General Section of the Executive Committee Report.....	38
— Approval of Report from the Administrative Commission on the General Section and Agenda Items 41 to 52	38
— Approval of Reports from the Technical Commission on the General Section and Agenda Items 27 to 30	54
Minutes of the Seventh Meeting , Thursday, 3 October 2019 at 1400 hours.....	59
Reports by Committees and Commissions of the Assembly and action thereon	59
— Approval of Report from the Executive Committee on Agenda Items 11, 20 to 25, 12 to 14, 18 to 19 and 26	59
Minutes of the Eighth Meeting , Friday, 4 October 2019 at 0940 hours.....	63
Reports by Committees and Commissions of the Assembly and action thereon.....	63
— Approval of Reports from the Executive Committee on Agenda Items 15	63
— Approval of Reports from the Executive Committee on Agenda Items 16	63
Minutes of the Ninth Meeting , Friday, 4 October 2019 at 1400 hours	77
Reports by Committees and Commissions of the Assembly and action thereon.....	77
— Approval of Reports from the Executive Committee on Agenda Items 16 and 17	77
Reservations expressed regarding Resolution 16/1 on climate change.....	81
Reservations expressed regarding Resolution 17/1 on CORSIA	88
Delegation of authority to the President of the Assembly for the approval of minutes of the Plenary	93
Vote of Thanks	93
Closing remarks by the Secretary General.....	93
Tributes	97
Response by the President of the Council.....	105
Expression of thanks by the President of the Council.....	108
Closing remarks by the President of the Assembly	108

SCHEDULE OF ITEMS DISCUSSED BY THE PLENARY MEETINGS

Item	September					October			
	24 AM	24 PM	25 AM	28 AM	1 PM	3 AM	3 PM	4 AM	4 PM
	1, 2, 3, 4, 5	9, 6, 7, 8	8, 9	5, 8	5, 9, 8	9	9	9	9
1. <i>Opening of the Session by the President of the Council</i>	X								
<i>Presentation of the Council President Certificates (CPCs)</i>	X								
2. <i>Approval of the Agenda</i>	X								
3. <i>Establishment of Committees and Commissions</i>	X								
4. <i>Reference of subjects to Committees and Commissions</i>	X								
5. <i>Election of Member States to be represented on the Council</i>	X			X	X				
6. <i>Election of the President of the Assembly</i>		X							
7. <i>Election of the four Vice-Presidents of the Assembly and Chairpersons of Commissions</i>		X							
8. <i>Statements by delegations of Member States</i>		X	X	X	X				
9. <i>Reports by Committees and Commissions of the Assembly and action thereon</i>		X	X		X	X	X	X	X
- <i>Credentials Committee</i>									
- <i>Executive Committee</i>									
- <i>Technical Commission</i>									
- <i>Economic Commission</i>									
- <i>Legal Commission</i>									
- <i>Administrative Commission</i>									
<i>Delegation of authority to the President of the Assembly for the approval of minutes of the Plenary</i>									X

Minutes of the First Meeting
(Tuesday, 24 September 2019 at 1100 hours)

SUBJECTS DISCUSSED

1. Agenda Item 1: Opening of the Session by the President of the Council
 - Address by the Honourable Mr. François Legault, Premier of the Province of Québec
 - Address by Ms. Valérie Plante, Mayor of Montréal
 - Address by Mr. Michael Keenan, Deputy Minister of Transport of Canada
2. Presentation of *Council President Certificates* (CPCs) to recipient States
3. Agenda Item 2: Approval of the Agenda
4. Agenda Item 3: Establishment of Committees and Commissions
 - Establishment of the Credentials, Executive and Coordinating Committees and the Technical, Economic, Legal and Administrative Commissions
5. Agenda Item 4: Reference of subjects to Committees and Commissions
6. Agenda Item 5: Election of Member States to be represented on the Council
 - Deadline for notification of candidatures for the first and second parts of the Council election
 - Maximum number of Member States to be elected in each part of the Council election

SUMMARY OF DISCUSSIONS

Agenda Item 1: Opening of the Session by the President of the Council

1. The President of the Council, Dr. Olumuyiwa Benard Aliu, as Temporary President of the Assembly, declared the 40th Session of the Assembly open and spoke as follows:

“It is my great honour and privilege to declare open this historic 40th Session of the ICAO Assembly.

“On behalf of the ICAO Council, ICAO Secretary General Dr. Fang Liu, and the many Honourable Ministers and Delegates to the Assembly who are here with us today, I wish to first extend a very warm welcome to our three distinguished guests:

Mr. Michael Keenan, Deputy Minister of Transport of Canada;

Honourable Mr. François Legault, Premier of the Province of Québec; and

Ms. Valérie Plante, Mayor of Montréal.

“It is also my honour to welcome here today, the representatives of UN sister organizations, regional aviation Commissions, aviation industry organizations, non-governmental organizations (NGOs) and many others from around the world with a vested interest in our sector.

“For the past 75 years, ICAO has proudly provided the leadership and served as the global forum for all aviation stakeholders to work very concertedly with our Member States to foster the safety, security, operational and environmental efficiency and sustainability of international civil aviation, and in augmenting air transport’s role in driving critical and sustainable socio-economic development in many areas of the world.

“This Assembly has set new records for its level of participation, and for the very significant amount of work to be undertaken over the coming ten days.

“However, before we look to some of the more challenging decisions and priorities to be established here, it is important to acknowledge the progress that has been achieved since the 39th Assembly in 2016.

“The ICAO *No Country Left Behind* or NCLB initiative has become a tremendous success story that has achieved unprecedented impact in enhancing the effective implementation of ICAO Standards and Recommended Practices (SARPs) and Global Plans in all world regions.

“I would highlight here the benefits achieved for States through the technical assistance and capacity building strategies, programmes, plans and projects implemented by each of our Regional Offices, the Technical Cooperation Bureau, the ICAO Programme for Aviation Volunteers, and the Global Aviation Training Office under the *No Country Left Behind* initiative.

“These activities have produced clear results in terms of enhanced Member State compliance with ICAO norms, improved national capabilities for aviation safety and security oversight, and increased global interoperability.

“Many States with lower level of effective implementation of ICAO safety SARPs, for example, have now attained or surpassed the 60 per cent target in ICAO’s Global Aviation Safety Plan due to NCLB, and there has been a dramatic decrease in the number of States showing Significant Safety Concerns. The global average of effective implementation of safety SARPs has increased from 60 per cent to about 69 per cent currently since the advent of NCLB.

“Accident totals too have been continuously decreasing, with some regions having even achieved zero fatalities in scheduled services over multi-year periods. Africa, for example, had zero fatalities in 2016 and 2017, and saw its average yearly accident rate decrease by 40 per cent from the previous triennium.

“In addition to these sectoral performance improvements under NCLB, ICAO’s World Aviation Forum events have been further instrumental in helping States to better integrate their aviation and national development strategies, develop improved business cases and more attractive investment climates relevant to their major aviation infrastructure and project needs, and attract the financing and investment partners needed to make those megaprojects a reality.

“The ICAO Council has recognized the significant achievements recorded by States that were seemingly hitherto “Left Behind”. In this regard, a total of 40 States were so recognized through the issuance of the Council President Certificate since the award’s inception. It will again be my great honour and pleasure to award 16 certificates for safety and 17 certificates for security improvements to new recipients later this morning.

“In addition, these results have taken place during a triennium which has been record-breaking in terms of traffic growth.

“This growth is highly beneficial to global socio-economic prosperity, but it needs to be managed such that the safety and efficiency of our network remain fully assured.

“This is why the enhancement of regulatory capacity, and the modernization of aviation infrastructure and human resources development approaches, have become more urgent concerns for air transport leaders and planners.

“In this connection, all our Member States have greatly appreciated the recent revisions to ICAO’s Global Plans for Aviation Safety and for Air Navigation Capacity and Efficiency aimed at making the implementation of related targets practical and achievable.

“ICAO also developed and implemented the first-ever Global Aviation Security Plan (GASeP) over the past triennium, and I wish to applaud the very proactive implementation support our Regional Offices provided leading to inclusive regional roadmaps being agreed upon to assure its effective launch.

“This work has also been importantly augmented through our continuing facilitation, border control, and identity management support to States through the ICAO TRIP Strategy, and I was pleased to welcome the development of the new TRIP Compendium during the last triennium.

“In the area of aviation environmental protection, we continued to benefit from tremendous participation of our States, industry and NGO partners in ICAO’s multi-pronged strategy.

“At the last Assembly, we adopted the historic Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) and our continuing CORSIA roll-out support and capacity-building this triennium has assured that States representing 77 per cent of international aviation activity will be participating in its voluntary phase as of 2021.

“Technology and operational improvements continued to progress on pace during this period, including through the adoption of the world’s very first global design Standard for CO₂ emissions and for non-volatile Particulate Matter (nvPM) and Nitrogen Oxides NO_x by any sector.

“We also adopted a long-term vision on development and deployment of sustainable aviation fuels.

“Other notable developments over the last triennium concerned our renewed focus on the Next Generation of Aviation Professionals, and the organization and very successful launch of the first-ever Global Aviation Gender Equality Summit.

“Our NGAP Summit in particular led to the realization of the new International Association of Aviation and Aerospace Education (ALICANTO) of universities worldwide, and I was pleased to address their first Annual General Meeting here on Sunday.

“Collectively, as aviation leaders, we have a very critical responsibility to ensure that there are sufficient numbers of skilled personnel to manage the increasingly complex technological foundation for 21st century aviation.

“Ladies and gentlemen,

“I would like to take a moment at this time to appreciate the many activities which ICAO Member States have undertaken thus far to help support and draw attention to our 75th Anniversary, including by: developing airport and CAA ICAO75 historic exhibits; arranging aerial demonstrations; promoting the ICAO75 video at prominent national airports; the issuance of national stamps; youth awareness campaigns; the preparation and release of historical materials; and the hoisting of the ICAO 75th Anniversary flag in uniquely prominent geographic locations, such as Mount Everest, Kilimanjaro, Kenya and Victoria Falls.

“In 2014 for ICAO’s 70th Anniversary, I initiated the establishment of the ICAO Museum to appreciate our past achievements together. However for this year’s 75th Anniversary, I requested that we should focus the sector’s attention on innovation and the future of flight. Those of you who were fortunate enough to attend our preceding World Aviation Forum and Innovation Fair have appreciated the importance of doing so.

“This prioritization on new R&D recognizes the rapidly expanding capacity of the incredible new aircraft now being conceptualized, designed, and produced to fulfill new services and roles for civil societies.

“And at the IWAF in particular, we also explored how innovation must be a guiding priority for civil aviation regulators as well, notably as they engage with new entrants to assist and not impede the incredible evolution in flight now taking place.

“We must be more proactive in making the ICAO tent bigger so that it can accommodate new stakeholders such as the urban planners, municipal leaders, emergency aid planners, and many others with a stake in the future of urban air mobility and the roles to be played by new model aircraft.

“However, it is important for us to continue to remind ourselves, even in the era of innovation, that aviation safety, security and sustainability must remain our most fundamental priorities.

“What we must realize together is therefore an effective and balanced approach to new aviation innovations – one which accelerates policy and regulatory approvals while safeguarding consumer protection, fair and sustainable economic and social development.

“I was particularly encouraged at the Innovation Fair to witness how today’s aviation innovators are placing a very high priority on realizing emissions-free green aviation solutions.

“Faced, as our sector is today, with a very concerned new generation looking to limit air transport activity in response to our warming climate, these developments and the potential they represent greatly reassure me that technical and operational innovation, in addition to the other key elements of the ICAO basket of measures for air transport environmental sustainability, will be key to how our sector continues to foster global connectivity, peace and prosperity while addressing and eventually eliminating aviation’s carbon footprint.

“Aviation and tourism are critical as conduits for wealth distribution among rich and poor nations, and the benefits of air transport are very pertinent to the UN Sustainable Development Goals under *Agenda 2030*.

“Our goal as air transport leaders therefore must be to heed the voices of our world now insisting on faster and more effective emissions reduction efforts. But at the same time, we can help those same advocates to understand that there are many ways to achieve these goals, short of seeking to disconnect the incredibly diverse and interdependent world we share together, and which so many generations before ours have worked so hard to bring together through the wonders of flight.

“Ladies and gentlemen,

“Many of the endorsements and decisions you will be making here at ICAO over the next ten days will be critical to how effectively and efficiently international air transport can continue serving humanity on a truly sustainable basis, as envisaged by the drafters of the Chicago Convention and under the global leadership of ICAO.

“The eventual results of your analyses and decisions will be an approved work programme and results-based Budget for ICAO, and a newly-agreed set of priorities and targets for international aviation for the next three-year period and beyond.

“With respect to ICAO’s Global Plans for Safety and Air Navigation Capacity and Efficiency, you will be asked to decide on new revisions which will be instrumental to managing the adoption and integration of new 21st century aircraft and operations alongside traditional aircraft operations.

“In the Aviation Security domain, you will be reviewing the ICAO Cybersecurity Strategy for the air transport sector, which features various goals relating to information sharing,

improved coordination among all partnering government and enforcement entities, and timely and aligned responses to related risks and events.

“Under our Environmental Protection Strategic Objective, your attention will be focused primarily on the needed implementation steps and assistance required in support of the CORSIA, including on CORSIA-eligible fuels and emissions units and the structure of its central registry.

“It is important for us to remember that CORSIA was adopted at the last Assembly after very difficult negotiations and to avoid a cumbersome patchwork of national measures for operators such as taxes which can impede global connectivity.

“It would therefore be counterproductive to aviation and climate change progress if we fail at this Assembly to assure CORSIA’s continuing launch as a truly global offsetting scheme for international flight emissions.

“Your guidance is also being sought on the institution of an exploratory study on the likely impacts of new supersonic aircraft being developed, the assessment of the feasibility of long-term global climate change goals, further elaboration of the ICAO Vision on Sustainable Aviation Fuels, and the development of new guidance respective of air transport climate change adaptation and resilience.

“In terms of the Economic Development of Air Transport, we expect your decisions on ICAO’s continuing work to promote the important socio-economic benefits of air transport liberalization, opening of market access and related objectives for new and modernized infrastructure.

“Further and important endorsements we shall be seeking include acknowledgement of the scope and value inherent in the *No Country Left Behind* initiative, guidance on fresh impetus to the Next Generation of Aviation Professionals (NGAP), the ICAO Global Aviation Training and Technical Cooperation and Assistance Programmes.

“From the perspective of governance, we also have to continue our efforts in enhancing efficiency and effectiveness of the Organization, as well as mobilize and leverage additional resources through new synergies and partnerships.

*“Excellencies, Honourable Ministers,
Assembly Delegates, Dear colleagues,*

“Your Organization, ICAO, has been endowed with a unique leadership role to set aviation’s global policies, programmes, and Standards, and to provide the coordinating platform for governments and industry to collaborate and achieve results.

“It has been my honour and privilege in the past 6 years to lead this unique Organization, which to my mind is undoubtedly one of the most effective and efficient in the UN system.

“I first fell in love with aviation when I was just five years old, when I saw, in 1965, an aircraft bring medical supplies to a remote town where my mother was working as a nurse with a Catholic mission.

“However, nothing then, in 1965 or in 1977, when I walked into the door of my aviation university in Kiev would have foretold that I will be standing before you today as President of the ICAO Council.

“I am incredibly grateful for this honour and privilege, and I wish to thank everyone today who either helped me live my dream or achieve what we have accomplished together here at ICAO.

“Let us rekindle the passion we have for aviation, and work together so that the excitement for flight and all that it can accomplish is fostered even more strongly in the coming generations, for young boys and girls equally.

“This Assembly after all will be one for bold decisions, and a time to refine our vision for how air transport can be of even greater service to States and regions, businesses and travellers, in the exciting years ahead.

“I would encourage you and the new Council you will elect at this Assembly to progress this work mindful of the global expectations now and always upon us, and in the spirit of the Preamble to the Chicago Convention.

“This is in order that international civil aviation can continue to help create and preserve friendship and understanding among the nations and peoples of the world, and to promote global security, peace, and prosperity.

“It is within that same spirit of cooperation, and the consensus-driven progress which has been the hallmark of this Organization for 75 very storied years of international air transport challenge and accomplishment, that I wish us all a very productive and successful 40th Session of the ICAO Assembly.”.

Address by the Honourable Mr. François Legault, Premier of the Province of Québec

2. “It is a great pleasure for me to be here in this magnificent chamber to launch the 40th session of the ICAO Assembly and mark the 75th anniversary of the Organization.

“As you may know, I spent part of my life in aviation, in Nationair and Québecair, and I co-founded Air Transat with my partners before becoming CEO of that airline. I have first-hand experience of all of the regulations in the field of aviation. But above all, I have witnessed the importance of ICAO in times of fraught conflict. For example, I was there during the Gulf War. I saw with my own eyes the key role played by ICAO in bringing together stakeholders in industry, experts, and governments and making it possible to keep up operations at such a difficult time.

“On the subject of conflicts, today we recall that 75 years ago at the height of World War II, the representatives of 54 nations gathered in Chicago to plan the future of aviation. War was raging, and many people put their lives in danger to come and take part in this great moment of international cooperation. In spite of a very challenging global context, they reached an agreement to create a new organization that would unite all of the players in civil aviation. That organization would come to be known by all of us today as ICAO.

“After the signing of the Chicago Convention in 1944, the big question was where to put ICAO Headquarters. Fortunately, Montréal prevailed as the ideal city. Montréal was both a French-

speaking city and part of the Commonwealth, and next door to the United States. Thus, our city was able to gain the support of the major post-war allies.

“Seven decades later, I think we can say it was the right choice. Montréal is now more relevant than ever. It is a city of innovation, a city with major universities and large numbers of researchers working in artificial intelligence and other fields.

“For ICAO, this proximity to leaders in artificial intelligence enriches its work and allows the Organization to better explore the aviation technologies of the future. In Montréal, we are taking a lead in the fight against climate change. We know this is another area in which ICAO must work, will work, and stands to benefit from local expertise.

“Montréal and Québec are also home to one of the biggest aviation industrial hubs in the world, with companies like Bombardier, Airbus, Bell Helicopter, Pratt & Whitney, CAE, and as of last week Mitsubishi. All of this truly makes Québec a nerve centre of the aviation world.

“Québec also has a long history of builders in civil aviation, and aviation has long been a part of our history. The first civilian airport in Canada is located not far from here, in Saint-Hubert. And of course, we have one of the 20 biggest global airlines, Air Canada, which got its start as Trans-Canada Airlines.

“And that is not the only air carrier to have gotten off the ground here. Before that, at the time when ICAO was created in Montréal, we had Québecair and Nordair. We have always had, and still have a great deal of expertise in aviation: pilots, aviation communications specialists, mechanics, and safety experts. As CEO of Air Transat, I saw with my own eyes the expertise that we have and the possibilities for creating airlines in Québec. We can export our expertise to other countries, and we also have many pioneers in the field of aviation.

“I will name one whom many of those present surely know well: Pierre Jeannot, who was CEO of Air Canada, and who is one of the inventors of the famous black box now carried on board aircraft.

“We also have a number of famous pilots: Robert Piché whom I hired at Air Transat and who, in 2001, succeeded in gliding an Airbus 330 for 20 minutes to a safe landing, saving the lives of all of its passengers. An extraordinary feat.

“So Québec has a record of success and innovation, and the ICAO Headquarters has made Montréal the world capital of civil aviation. I am so proud of that. This city is a magnet not just for aviation, but also for other international organizations. We know that the decision taken in 1947 was the right one, and other international organizations have moved here since 1997. Today, Montréal is home to 66 international organizations including 4 UN headquarters, which ranks it third in North America in the number of international organizations after Washington and New York City. And that is not counting all of the international conferences and events that take place regularly in Québec and in Montréal in particular.

“So our city, Montréal, is recognized as a city that is open to the world, a city of knowledge, a city of aviation. I believe that creates a fertile environment for ICAO to continue developing. It is a partnership that benefits both Québec and the Organization, which is why we were so very relieved at the decision to keep ICAO Headquarters in Montréal until 2036.

“You provide protection, you help protect consumers, you help put all airlines on an equal footing. The work of ICAO is decisive in keeping civil aviation efficient, safe, and better able to rise to the coming challenges.

“In recent years, ICAO has been giving more and more attention to sustainable development. Indeed, your 39th Assembly yielded initiatives for mitigating GHG emissions. I must commend your commitment to the fight against climate change. Of course, this is one issue among many others, such as drone management. Drones are a promising technology, but they also raise safety concerns. And I think ICAO will be capable of developing a regulatory framework to properly integrate drones.

“Another challenge is the growth in air traffic: 4.3 billion passengers in 2017, a 6 per cent increase following on an increase of 7 per cent the year before. Naturally, this means a lot to the economies of many countries, but it forces us to work ever harder to manage traffic, combining efficiency and safety in airports.

“There is also the issue of cybersecurity, which has been a major topic in Québec in recent months, and will take on heightened priority as we do more to protect our infrastructure, communications, and passenger data.

“In conclusion, there are many challenges before us, but we must keep our sights on international cooperation in order to tackle these challenges, and I can tell you that Québec is at your side in this endeavour. The message I have for you today is that Québec is strongly committed to supporting ICAO in Montréal. The Headquarters of ICAO is a precious gem for us. It means so much.

“As your hosts, we are aware of our responsibility to continually improve the work environment for ICAO staff. This is why the Government of Québec granted CAD 1.8 million to support your work for the year 2018-2019. We have just adopted the new Understanding which maintains the exemptions, privileges and arrangements that make your job easier.

“So, you can be sure that we will do what it takes to keep ICAO Headquarters in Montréal for the long term. ICAO is a part of Montréal, a part of Québec, and a part of our DNA as aviators.

“I wish all of you a happy 75th Anniversary and productive discussions at the 40th Assembly.”

3. The President of the Council extended to the Government and the people of Québec ICAO's most sincere appreciation for the comprehensive and generous assistance which they had provided to the Organization over the years, most notably in making available precious office space to house its Technical Cooperation Programme, but also as evidenced by the recent renewal of the Understanding signed between ICAO and Québec. He offered assurances that that tangible expression of support, coupled with the cordial relations which ICAO continued to enjoy with officials from the Government of Québec, enhanced the Organization's ability to better serve the international aviation community, and expressed thanks, saying "Merci beaucoup!".

Address by Ms. Valérie Plante, Mayor of Montréal

4. "It is a great honour and a pleasure to open the 40th Assembly of ICAO with you. This day is particularly special because we are also marking the 75th Anniversary of your prestigious Organisation, a major milestone.

"Since 1944, ICAO has overseen the sustainable development of international civil aviation. Montréal has been proud to host ICAO Headquarters since 1947. I do not have to tell you that after three quarters of a century, Montréal has developed a strong attachment to ICAO.

"Yesterday, we kicked off *Montréal International Civil Aviation Week*. This week is organized in honour of your Organization. It is a time for us to highlight the prime position of the civil aviation sector in the Montréal community.

"In Montréal, civil aviation is a well-established industry. The reputation of Montréal in the aerospace industry is on solid ground. We are the third largest aerospace centre in the world, and one of only three cities where an airplane can be built from start to finish.

"ICAO has played an important role in the development of the aerospace sector, and is a flagship of economic development in Montreal. Thanks to your Organization, other international civil aviation organizations have chosen to put down roots here, including IATA, ACI, IFALPA and IBAC. The bond between Montréal and ICAO is so strong that we renamed one of the major downtown metro stations in your honour. We also inaugurated a new public space called *Place de l'Aviation Civile Internationale* just next to ICAO, which has become a symbolic gateway to the downtown area. Yesterday, we unveiled this plaque, our gift to ICAO, which will be installed just out front at the entrance to the Headquarters building.

"The aerospace industry is a fast-developing sector that drives innovation and the creation of new technologies. As you know, all the necessary conditions are in place in Montréal for the sector to continue to develop, namely, talent, labour and creativity. As Mayor, I want to continue to support this ecosystem which is strong and vibrant, and I believe the Premier shares that goal. The sector must juggle multiple safety issues on a complex global checkerboard that changes quickly. It must grapple with major environmental issues. More than ever, we, the governments and supranational bodies, have the duty to protect the environment and fight climate change. On this note, I had the immense honour yesterday to speak on behalf of cities at the opening of the United Nations Climate Change Summit. The responsibility to take action on the climate is one our administration is very serious about, and I am glad to know that the matter is at the heart of your deliberations.

“Today, I would like us to take the time to underscore the historic contribution of ICAO and the work of its Members. Civil aviation makes it possible to bring together the international community, and ICAO plays the key role of ensuring the peaceful and harmonious use of airspace.

“I hope that your discussions over the next hours and days will be most productive.”.

5. On behalf of the Delegates and participants at the 40th Session of the Assembly, the President of the Council thanked the Mayor of Montréal most sincerely for the hospitality which her city had shown to all since their arrival. He also took this opportunity to express how much ICAO valued the ongoing support of the Mayor’s administration and the local community in making many Representatives on the Council and to ICAO feel at home during their stay in Montréal, which was truly the global headquarters of aviation.

Address by Mr. Michael Keenan, Deputy Minister of Transport of Canada

6. “It is a great honour for me to address this distinguished audience on behalf of the Minister of Transport of Canada, the Honourable Mark Garneau, and to receive you here in Montréal.

“ICAO is a major pillar of the international community and of orderly international collaboration. It contributes to guiding an industry that unites the whole world through air transportation that is safe, secure, efficient, sustainable and accessible. As Member States working together to support and to advance civil aviation in the world we can all be proud of the work that has been accomplished by ICAO.

“As always, Canada remains committed to ICAO, its vision for sustainable growth, and its mission to serve as the global forum for international civil aviation. We are proud to be a founding member of ICAO and we are deeply honoured that, since its inception, Canada has been ICAO’s home.

“The aviation industry needs forward-thinking leaders and partners at ICAO because the fact is, the challenges facing civil aviation are complex in nature and global in scope, requiring a collaborative approach to reach real and lasting solutions – for everyone, everywhere international airlines fly. Examples include:

- responding to aviation safety and security threats while international traffic continues to increase;
- addressing labour shortages and promoting participation of traditionally underrepresented groups;
- embracing innovative technologies; and
- promoting environmental sustainability in the aviation sector.

“As we know, today is historic. We are marking both the 40th Session of the ICAO Assembly and the Organization’s 75th Anniversary.

“It is hard to imagine just how far we have come in 75 years. In Canada, we have gone from fewer than one million air passengers a year to more than 110 million today. Every country has

experienced this kind of exceptional growth in aviation and it is continuing. Our industries and our expertise have been transformed side-by-side with ICAO, and ICAO has supported us all in the incredible growth of air transport over the past 75 years.

“While anniversaries can be a time to look back on our accomplishments, they are also an opportunity to take stock of our current situation and the challenges that await us. As we face the future, we must find ways to foster, enable and embrace innovation. For example, in Canada, we are looking forward to the future of Aireon, a partnership between NAV CANADA, Iridium Communications, and other leading air navigation service providers in Denmark, Italy and the United Kingdom. By providing 100 percent global air traffic surveillance in real time, it will be a game-changer for the international aviation sector

“Innovation can be seen in all areas – and we will be better prepared to address the resulting challenges and reap the benefits when we work together with all ICAO Member States. It is in this spirit that I would like to welcome you to Canada and express how much Canada wishes this Assembly to be as productive and memorable as all the others, particularly as we are celebrating the 75th Anniversary of ICAO.”

7. Recalling that for 75 years now, Canada had been a most gracious host to ICAO, the President of the Council emphasized that that was unique in the history of the United Nations system and had made Canada the envy of many other countries around the world. He assured the Deputy Minister of Transport that Canada’s unfailing commitment to ICAO and to its mandate for the safe and orderly development of international civil aviation was very much appreciated. The President of the Council asked that ICAO’s best regards be conveyed to the Honourable Marc Garneau, Minister of Transport of Canada.

Presentation of *Council President Certificates (CPCs)* to recipient States

8. The President of the Council recalled that the ICAO Council had established the *Council President Certificates* in support of the Organization’s *No Country Left Behind* (NCLB) initiative to recognize, on an annual basis, States from each ICAO region which have made significant progress in resolving their safety oversight and security oversight deficiencies and improving the effective implementation of the related ICAO Standards and Recommended Practices (SARPs). The eligibility criteria used for such recognition were objective and transparent and were based on the results of the ICAO safety and security audits and other related activities. The President of the Council had the pleasure to present *Council President Certificates in Aviation Safety* to the following 16 selected States based on their achievements in 2018 (in alphabetical order): Azerbaijan, Bahrain, Gabon, Georgia, Ghana, Guatemala, India, Mauritania, Montenegro, Mozambique, Myanmar, Papua New Guinea, Peru, Qatar, Serbia and Congo.

9. The President of the Council also had the pleasure to present the inaugural *Council President Certificates in Aviation Security* to the following 17 selected States for their achievements (in alphabetical order): Bahrain, Croatia, Dominican Republic, Georgia, Ghana, Jamaica, Kazakhstan, Kenya, Maldives, Mauritania, Namibia, Nigeria, Qatar, Rwanda, Trinidad and Tobago, Turkey and Uganda.

10. The Assembly showed its own appreciation for the commitments and achievements of all of the above-mentioned 28 States with a warm round of applause.

Agenda Item 2: Approval of the Agenda

11. In accordance with Rule 12 of the *Standing Rules of Procedure of the Assembly of the International Civil Aviation Organization* (Doc 7600), the Plenary approved the Agenda reproduced in WP/1.

Agenda Item 3: Establishment of Committees and Commissions

12. In accordance with Rules 6 b), 14 and 18 of its Standing Rules of Procedure (Doc 7600), the Assembly agreed to the establishment of the Credentials, Executive and Coordinating Committees, as well as the Technical, Economic, Legal and Administrative Commissions. The Credentials Committee would meet immediately following the First Plenary Meeting. The President of the Council, as Temporary President of the Assembly, invited the Delegations of Chile, Fiji, Iran (Islamic Republic of), Nigeria and the Russian Federation to designate one member of their delegations to sit on the Credentials Committee, which would meet immediately following the close of the First Plenary Meeting. The Credentials Committee would elect its own Chairperson and present an oral interim report to the Plenary at its Second Meeting

Agenda Item 4: Reference of subjects to Committees and Commissions

13. The Plenary referred the various items in the Agenda as presented in WP/1 to the Executive Committee and the Commissions as follows: Items 10 to 26 to the Executive Committee; Items 27 to 30 to the Technical Commission; Items 31 to 36 to the Economic Commission; Items 37 to 40 to the Legal Commission; and Items 41 to 52 to the Administrative Commission.

Agenda Item 5: Election of Member States to be represented on the Council

Deadline for notification of candidatures for the first and second parts of the Council election

14. The President of the Council, as Temporary President of the Assembly, announced that election to the Council in the first and second parts would be held on Saturday, 28 September 2019, at 0900 hours. The deadline for notification of candidatures, which were to be submitted in writing to the Secretary General, was set for 1215 hours on Thursday, 26 September 2019. Notifications of candidatures for election to the Council in the third part, which would be receivable only after completion of the election in the first and second parts, were to be submitted to the Secretary General during the forty-eight hour period beginning at the close of the meeting on Saturday, 28 September 2019, and ending at that time on Monday, 30 September 2019. The election to the Council in the third part would take place on Tuesday, 1 October 2019, at 1400 hours.

Maximum number of Member States to be elected in each part of the Council election

15. As recommended by the Council in WP/2, the Assembly established the maximum number of Member States to be represented on the Council as follows: Part One – 11 Member States; Part Two – 12 Member States; and Part Three – 13 Member States.

16. The meeting adjourned at 1240 hours.

Minutes of the Second Meeting

(Tuesday, 24 September 2016 at 1500 hours)

SUBJECTS DISCUSSED

1. Agenda Item 9: Reports by Committees and Commissions of the Assembly and action thereon
— Oral interim report of the Credentials Committee
2. Agenda Item 6: Election of the President of the Assembly
3. Agenda Item 7: Election of the four Vice-Presidents of the Assembly and Chairpersons of Commissions
4. Agenda Item 8: Statements by delegations of Member States

SUMMARY OF DISCUSSIONS

Agenda Item 9: Reports by Committees and Commissions of the Assembly and action thereon

Oral interim report of the Credentials Committee

1. The Chairperson of the Credentials Committee, Mr. Farhad Parvaresh (Islamic Republic of Iran), presented the oral interim report of the Committee, which was composed of members from Chile, Fiji, Nigeria and the Russian Federation in addition to the Islamic Republic of Iran. He indicated that, at the time of the Committee's first meeting, original credentials in the proper form had been received from 164 Member States, while 173 Member States had delegates registered. Accordingly, with reference to Rule 28 of the Standing Rules of Procedure of the Assembly (Doc 7600), there was a majority of Member States constituting a quorum. Furthermore, original credentials in the proper form had been received from 43 observer delegations, while 46 had registered

2. The Credentials Committee urged all States and organizations that had not yet presented proper credentials to do so as soon as possible. For the time being, in view of Rule 7 of the Standing Rules of Procedure, it recommended that the Assembly permit them to participate in its deliberations.

3. In the absence of comments, the Plenary noted the oral interim report of the Credentials Committee and agreed to its recommendation. The Temporary President of the Assembly, Dr. Olumuyiwa Benard Aliu, the President of the Council, enjoined all delegates who had not yet presented proper credentials to take the necessary action to do so to enable them to participate effectively in the Assembly's proceedings.

Agenda Item 6: Election of the President of the Assembly

4. The Delegate of Sweden, supported by the Delegates of India and the Dominican Republic, nominated Mr. Nari Williams-Singh (Jamaica) as President of the 40th Session of the Assembly.

5. The nomination was approved by acclamation. In declaring Mr. Williams-Singh elected, the Temporary President of the Assembly congratulated him on behalf of all present and invited him to take the chair in the capacity of President.

6. Mr. Williams-Singh indicated that he deemed it a great honour and privilege to accept the confidence reposed in him to serve as President of this historic 40th Session of the ICAO Assembly, an occasion which also celebrated the 75th Anniversary of the signing of the *Convention on International Civil Aviation*. He recalled that Jamaica had previously presided over the 22nd Session of the Assembly in 1977 under Dr. Kenneth Rattray. Mr. Williams-Singh emphasized that this honour, which he accepted on behalf of his country, Jamaica, and other Small Island Developing States (SIDS), provided a fitting crescendo and symbolic continuation of ICAO's five-year *No Country Left Behind* (NCLB) focus. Indeed, it reflected the continuing and genuinely inclusive stance through which ICAO had successfully embraced State equality and inclusion in principle and action. Mr. Williams-Singh thanked the Delegate of Sweden for nominating him to serve as President of the Assembly, and the Delegates of India and the Dominican Republic for their endorsement. Above all, he was appreciative of the support received from his regional group, the group of Latin American and Caribbean States, GRULAC, for Jamaica to serve as President at this auspicious Assembly.

7. Mr. Williams-Singh underscored that, despite team dynamics related to member size, location, influence or other factors, the mantra remained true that the strength of a team, i.e. the global aviation community, was each individual member and that the strength of each member was the team. The corollary to that inclusiveness was the obligation of each State, irrespective of size and other factors, to maintain effective implementation of ICAO SARPs and developmental initiatives which assured global air transport safety and an industry which operated at the highest standards of efficiency. Those were imperatives as the chain of air transport operations in a common sky with common dependencies was truly only as strong as the weakest link. Mr. Williams-Singh emphasized that Jamaica had taken its aviation obligations and responsibilities very seriously and continued to fulfil its obligations as an ICAO Member State.

8. Mr. Williams-Singh highlighted that as Assembly participants representing various governments, jurisdictions, and entities congregated and collaborated, it was clear that while ICAO was grounded in multinationalism, individual government support for air transport safety and efficiency was paramount as an enabling force. He recognized the leadership, support and foresight of the Government of Jamaica, and particularly of its Minister of Transport and Mining, the Honourable Robert Montague, who would join the Assembly later in the week, for ensuring the steady realization of Jamaica's air transport vision. The development and common good of the peoples and nations served by the global aviation industry in each dispersed location would remain overarching objectives. Mr. Williams-Singh underscored that while it was true that participants were differentiated by many factors, their unison of goals and objectives meant that they all had a vested interest in reaching consensus that furthered those goals and objectives in the areas of safety, efficiency, growth, and sustainability for the industry and the populations that they served.

9. Mr. Williams-Singh noted that as the Assembly went through the many important Agenda items he undertook to preside over and guide the activities and deliberations of the meetings in an

impartial, inclusive, and efficient manner. While there would be challenges in reaching agreements based on participants' various circumstances, he was heartened to acknowledge the calibre of the various delegates and interests present, which augured well for outcomes which were uniformly progressive. Mr. Williams-Singh urged participants at this Assembly to redouble their efforts to help achieve ICAO's goals and objectives and its support for enduring global prosperity premised on peaceful co-existence, equitable participation, and meaningful collaboration. He also urged participants, as they deliberated, to remain conscious long after these meetings were concluded, that while deliberation was the work of many men and women, action was the work of each alone. Mr. Williams-Singh graciously relied on participants' support and cooperation as he exercised his duties and responsibilities to ensure a successful Assembly. He closed with a line from the legendary Jamaican singer and songwriter Bob Marley, "One love".

Agenda Item 7: Election of the four Vice-Presidents of the Assembly and Chairpersons of Commissions

10. The President invited nominations for the posts of Vice-President and the Delegate of the United States, seconded by the Delegate of Colombia, proposed the following:

First Vice-President	H.E. Salman Sabah Al-Salem Al-Hamoud Al-Sabah (Kuwait)
Second Vice-President	Ms. Poppy Khoza (South Africa)
Third Vice-President	Mr. Levan Karanadze (Georgia)
Fourth Vice-President	Ms. Soo Jeong (Crystal) Kim (Republic of Korea)

11. These nominations were accepted by acclamation.

12. In addition, as proposed by the Delegate of Nigeria, and seconded by the Delegate of Jordan, the Assembly approved by acclamation the following nominations for Chairpersons of Commissions:

Technical Commission	Mr. Simon Allotey (Ghana)
Economic Commission	Mr. Marc Rioux (Canada)
Legal Commission	Mr. Abdul Kadir Jailani (Indonesia)
Administrative Commission	Mr. Mark Rodmell (United Kingdom)

13. The President warmly congratulated the newly-elected Vice-Presidents and Chairpersons of Commissions.

Agenda Item 8: Statements by delegations of Member States

14. The remainder of the meeting was devoted to Agenda Item 8 and general statements delivered by the Delegations of: China, Finland, Mexico, Spain, Qatar, Sweden, Senegal, France, Cameroon, Italy, Ukraine, India and Peru. A statement was also made by the observer from the European Union (EU).

15. The Delegate of Brazil announced that, through the generosity of his State, Portuguese interpretation services were being provided for Plenary meetings during the Assembly. Highlighting that

Brazil's offer stemmed from ICAO's NCLB initiative, he noted that there were eight ICAO Member States which used the Portuguese language, representing 300 million people and 125 million passengers per year at a time when communication was one of the most important elements of understanding in international and interpersonal relations. The Delegate of Brazil emphasized that the use among all Member States of a common language strengthened the rules of ICAO, which should be followed by all. Brazil was very pleased to be able to offer Portuguese interpretation services at ICAO for a second time, and looked forward to continuing to provide such services in the future.

16. The meeting adjourned at 1715 hours.

Minutes of the Third Meeting

(Wednesday, 25 September 2019 at 0920 hours)

SUBJECTS DISCUSSED

1. Agenda Item 9: Reports by Committees and Commissions of the Assembly and action thereon
— Approval of oral report of the Executive Committee on Agenda Item 10
2. Agenda Item 8: Statements by delegations of Member States

SUMMARY OF DISCUSSIONS

Agenda Item 9: Reports by Committees and Commissions of the Assembly and action thereon

Approval of oral report of the Executive Committee on Agenda Item 10

1. The President, in his capacity as Chairperson of the Executive Committee, presented the following oral report on the Committee's examination of WP/46 Revision No. 1 (with Addendum No. 1): The paper presented the financial aspects of the question of contributions in arrears. Revision No. 1 to WP/46 provided the status of contributions in arrears and of Member States that had their voting rights deemed suspended as at 16 September 2019. The recently-distributed Addendum No. 1 presented an update of Appendix C regarding Member States that had their voting rights deemed suspended as at 23 September 2019. It was important to note that the *Financial implications* section of the executive summary of WP/46 Revision No. 1 indicated that "the delay in the receipt of contribution impacts the cash resources of the Organization and could impact programme delivery". The executive summary specified the action proposed by the Council, which was for the Assembly to note the progress made in the collection of long-outstanding arrears.

2. In the absence of comments, the Plenary approved the above oral report and, as recommended by the Executive Committee, took the action proposed in the executive summary of WP/46 Revision No. 1 and noted the progress made in the collection of long-outstanding arrears.

Agenda Item 8: Statements by delegations of Member States

3. The remainder of the meeting was devoted to general statements under Agenda Item 8 delivered by the Delegations of: Japan, the Netherlands, Portugal, Oman, Samoa, Ethiopia, Congo, Bangladesh, Cuba, the United States, Saudi Arabia, Niger, South Africa, Kenya, Nigeria and Nepal.

4. The Plenary adjourned at 1215 hours and reconvened at 1400 hours to enable additional general statements to be delivered by the following Delegations: Cabo Verde, Sudan, Rwanda, Ghana, Iraq, Thailand, Colombia, Indonesia and the Russian Federation. A brief intervention was also made by the Delegation of the Democratic People's Republic of Korea in response to the general statement delivered by the Delegation of Japan.

5. The meeting adjourned at 1515 hours.

Minutes of the Fourth Meeting
(Saturday, 28 September 2019 at 0900 hours)

SUBJECTS DISCUSSED

1. Agenda Item 5: Election of Member States to be represented on the Council
 - Parts One and Two of the election
 - Deadline for presentation of candidatures for Part Three of the election
2. Agenda Item 8: Statements by delegations of Member States

SUMMARY OF DISCUSSIONS

Agenda Item 5: Election of Member States to be represented on the Council

Parts One and Two of the election

1. The President announced that the meeting had been called for the purpose of holding the first two parts of the Council election. Drawing attention to WP/2, which provided detailed background information regarding the election, he observed that Appendix B thereto contained Rules 54 through 61 of the Assembly's Standing Rules of Procedure (Doc 7600) describing the procedure under which the election would take place. The President highlighted that, at its First Plenary Meeting on 24 September 2019, the Assembly had endorsed the Council's recommendation regarding the maximum number of seats to be elected in the three parts of the election as set forth in the executive summary of the paper, in particular, that 11 Member States be elected under Part One and 12 Member States, under Part Two.

2. The President recalled that, at the 37th Session of the Assembly in 2010, Rules 59 and 60 of the said Rules of Procedure had been amended in order to allow for the use of an electronic voting system (EVS) for the Council elections, with the understanding that manual votes would remain in place as a fall-back option. He highlighted that the Council elections during the current Assembly would be conducted in the presence of a representative of the audit consultancy firm BDO Jordan to confirm the security, accuracy and confidentiality of the EVS and to confirm that there was no external interference therewith.

3. The President noted that the names of the Member States which had submitted their candidatures under the first two parts of the Council election were set forth in the Secretary General's memorandum dated 26 September 2019, a copy of which had been placed by the desk of each Delegation, together with an Aide-mémoire on the said electronic voting system. He further indicated that the following information papers concerning candidatures had been submitted: WPs/161 presented by the Arab Civil Aviation Organization (ACAO); /333 presented by Cuba, representing the 22 Member States of the Latin American Civil Aviation Commission (LACAC); and /506 presented by Singapore.

4. After a short video presentation by the Secretariat of the electronic voting system, the following 168 Member States that were eligible to vote in Parts One and Two were provided with the materials necessary to participate in the electronic vote:

Afghanistan	Democratic Republic	Lebanon	Serbia
Albania	of the Congo	Lesotho	Seychelles
Algeria	Denmark	Liberia	Singapore
Andorra	Djibouti	Lithuania	Slovakia
Angola	Dominican Republic	Luxembourg	Slovenia
Argentina	Ecuador	Madagascar	Solomon Islands
Armenia	Egypt	Malaysia	Somalia
Australia	El Salvador	Maldives	South Africa
Austria	Equatorial Guinea	Mali	Spain
Azerbaijan	Eritrea	Malta	Sri Lanka
Bahamas	Estonia	Mauritania	Sudan
Bahrain	Eswatini	Mauritius	Sweden
Bangladesh	Ethiopia	Mexico	Switzerland
Belgium	Fiji	Monaco	Thailand
Belize	Finland	Mongolia	Timor-Leste
Benin	France	Montenegro	Togo
Bhutan	Gabon	Morocco	Tonga
Bolivia (Plurinational State of)	Gambia	Mozambique	Trinidad and Tobago
Bosnia and Herzegovina	Georgia	Myanmar	Tunisia
Botswana	Germany	Nepal	Turkey
Brazil	Ghana	Netherlands	Tuvalu
Brunei Darussalam	Greece	New Zealand	Uganda
Bulgaria	Guatemala	Nicaragua	Ukraine
Burkina Faso	Guinea	Niger	United Arab Emirates
Burundi	Guinea-Bissau	Nigeria	United Kingdom
Cabo Verde	Guyana	North Macedonia	United Republic of Tanzania
Cambodia	Honduras	Norway	United States
Cameroon	Hungary	Oman	Uruguay
Canada	Iceland	Pakistan	Uzbekistan
Central African Republic	India	Panama	Vanuatu
Chad	Indonesia	Papua New Guinea	Venezuela (Bolivarian Republic of)
Chile	Iran (Islamic Republic of)	Paraguay	Viet Nam
China	Iraq	Peru	Yemen
Colombia	Ireland	Poland	Zambia
Congo	Israel	Portugal	Zimbabwe
Cook Islands	Italy	Qatar	
Costa Rica	Jamaica	Republic of Korea	
Côte d'Ivoire	Japan	Republic of Moldova	
Croatia	Jordan	Romania	
Cuba	Kazakhstan	Russian Federation	
Cyprus	Kenya	Rwanda	
Czechia	Kiribati	Saint Vincent and the Grenadines	
Democratic People's Republic of Korea	Kuwait	Samoa	
	Lao People's Democratic Republic	San Marino	
	Latvia	Saudi Arabia	
		Senegal	

5. At the close of the voting session for Part One, 168 Member States had cast votes electronically. In accordance with Rule 60 of the Assembly's Standing Rules of Procedure (Doc 7600), the minimum number of votes required for election was therefore at least 85. The President announced the results of the electronic vote as follows:

Australia	150 votes
Brazil	157 votes
Canada	146 votes
China	160 votes
France	153 votes
Germany	150 votes
Italy	160 votes
Japan	159 votes
Russian Federation	147 votes
United Kingdom	144 votes
United States	149 votes

and declared elected all 11 Member States.

6. The Assembly then proceeded to Part Two of the election. At the close of the voting session, 167 Member States had cast votes electronically. The minimum number of votes required for election was thus at least 84.

7. The result of the ballot, announced by the President, was:

Argentina	142 votes
Colombia	148 votes
Egypt	154 votes
Finland	144 votes
India	162 votes
Mexico	155 votes
Netherlands	145 votes
Nigeria	151 votes
Saudi Arabia	145 votes
Singapore	165 votes
South Africa	148 votes
Spain	151 votes

8. The President declared elected the above 12 Member States.

9. On behalf of the Assembly, the President congratulated all the Member States which had been elected to the Council under Parts One and Two and expressed confidence that their Representatives on the Council would work in the best interest of all ICAO Member States, as well as of the global aviation community. In addition, he voiced appreciation for the Secretariat's assistance in, and facilitation of, the conduct of the elections.

Statement by the representative of the audit consultancy firm BDO Jordan

10. The representative of the audit consultancy firm BDO Jordan, Mr. Hussain AlShobaki, noted that, in cooperation with BDO Canada, his firm had been engaged to review and certify the security, accuracy and confidentiality of the EVS as a part of the election of the ICAO Council. The firm's work covered the security controls regarding the supplier of the EVS, Simply Voting, as well as of the voting tablets, the network and the personal identification numbers (PINs). BDO Jordan had delivered a report to ICAO on 12 September 2019 which had confirmed all the procedures which the firm had performed and had included its observations and conclusion. BDO Jordan had not found any significant issues relating to the security, accuracy, and confidentiality of the said EVS. It would provide a final report after the completion of the entire voting process in the coming days.

Deadline for presentation of candidatures for Part Three of the Council election

11. The President announced that Part Three of the election to the Council would be held at the Fifth Plenary Meeting on Tuesday, 1 October 2019, at 1400 hours. In accordance with Rule 58 of the Assembly's Standing Rules of Procedure (Doc 7600), candidatures for Part Three were to be submitted in writing to the Secretary General by 1015 hours on Monday, 30 September 2019.

Agenda Item 8: Statements by delegations of Member States

12. The remainder of the meeting was devoted to general statements delivered by the Delegations of: the Republic of Korea, Greece, Jamaica, Malaysia, Egypt, Zambia, the United Arab Emirates, Uganda, Turkey, Angola, Zimbabwe, Nicaragua, Sri Lanka and the Dominican Republic.

13. The meeting adjourned at 1215 hours.

Minutes of the Fifth Meeting
(Tuesday, 1 October 2019 at 1400 hours)

SUBJECTS DISCUSSED

1. Agenda Item 5: Election of Member States to be represented on the Council
— Part Three of the election
2. Agenda Item 9: Reports by Committees and Commissions of the Assembly and action thereon
— Approval of Report from the Legal Commission on the General Section and Agenda Items 37 to 40
3. Agenda Item 8: Statements by delegations of Member States

SUMMARY OF DISCUSSIONS

Agenda Item 5: Election of Member States to be represented on the Council

Part Three of the election

1. The President advised the Assembly that a document dated 30 September 2019 had been distributed prior to the convening of the present meeting in which four regional aviation organizations requested support for their candidates for election to the Council under Part Three. Consultations had subsequently been held with some of the said organizations, which had indicated that they had no knowledge of the document and of its distribution. He underscored that while there were informal agreements between such regional organizations for the mutual support of their respective candidates for election to the Council, the document was not an official ICAO document. Furthermore, it was his understanding that its distribution had not been sanctioned by ICAO. Reiterating that during the Assembly distribution of gifts and promotional materials was not allowed in the Assembly Hall and in Conference Rooms 1, 2 and 3, the President stressed that the Council election process must be fair and free and invited Delegates to vote on their own accord.

2. The Delegate of Saudi Arabia noted that the previous day, 30 September 2019, representatives of the four regional aviation organizations had met and agreed on the list of candidates for Part 3 of the election of the Council set forth in the said document. His Delegation had then sent an official e-mail to the inbox of the Office of the Director of the Bureau of Administration and Services (D/ADB) requesting approval to distribute that document. It had been informed that morning that its request had been approved. The Delegate of Saudi Arabia reaffirmed his Delegation's respect for the Assembly and emphasized that it had had absolutely no intention of deviating from the Standing Rules of Procedure of the Assembly (Doc 7600).

3. While acknowledging that a request from the Delegation of Saudi Arabia had been sent by e-mail to the inbox of the Office of D/ADB, the Officer in Charge of ADB (OIC/ADB) indicated that it had been mistakenly construed by a junior ADB staff member as an invitation to an Assembly event

and had been approved for distribution by that staff member without referring the matter to the Administrative Officer or to him or his colleague who was coordinating A40 events. He underscored that clearly that mistaken approval was against the rules which had been established in the Organization for the distribution of gifts and promotional materials. As OIC/ADB, he took full responsibility for that mistake, even though he had not been aware that the junior ADB staff member managing the inbox of the Office of D/ADB had responded to the request from the Delegation of Saudi Arabia without referring it to the said two higher levels of responsibility. In confirming that the approval granted to the Delegation of Saudi Arabia to distribute the document had been a mistake and was against the rules, OIC/ADB asked that it be considered as a mishap. He further pleaded that the said document from the four regional aviation organizations be disregarded for the purposes of the election of the Council under Part Three.

4. The Delegate of Turkey underscored that, as a member of one of the regional aviation organizations, he did not have any knowledge of the distribution of the said document and did not have any information on whether the other members of that organization had any knowledge thereof. Averring that the document's distribution constituted a manipulation of the Council election under Part Three and was totally inappropriate, he requested that the President call upon the Assembly to disregard the document.

5. The President noted that in his previous statement he had already made the position on that distributed document very clear.

6. The Delegate of the United Arab Emirates observed that a mistake had clearly been committed by the Secretariat, which should take responsibility therefor. He emphasized that the distributed document contained general information on some of the States standing for election to the Council under Part Three which was already common knowledge since the Secretary General, in accordance with Rule 54 of the Standing Rules of Procedure of the Assembly (Doc 7600), had posted a list of States which intended to stand for election to the Council under all three Parts on the A40 public website on 24 September 2019 for the purpose of information. The Delegate of the United Arab Emirates therefore supported the stance of the Delegate of Saudi Arabia and urged the Assembly to continue with the election of the Council under Part Three.

7. The President indicated that the Assembly would accordingly proceed with Agenda Item 5 and the election of States to be represented on the Council under Part Three. He highlighted WP/2, which provided detailed background information regarding the election, as well as the following information papers concerning candidatures: WPs/160 Revision No. 1 presented by Qatar; /161 presented by the Arab Civil Aviation Organization (ACAO); /333 presented by Cuba, representing the 22 Member States of the Latin American Civil Aviation Commission (LACAC); /507 Revision No. 1 presented by the United Arab Emirates; and /552 presented by Malaysia. The President recalled that, at its First Plenary Meeting on 24 September 2019, the Assembly had endorsed the Council's recommendation that 13 Member States be elected under Part Three. Noting, however, from the Secretary General's memorandum dated 30 September 2019 that there were 14 Member States which had submitted their candidatures, he emphasized that Delegates could vote for any number of candidates up to, but not exceeding, the number of vacancies to be filled, namely 13.

8. A short video presentation of the electronic voting system was then given by the Secretariat, with it being reiterated that the Council election would be conducted in the presence of a representative of the audit consultancy firm BDO Jordan to confirm the security, accuracy and confidentiality of the EVS and to confirm that there was no external interference therewith.

9. Thereafter, the following 177 Member States that were eligible to vote in Part Three of the Council election were provided with the materials necessary to participate in the electronic vote:

Afghanistan	Democratic People's	Lao People's	Saint Lucia
Albania	Republic of Korea	Democratic Republic	Saint Vincent and
Algeria	Democratic Republic	Latvia	the Grenadines
Andorra	of the Congo	Lebanon	Samoa
Angola	Denmark	Lesotho	San Marino
Argentina	Djibouti	Liberia	Saudi Arabia
Armenia	Dominican Republic	Lithuania	Senegal
Australia	Ecuador	Luxembourg	Serbia
Austria	Egypt	Madagascar	Seychelles
Azerbaijan	El Salvador	Malaysia	Sierra Leone
Bahamas	Equatorial Guinea	Maldives	Singapore
Bahrain	Eritrea	Mali	Slovakia
Bangladesh	Estonia	Malta	Slovenia
Barbados	Eswatini	Mauritania	Solomon Islands
Belgium	Ethiopia	Mauritius	Somalia
Belize	Fiji	Mexico	South Africa
Benin	Finland	Monaco	Spain
Bhutan	France	Mongolia	Sri Lanka
Bolivia (Plurinational	Gabon	Montenegro	Sudan
State of)	Gambia	Morocco	Sweden
Bosnia and	Georgia	Mozambique	Switzerland
Herzegovina	Germany	Myanmar	Thailand
Botswana	Ghana	Namibia	Timor-Leste
Brazil	Greece	Nepal	Togo
Brunei Darussalam	Guatemala	Netherlands	Tonga
Bulgaria	Guinea	New Zealand	Trinidad and Tobago
Burkina Faso	Guinea-Bissau	Nicaragua	Tunisia
Burundi	Guyana	Niger	Turkey
Cabo Verde	Honduras	Nigeria	Turkmenistan
Cambodia	Hungary	North Macedonia	Tuvalu
Cameroon	Iceland	Norway	Uganda
Canada	India	Oman	Ukraine
Central African	Indonesia	Pakistan	United Arab Emirates
Republic	Iran (Islamic	Panama	United Kingdom
Chad	Republic of)	Papua New Guinea	United Republic
Chile	Iraq	Paraguay	of Tanzania
China	Ireland	Peru	United States
Colombia	Israel	Philippines	Uruguay
Comoros	Italy	Poland	Uzbekistan
Congo	Jamaica	Portugal	Vanuatu
Cook Islands	Japan	Qatar	Venezuela (Bolivarian
Costa Rica	Jordan	Republic of Korea	Republic of)
Côte d'Ivoire	Kazakhstan	Republic of Moldova	Viet Nam
Croatia	Kenya	Romania	Yemen
Cuba	Kiribati	Russian Federation	Zambia
Cyprus	Kuwait	Rwanda	Zimbabwe
Czechia	Kyrgyzstan	Saint Kitts and Nevis	

10. At the close of the voting session for Part Three, 177 Member States had cast votes electronically. In accordance with Rule 60 of the Assembly's Standing Rules of Procedure (Doc 7600), the minimum number of votes required for election was therefore at least 89. The President announced the results of the electronic vote as follows:

Costa Rica	144 votes
Côte d'Ivoire	147 votes
Dominican Republic	154 votes
Equatorial Guinea	138 votes
Greece	159 votes
Malaysia	143 votes
Paraguay	151 votes
Peru	157 votes
Qatar	112 votes
Republic of Korea	164 votes
Sudan	126 votes
Tunisia	153 votes
United Arab Emirates	152 votes
Zambia	145 votes

and declared elected the following 13 Member States: Costa Rica, Côte d'Ivoire, the Dominican Republic, Equatorial Guinea, Greece, Malaysia, Paraguay, Peru, the Republic of Korea, Sudan, Tunisia, the United Arab Emirates and Zambia.

11. The President, on behalf of the Assembly, congratulated the Member States on their election, highlighting that it was the first time in the 75-year history of ICAO that Côte d'Ivoire, Equatorial Guinea, Greece, Sudan and Zambia had been elected to the Council. He also thanked the Secretariat for all their preparations for the election of the Council and their assistance during the electoral process.

Statement by the representative of the audit consultancy firm BDO Jordan

12. The representative of the audit consultancy firm BDO Jordan, Mr. Hussain AlShobaki, noted that, in cooperation with BDO Canada, his firm had been engaged to review and certify the security, accuracy and confidentiality of the EVS as a part of the election of the ICAO Council. The firm's work covered the security controls regarding the supplier of the EVS, Simply Voting, as well as of the voting tablets, the network and the personal identification numbers (PINs). BDO Jordan had delivered a report to ICAO on 12 September 2019 which had confirmed all the procedures which the firm had performed and had included its observations and conclusion. BDO Jordan had not found any significant issues relating to the security, accuracy, and confidentiality of the said EVS. It would provide a final report in the coming days now that the entire voting process had been completed.

Agenda Item 9: Reports by Committees and Commissions of the Assembly and action thereon

Approval of Report from the Legal Commission on the General Section and Agenda Items 37 to 40

13. In presenting the Legal Commission's Report (WP/617) for approval by the Plenary, the Chairperson, Mr. Abdul Kadir Jailani (Indonesia), noted that the Commission had held three meetings between 25 and 30 September 2019 with the participation of 127 States. He had had the privilege to chair the meetings. At its First Meeting, the Commission had elected Mr. Jeffrey Klang (United States) and Mr. Mohammed Mohammed Mansoor Al-Ruqaishi (Oman) as its First and Second Vice-Chairpersons, respectively.

14. It had completed consideration, under Agenda Item 37, of the Annual Reports of the Council to the Assembly for 2016, 2017 and 2018, as well as the Supplement for the first half of 2019.

15. Under Agenda Item 38, the Commission had reviewed the Work Programme of the Organization in the legal field, in particular, the items on the General Work Programme of the Legal Committee. It had decided to add a new item "Processes and procedures for States to fulfil their obligations under Article 12 of Chicago Convention" with priority No. 3 to the Work Programme. The Commission had further decided to merge previous Items Nos. 4 and 5 to read "Acts or offences of concern to the international aviation community, including cyber threats, that may not be adequately covered by existing air law instruments" and to broaden the scope of Item No 8 to now concern itself with the "Study of international legal issues relating to global satellite systems and services supporting international air navigation services". The Commission had further supported how certain agenda items could be pragmatically addressed in an environment of budgetary constraints.

16. Under Agenda Item 39, the Commission had reviewed Resolution 39/1: *Consolidated statement of continuing policies of ICAO in the legal field*, and had proposed amendments reflecting the work completed by the Organization to provide guidance to States on dealing with unruly and disruptive passengers. Resolution 39/1 also reflected the outcomes from the inaugural Civil Aviation Legal Advisers Forum held in Singapore in May 2019 and provided for means to enhance the capacity and effectiveness of States to implement air law treaties and update national laws and regulations.

17. As regards Agenda Item 40 on other issues to be considered by the Legal Commission, the Commission welcomed the information presented by China in WP/235 on its development of targeted and precise oversight and looked forward to China sharing information on future developments. The Commission also noted, with interest, the information presented by the Air Crash Victims' Families' Federation International (ACVFFI) in WP/434 with a view to improving victims' compensation.

18. The Chairperson was now submitting the Legal Commission's report (WP/617) to the Plenary for approval, with the recommendation that Resolution 39/1 be adopted.

19. In the absence of comments, the President of the Assembly declared the following Report of the Legal Commission approved and Resolution as indicated adopted:

- Agenda Item 37: *Annual Reports of the Council to the Assembly for 2016, 2017 and 2018*
- Agenda Item 38: *Work programme of the Organization in the legal field*
- Agenda Item 39: *Consolidated statement of continuing ICAO policies in the legal field*
(Resolution 39/1)
- Agenda Item 40: *Other issues to be considered by the Legal Commission*

20. It was noted that WP/604 containing the General Section of the Administrative Commission's Report and the Administrative Commission's Report on Agenda Items 41 to 52 would be reviewed at the Plenary's next meeting.

Agenda Item 8: Statements by delegations of Member States

21. The remainder of the meeting was devoted to general statements delivered by the Delegations of: Sierra Leone, New Zealand, the Maldives, Saint Lucia, Morocco, the United Republic of Tanzania, Pakistan, Eritrea, South Sudan and Guyana. Brief interventions were also made by the Delegations of Japan and China in response to, respectively, the earlier intervention by the Democratic People's Republic of Korea (P/3) and general statement delivered by the Delegation of Saint Lucia.

22. The meeting adjourned at 1710 hours.

Minutes of the Sixth Meeting
(Thursday, 3 October 2019 at 0920 hours)

SUBJECTS DISCUSSED

1. Agenda Item 9: Reports by Committees and Commissions of the Assembly and action thereon
 - Approval of Reports from the Economic Commission on the General Section and Agenda Items 31 to 36
 - Approval of the Final Report of the Credentials Committee
 - Approval of the General Section of the Executive Committee Report
 - Approval of Report from the Administrative Commission on the General Section and Agenda Items 41 to 52
 - Approval of Reports from the Technical Commission on the General Section and Agenda Items 27 to 30

SUMMARY OF DISCUSSIONS

Agenda Item 9: Reports by Committees and Commissions of the Assembly and action thereon

Approval of Reports from the Economic Commission on the General Section and Agenda Items 31 to 36

1. The Chairperson of the Economic Commission, Mr. Marc Rioux (Canada), presented five Reports by the Commission (WPs/618 to /622) for approval by the Plenary. He noted that the Commission had held three meetings to complete its work under Agenda Items 31 to 36. WP/618 covered the General Section of the Commission's Report, as well as its Report on Agenda Item 31: *Annual Reports of the Council to the Assembly for 2016, 2017 and 2018*, which also covered the supplementary report for the first sixth months of 2019, and Agenda Item 32: *Economic Regulation of International Air Transport – Policy*.

2. The Chairperson highlighted that, under Agenda Item 32, the Economic Commission had endorsed the proposed work programme aiming to move forward in line with the ICAO long-term vision for international air transport liberalization. Support had been expressed for, inter alia, building a better understanding of the benefits of liberalization and barriers to opening market access, as well as for continuing the work to develop a Convention on Foreign Investment in Airlines while addressing the remaining issues of concern. With respect to consumer protection, the Commission had agreed to encourage States to apply the *ICAO Core Principles on Consumer Protection* in their regulatory practices and urge States to ratify the Montréal Convention of 1999. It had also been agreed that ICAO should

facilitate an exchange of views and good practices regarding the application of the *ICAO Core Principles on Consumer Protection*. Concerning the taxation of international air transport, the Commission had agreed to urge States to distinguish taxes and charges in accordance with ICAO's policies and conduct appropriate cost-benefit analysis before the introduction of taxes on air transport.

3. WP/619 reported the Commission's deliberations on Agenda Item 33: *Economics of Airports and Air Navigation Services — Policy*. The had Commission endorsed the organization's work programme related to aviation infrastructure and system financing, as well as economics of airports and air navigation services. On the subject of funding for civil aviation authorities (CAAs) to perform oversight functions, the Commission had agreed that ICAO should conduct regional workshops and seminars to raise awareness and knowledge by States of the relevant ICAO policies and guidance on infrastructure funding and oversight, and to enhance their implementation.

4. With respect to Agenda Item 34: *Aviation Data — Monitoring and Analysis*, the Commission had endorsed the work programmes in the areas of statistics, big data analytics, forecasting, and economic analysis. It had also agreed to develop the Aviation Satellite Account (ASA) methodological framework. In this regard, the accuracy of the estimated result should be validated by vetting the methodological framework with experts using aviation-specific data to measure the economic impact of aviation in countries where such data was available. In addition, the Commission had agreed that ICAO should share aviation data submitted by African States with the African Civil Aviation Commission (AFCAC) and cooperate with AFCAC on the African Programme on Aviation Data (AfPAD).

5. WP/621 reported the results of the Commission's consideration of Agenda Item 35: *Economic Development of Air Transport*. It had reviewed Resolution 35/1: *Consolidated statement of continuing ICAO policies in the air transport field* and several amendments had been agreed to reflect the discussions. With those amendments, the Commission had approved its submission to the Plenary for adoption (cf. Appendix to the paper). Under the same Agenda Item, the Commission had agreed that ICAO would provide technical expertise and support for the implementation of the Ministerial Declaration and Framework for a Plan of Action for Air Transport and Tourism Development in Africa adopted at the first ICAO/World Tourism Organization (UNWTO) Ministerial Conference held in Cabo Verde in March 2019.

6. The Commission's Report on Agenda Item 36: *Other issues to be considered by the Economic Commission* presented in WP/622 reflected its discussion of other issues. The Commission had agreed that the proposal to establish a global aviation competitive index should be considered by the appropriate panels of the Organization.

7. In concluding his presentation of the above-mentioned Economic Commission Reports, the Chairperson expressed appreciation for the excellent support provided by the Secretariat.

8. In the absence of comments, the President of the Assembly declared the following Reports of the Economic Commission approved and Resolution as indicated adopted:

WP/618 — General Section

— Agenda Item 31: *Annual Reports of the Council to the Assembly for 2016, 2017 and 2018*

- Agenda Item 32: *Economic Regulation of International Air Transport – Policy*
- WP/619 — Agenda Item 33: *Economics of Airports and Air Navigation Services — Policy*
- WP/620 — Agenda Item 34: *Aviation Data — Monitoring and Analysis*
- WP/621 — Agenda Item 35: *Economic Development of Air Transport (Resolution 35/1)*
- WP/622 — Agenda Item 36: *Other issues to be considered by the Economic Commission*

***Approval of the Final Report
of the Credentials Committee***

9. In presenting the Final Report of the Credentials Committee (WP/638), the Chairperson, Mr. Farhad Parvaresh (Islamic Republic of Iran) recalled that, at the First Plenary Meeting held on 24 September 2019, the Assembly had agreed to the establishment of the Credentials Committee and that the Delegations of Chile, Fiji, the Islamic Republic of Iran, Nigeria and the Russian Federation had been invited to nominate Members.

10. The first meeting of the Credentials Committee had been held on the same day. It was composed as follows: Mr. Alberto Mena Padilla (Chile); Ms. Glenys Andrews (Fiji); Mr. Farhad Parvaresh (Islamic Republic of Iran); Mr. Emmanuel Dubem Chukwuma (Nigeria); and Mr. Alexander Batalov (Russian Federation). Mr. Parvaresh had had the honour of being unanimously elected by the Committee as its Chairperson.

11. At the Second Meeting of the Plenary on 24 September 2019, the Chairperson had presented an oral interim report to the Assembly and had informed that, at its opening, 173 Member States and 46 observer delegations had registered, while credentials in due and proper form had been received from 164 Member States and 43 observers.

12. The Assembly had agreed to the recommendation of the Credentials Committee to urge all Member States and organizations that had not yet presented due and proper credentials to do so as soon as possible, and meanwhile, in view of Rule 7 of the Standing Rules of Procedure of the Assembly (Doc 7600), to permit them to participate in its deliberations.

13. At its Fifth Meeting on 1 October 2019, the Credentials Committee had found that the credentials submitted by 182 Member States and by 48 observers had been presented in due and proper form.

14. The Chairperson expressed his sincere thanks to his colleagues on the Credentials Committee and to the Secretariat for their work, which had allowed them to complete their task as required.

15. In the absence of comments, the President of the Assembly declared the Final Report of the Credentials Committee set forth in WP/638 approved.

Approval of the General Section of the Executive Committee's Report

16. In the absence of comments on the General Section of the Executive Committee's Report contained in WP/628, the President of the Assembly declared it approved.

Approval of Report from the Administrative Commission on the General Section and Agenda Items 41 to 52

17. The Chairperson of the Administrative Commission, Mr. Mark Rodmell (United Kingdom), presented the Commission's Report (WP/604) for approval by the Plenary. He highlighted that the Commission's remit had been broader than that of previous Assemblies, covering not only budgetary and other financial matters and the appointment of the External Auditor, but also human resources issues and one specific item on publications. In summarizing the Commission's activities, the Chairperson noted that most of the financial items had proceeded with little further comment on the working papers presented, reflecting the thorough preparation already done in the Council. He indicated that while the Commission recommended the approval of the Draft Budget of the Organization for 2020, 2021 and 2022 submitted by the Council (WP/34), Delegates had noted that it did not cover all items in the ICAO Business Plan and that prioritization and innovative approaches to efficiency would be needed during the upcoming triennium.

18. With regard to human resources management, the Commission had noted the progress made in a range of issues. Delegates had called for a greater immediacy in relation to the implementation of the Whistle-blower Policy and changes to the Ethics Framework, which was reflected in the actions which the Assembly was invited to take (cf. paragraph 51.5 of WP/604). There had been several papers related to gender equality and the advancement of the roles of women in aviation. While the various initiatives in that regard had been welcomed by Delegates, some concern had been expressed about the slower progress towards tangible results in that area. Great importance had been given to ICAO and States working with a range of organizations promoting those goals, as well as pursuing their own initiatives in that respect.

19. One specific item on web publications had been set out, with the *freemium* model for providing free public web access to ICAO publications having been considered on the basis of WP/33 presented by the Council. The Commission invited the Assembly to endorse the phased in *freemium* model (Option 2), while noting its potential budgetary implications.

20. Observing that the Commission's proceedings had been pleasingly efficient, with the main business having been concluded in one meeting and report being contained within one document (WP/604), the Chairperson extended his thanks to the Secretariat and to Delegates to the Administrative Commission for assisting the efficiency of that progress. He commended the Commission's report to the Plenary for approval.

21. Referring to the Commission's Report on Agenda Item 51: *Status of ICAO Workforce and Human Resources Management* the Delegate of Nigeria indicated that he wished to correct the false impression apparently being peddled in some quarters that there were some Delegates who were against ICAO's Whistle-blower Policy, transparency and efficiency. He affirmed that there was no truth whatsoever in that claim. The Delegate of Nigeria recalled, in this context, that pursuant to the Council's request (210/8), the Working Group on Governance and Efficiency (WGGE) had established a Sub-group on the ICAO Ethics Framework (SEF) which had successfully completed its work to develop an ICAO

Whistle-blower Policy based on United Nations and global best practices and submitted its report to the WGGE, which had in turn reported thereon the Council. After deliberating on the matter, the Council had instructed the Secretariat to incorporate the text of the Whistle-blower Policy into relevant ICAO documents, including *The ICAO Service Code* (Doc 7350), Staff Rules, and Personnel Instructions, and to report back during the upcoming 218th Session of the Council with the updated documents for its approval.

22. The Delegate of Nigeria considered that the Plenary would agree with him that the inclusion of the Whistle-blower Policy into the said ICAO documents must be done in a meticulous and careful manner for appropriate alignment with those documents as to avoid any conflict with any of their current provisions. That was especially true considering the fact there was already an existing policy on protection against retaliation under the *ICAO Framework on Ethics* contained in Annex I of *The ICAO Service Code* (Doc 7350). He stressed the need to avoid creating problems in the future.

23. Referring to paragraph 51.5 c), in which the Commission invited the Assembly to “further endorse the immediate implementation of the Whistle-blower Policy approved by Council in June 2019, and the changes to the Ethics Framework under the ICAO Service Code referred to in paragraph 3.1 of A40-WP/29.”, the Delegate of Nigeria indicated that he found it very disturbing that there was an attempt to have the Assembly take a decision retroactively on a Policy which had been worked on by the Council and the Secretariat and for which no working paper had been presented to A40. He averred that it was against all norms and procedures of the Assembly to request the latter to take a decision retroactively by approving paragraph 51.5 c) of the Commission’s Report, despite the excellent work being done by the Council and the Secretariat. The Delegate of Nigeria underscored that the Whistle-blower Policy related to ICAO personnel and that the only way for them to understand and apply that Policy was through the said updated and approved ICAO documents. He emphasized that ICAO personnel could only be held accountable to the provisions of *The ICAO Service Code* (Doc 7350), Staff Rules, and Personnel Instructions. The Delegate of Nigeria asked the authors of paragraph 51.5 c) what their motive was in insisting on the Assembly’s endorsement of the immediate implementation of the Whistle-blower Policy despite all the excellent work that had been done by the Council and the Secretariat, which had yet to be concluded.

24. The Delegate of South Africa cautioned against discussing issues in the Plenary which had already been discussed in the Council, averring that it could set a very dangerous precedent. Referring to paragraph 51.5 c) of the Commission’s Report, he stressed that there was no legal basis for the Plenary to endorse the immediate implementation of the Whistle-blower Policy, a document which had not been tabled before it for consideration. The Delegate of South Africa averred that those who wished the Plenary to take such action should have presented the Policy to the Assembly in a working paper beforehand to make sure that Delegates were satisfied with it. He emphasized that while the Policy had been approved by the Council in June 2019 (217/15), it had to be incorporated into the relevant ICAO documents used for governing the Organization so that it could be implemented, similar to an international air law convention, which could only be implemented by the States parties once it had been incorporated into their respective national laws. Noting that a number of States were currently grappling with the issue of whistle-blowers, the Delegate of South Africa averred that if the Plenary were to now start to address that issue, then their Delegates could become subjective, which was not really desirable.

25. In strongly supporting the comments made by the Delegates of South Africa and Nigeria, the Delegate of Algeria maintained that it was not the role of the Assembly to revisit decisions taken by the Council. He averred that if the Plenary were to revisit the Council’s decision regarding the Whistle-blower Policy, then it would have to revisit all of its other decisions.

26. The Delegate of China drew attention to the last sentence of related paragraph 51.4 of the Commission's Report, in which it was stated that: "It was clarified by the Secretariat that this issue was under the purview of the Council and that as mandated by the Council, revisions to the Ethics Framework and the new Whistle-blower Policy adopted by the Council in June 2019 will be incorporated in the ICAO Service Code, which is due to be presented to the Council at its 218th Session.". Emphasizing that it was a procedural matter, he endorsed the interventions by the previous speakers. The Delegate of China underscored that while he supported the ICAO Whistle-blower Policy, he objected to any abuse of that Policy in terms of malicious whistle-blowing as that would negatively affect the efficiency of ICAO and waste its resources.

27. Recalling that there had been a very heated debate in the Council on the issue, the Delegate of Brazil underscored that although her State had raised a concern which had been supported by several other States, it had not been taken into consideration. Observing that the Plenary appeared to be going back on the ICAO Whistle-blower Policy approved by the Council in June 2019 merely because it had not been incorporated into *The ICAO Service Code* (Doc 7350), she emphasized that the fact that the Policy was not yet in that document did not mean that it did not exist and that it was not valid. It was of paramount importance to remember that ICAO was a UN Specialized Agency and that the development and implementation of whistle-blower policies was taking place in all other UN organizations. Averring that the fact that ICAO was 75 years old did not mean that it had to remain in the Stone Age, the Delegate of Brazil underscored the need for it to implement a Whistle-blower Policy which was consistent with its current values. She emphasized that unless the Plenary wished to open this very difficult can of worms, it should go forth with the said Policy. Noting that although Council Member States had already seen the Policy other States attending the Assembly might not have, the Delegate of Brazil suggested that the present meeting be adjourned until the morning of Monday, 7 October 2019 so that all Delegates would have the opportunity to read and discuss the Policy. In enquiring whether that was the role of the Assembly, she stressed the need for Delegates to ask themselves whom they would be protecting or not protecting if they did not endorse the immediate implementation of the Whistle-blower Policy as called for in paragraph 51.5 c) of the Commission's Report.

28. Sharing the views expressed by the Delegates of South Africa, Nigeria, Algeria and China, the Delegate of Cabo Verde reiterated that as the ICAO Whistle-blower Policy had not been distributed to the Assembly, it should not be part of the latter's deliberations. Noting that it had already been debated by the Council, he averred that it should remain within the latter's purview. While Cabo Verde supported the Policy as a good management tool, it was of the view that it should not be considered in isolation in terms of protecting the individual to the detriment of the Organization's image, good name and integrity; rather, it should be considered in the context of ICAO's documents, Staff Rules and Personnel Instructions relating to the management of the Organization..

29. In strongly supporting the comments made by the Delegates of Nigeria, South Africa and China regarding the ICAO Whistle-blower Policy and paragraph 51.5 c) of the Commission's Report, the Delegate of Egypt affirmed that the arguments they had put forward were logical. He emphasized the need for transparency in the work relating to the said Policy.

30. The Delegate of Sweden highlighted that her State stood behind the decision made by the Council in June 2019 to approve the new ICAO Whistle-blower Policy and stressed the importance and appropriateness of the Assembly taking the action proposed by the Commission and endorsing the immediate implementation of that Policy. Recalling that throughout A40 numerous Delegates, as well as the Secretary General and the President of the Council, had underscored that issues of governance, effectiveness and transparency, including the implementation of a robust ICAO Whistle-blower Policy,

were of the highest priority to the Organization, she indicated that Sweden was therefore of the firm opinion that it was necessary for the Assembly, ICAO's highest body, to endorse and show support for the Council's said important decision. It was an opportunity that the Assembly could not miss. The Assembly also needed to show its support for the Secretariat's efforts to take action to ensure transparency and to commend its work relating to the development of the said Policy.

31. In welcoming the item on the ICAO Whistle-blower Policy, the Delegate of Senegal affirmed that the latter had an important role to play. He nevertheless suggested that time be taken to review paragraph 51.5 c) of the Commission's Report more calmly, and to consider all of its implications. The Delegate of Senegal thus supported the comments made by the Delegates of Nigeria and South Africa.

32. The Delegate of South Sudan expressed full support for the Commission's Report in WP/604, as well as for the interventions by the Delegates of Nigeria, South Africa, Egypt and China.

33. The Delegate of Ghana voiced support for the position expressed by the Delegates of Nigeria, South Africa, Algeria, China, Cabo Verde, Egypt, Senegal and South Sudan regarding the ICAO Whistle-blower Policy.

34. The Delegate of Tunisia endorsed the interventions by the Delegates of Nigeria, South Africa, Algeria and China, among others.

35. In expressing support for the new ICAO Whistle-blower Policy, the Delegate of Saudi Arabia suggested that the Assembly leave it in the hands of the Council, whose 36 Member States it had recently elected. He reiterated that the revisions to the Framework on Ethics and the said Policy would be incorporated into *The ICAO Service Code* (Doc 7350) and presented to the Council during its upcoming 218th Session.

36. While also fully supporting the ICAO Whistle-blower Policy, the Delegate of Malaysia concurred with the stance of Nigeria, South Africa, Algeria, China, Cabo Verde, Egypt, Senegal, South Sudan, Tunisia and Saudi Arabia.

37. Although he also fully supported the ICAO Whistle-blower Policy, the Delegate of the United Republic of Tanzania agreed with the Delegates of Nigeria, China, South Africa, Malaysia and others that the Assembly could not endorse its immediate implementation as it had not been submitted to the Assembly in a working paper. He stressed the need to follow the proper procedures within the Council for the coming into effect of the Policy. The Delegate of the United Republic of Tanzania also concurred with the Delegate of South Africa that discussing issues in the Plenary which had already been discussed in the Council could set a very dangerous precedent.

38. In expressing support for the Commission's Report in WP/604, the Delegate of France noted that his State considered that the issues of whistle-blowing and ethical conduct were absolutely essential, as highlighted earlier in France's general statement. France's position was based on the principle that once a decision had been taken by the Council, it was for immediate implementation. It was not reasonable to rest on bureaucratic procedures, which could sometimes take up much time, and deny the protection which the Council had decided to provide to those persons who met the "whistle-blower" criteria.

39. Indicating that he was deeply shocked by the legal point raised by some Delegates that the Assembly should not address issues which the Council had either already discussed or was currently

considering, the Delegate of France averred that that was incorrect. He emphasized that while, under Article 12, paragraph 1, of the *Charter of the United Nations*, the UN General Assembly shall not make any recommendation with regard to any dispute or situation before the UN Security Council unless the latter so requested, that did not apply to the ICAO Assembly, which was governed by the provisions of the *Convention on International Civil Aviation*. He noted that whereas the UN General Assembly met every year, the ICAO Assembly only met every three years. The Delegate of France emphasized that if the ICAO Assembly had to refrain from considering all of the issues with which the Council was seized, then it would not have many issues left to discuss. He stressed the need to take advantage of the extraordinary opportunity afforded by this 40th Session of the Assembly to listen to the views expressed by Delegates from all ICAO Member States in order to steer the work of the Organization for the next three years, and to provide related guidance to the Council, including with regard to the ICAO Whistle-blower Policy.

40. The Delegate of Spain observed that all Delegates who had taken the floor agreed that the ICAO Whistle-blower Policy adopted by the Council in June 2019 should exist. To a question then raised by the Delegate regarding paragraph 51.5 c) of the Commission's Report, the Chairperson confirmed that the Assembly was invited to endorse the immediate implementation of the Policy and not the Policy itself. He noted that it was common practice for the Assembly to request the Council to prioritize or to accelerate matters which it had already adopted or which were already in the Organization's work programme. The Chairperson recalled that in many of the working papers which had been presented to the Assembly the latter had been invited to direct the Council to take particular action, such as place greater importance on a given matter. He indicated that, from a procedural point of view, paragraph 51.5 c) appeared to be no different.

41. The Delegate of Mozambique associated himself with the comments made by the Delegates of Nigeria, South Africa and Cabo Verde, among others.

42. The Delegate of Cuba expressed appreciation for the work done by the WGGE SEF under the able chairpersonship of the Representative of Sweden on the Council, in drafting the ICAO Whistle-blower Policy, which served as an important tool for human resources management. She nevertheless did not consider that it was appropriate for the Assembly to address that issue. The Delegate of Cuba underscored that the Policy had already been approved by the Council in June 2019, during the 217th Session, and was referred to in the decision taken by the Council during its Special Session held on 15 August 2019. As indicated in the last sentence of paragraph 51.4 highlighted earlier by the Delegate of China, the issue was under the purview of the Council and as mandated by the latter, revisions to the Ethics Framework and the new Whistle-blower Policy would be incorporated in *The ICAO Service Code* (Doc 7350), which was due to be presented to the Council at its 218th Session. The Delegate of Cuba therefore agreed with the Delegates of Nigeria, South Africa, Algeria, China, Cabo Verde, Egypt, Senegal, South Sudan, Ghana, Tunisia, Saudi Arabia, Malaysia, United Republic of Tanzania and Mozambique that it should not be discussed in the Assembly.

43. In strongly supporting the statements made by the Delegates of South Africa, China, Ghana and others, the Delegate of the Gambia indicated that she considered that the Assembly could not endorse the immediate implementation of the ICAO Whistle-blower Policy.

44. In voicing support for the interventions by the Delegates of Brazil, Sweden and France, the Delegate of Ireland expressed concern that some Delegates seemed to be prioritizing procedure over much more fundamental issues to ICAO as an Organization. Noting that the Council had approved a policy on protection against retaliation i.e. Whistle-blower Policy in June 2019 based on UN best practice,

he was very concerned that the Council's decision had not been acted upon and that the Policy had not been implemented in a timely manner thereafter. As it was an issue of importance to good governance and to the proper treatment of ICAO personnel, the Organization's most valuable resource, the Delegate of Ireland was comfortable with the Assembly taking the action proposed by the Commission in paragraph 51.5 c) of its Report and endorsing the immediate implementation of the Whistle-blower Policy.

45. The Delegates of the Netherlands, Finland, Denmark, Iceland, Austria, the United Kingdom, New Zealand, Poland and Japan expressed support for the position of the Delegates of Brazil, Sweden, France and Ireland. In so doing, the Delegate of Finland underscored that as the ICAO Whistle-blower Policy had been approved by the Council, it should be implemented without any delay. Affirming that it was perfectly normal and acceptable for the Assembly, the sovereign body of ICAO, to direct the Council, the Delegate of Denmark emphasized that the ICAO Whistle-blower Policy and Framework on Ethics must be implemented immediately. He also expressed support for the Commission's Report in WP/604.

46. Noting that a Whistle-blower Policy was of special relevance in UN organizations, the Delegate of Italy emphasized that the Council had adopted a new and advanced Policy in June 2019 after very thorough work by the WGGE SEF. There were, however, some ambiguities regarding the implementation of that important Policy, which had been discussed in the Administrative Commission and were now being brought to the attention of the Plenary in the latter's Report on Agenda Item 51 (WP/604). Affirming that the Assembly could not refrain from expressing its opinion that the Policy should be implemented without delay, the Delegate of Italy maintained that paragraph 51.5 c) was appropriate in the form presented.

47. In fully supporting the interventions by the Delegates of Brazil, Sweden, France, Spain, Ireland, the Netherlands, Finland, Denmark and Italy, the Delegate of Belgium agreed to the action called for in paragraph 51.5 c), namely, that the Assembly endorse the immediate implementation of the ICAO Whistle-blower Policy.

48. The Delegate of Greece expressed support for the Commission's Report. She noted that although the ICAO Whistle-blower Policy had been approved by the Council in June 2019, additional work of a bureaucratic nature remained to be done. As the Organization could not function in a vacuum, it was necessary for the Policy to be implemented immediately. As the Assembly was the sovereign body of ICAO, it had an additional responsibility to decide on issues of importance for participating Member States. The Delegate of Greece therefore concurred with the comments made by the Delegates of Brazil, Sweden, France, Ireland and others that the Assembly should endorse the immediate implementation of the ICAO Whistle-blower Policy as recommended by the Commission in paragraph 51.5 c) of its Report.

49. The Delegate of Germany also voiced support for the Report and recommendations of the Commission in their entirety as presented in WP/604, notably the recommendation made in paragraph 51.5 c). He affirmed that it was the right time and in particular, the right forum, to state that ICAO, on its 75th Anniversary, fully supported and implemented UN best practices wholeheartedly. The Delegate of Germany therefore did not support any changes to paragraph 51.5 c). He endorsed the arguments and statements made by the Delegates of Brazil, Sweden, France, Spain, Ireland, the Netherlands, Finland, Denmark, Italy, Belgium and Greece regarding the ICAO Whistle-blower Policy, as well as the clarification provided by the Chairperson of the Commission.

50. While supporting the work of the Commission, the Delegate of the Democratic Republic of Congo agreed with the position of the Delegates of Nigeria, South Africa, China and others regarding paragraph 51.5 c), as did the Delegate of Zimbabwe.

51. The Delegate of the Russian Federation shared the view expressed by the Delegates of Nigeria, South Africa, China, and many other States that the ICAO Whistle-blower Policy should be discussed in the Council and not in the Assembly. He recalled that the Representative of the Russian Federation on the Council had previously highlighted that the Policy appeared to be incomplete as it did not seem to address the case where a whistle-blower from ICAO senior management leaked confidential information to the media. The Delegate of the Russian Federation averred that, given the sensitivity of the matter, the Policy could not be discussed in this forum.

52. In addressing the procedural point raised by a number of Delegates regarding the Assembly's consideration of the ICAO Whistle-blower Policy, the Delegate of Argentina noted that, under Agenda Item 11 of the approved A40 Agenda, the Executive Committee was invited to review as a whole the Annual Reports of the Council to the Assembly for 2016, 2017 and 2018 and the supplementary report covering the first six months of 2019, which encompassed all of the Council's activities, including with regard to the ICAO Whistle-blower Policy. He affirmed that the Policy could thus be considered by the Assembly. Underscoring that for all of the Agenda Items the Assembly provided guidance and direction to the Council and/or to the Secretariat, the Delegate of Argentina indicated that from a legal point of view he therefore did not accept the said Delegates' argument that the Assembly could not give its view on the ICAO Whistle-blower Policy. Recalling the Chairperson's clarification regarding paragraph 51.5 c) of the Commission's Report, and bearing in mind that the ICAO Whistle-blower Policy established rules for the Organization's personnel, he emphasized that it was acceptable for the Assembly to endorse the immediate implementation of the Policy as recommended by the Commission. The Delegate of Argentina underscored that such action by the Assembly would send a political message on the importance of immediately implementing the Policy. The Delegate of Argentina concluded his intervention by expressing support for the Commission's Report as presented in WP/604.

53. The Delegate of the United States prefaced his comments on the Commission's Report with an expression of support for the concerns clearly stated by the Delegate of China regarding transparency within the Secretariat at the Tenth Meeting of the Executive Committee (EX/10) during consideration of the Committee's draft Report to the Plenary on Agenda Item 16: *Environmental Protection – International Aviation and Climate Change – Policy and Standardization* (WP/574). Emphasizing that the Government of the United States had similar concerns on that critical subject of transparency, he invited the Representative of China on the Council to discuss that important issue with him following the Assembly.

54. In then referring to statements made earlier in the present meeting regarding the ICAO Whistle-blower Policy, the Delegate of the United States noted that the text which the Council had approved on 20 June 2019 (C-DEC 217/15) to align *The ICAO Service Code* (Doc 7350) with the UN Secretary-General's Bulletin: *Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations* (ST/SGB/2017/2/Rev. 1) and the Joint Inspection Unit Report *Review of Whistle-Blower Policies and Practices in United Nations System Organizations* (JIU/REP/2018/4) had been developed by the WGGE SEF in consultation with the Legal Affairs and External Relations Bureau (LEB). While LEB had raised some concerns, they had been accommodated. The Delegate of the United States had then asked the Director, LEB (D/LEB) if the WGGE SEF and the Secretariat were in agreement with regard to the text of the ICAO Whistle-blower Policy to be incorporated into *The ICAO Service Code* (Doc 7350) and he had replied that that was the case. The

Delegate of the United States underscored that while the said text of the ICAO Whistle-blower Policy, had been approved by the Council it had not yet been published as the Secretariat was in the process of incorporating it into Doc 7350. It was his understanding, however, that Council-related documents were available to Member States on the relevant ICAO website. The Delegate of the United States considered that it was not necessary to present the ICAO Whistle-blower Policy to the Assembly in a working paper as the Policy had already been approved by the Council on 20 June 2019.

55. In expressing total support for the Commission's Report, the Delegate of the United States emphasized that protection against retaliation was an old concept. Recalling that the United States had enacted its first law relating thereto in 1778, he underscored that protection against retaliation was an essential part of any credible management system, especially those dealing with aviation safety and security. The Delegate of the United States stressed that if aviation sector workers could not report problems because they feared retaliation, then no air passenger would be safe or secure. In questioning how anyone could object to protection against retaliation and how anyone could think that ICAO personnel did not need and deserve such protection, he recalled that during the 216th Session of the Council the Secretary General had called upon the latter to bring ICAO's protection against retaliation in line with UN best practices. The Council had praised her initiative and had taken two immediate steps: it had decided that ICAO would act in the spirit of the UN protection against retaliation policy; and had requested the WGGE to undertake a further review of the *ICAO Framework on Ethics* to identify necessary revisions (cf. C-DEC 216/11). During the 217th Session, on 20 June 2019, the Council had approved the WGGE's proposed text of a new ICAO Whistle-blower Policy to be incorporated into *The ICAO Service Code* (Doc 7350) (cf. C-DEC 217/15).

56. The Delegate of the United States highlighted that Secretariat staff had subsequently disputed the validity of the Council's above-mentioned decision and had not enforced it, and had repeated their assertion earlier in the current week. Averring that that was completely inappropriate and totally unacceptable, he indicated that if the Plenary wished to reopen the discussion on the ICAO Whistle-blower Policy, then he would propose a new action paragraph to be inserted between sub-paragraphs b) and c) of paragraph 51.5 of the Report which would read as follows: "welcome the Secretary General's initiative at the 216th Council Session to align ICAO's Whistle-blower Policy with UN best practices and reaffirm both the Council's approval of the new Policy at its 217th Session and the Policy's applicability from the date of Council's approval;".

57. The Delegate of the United States underscored that although some Delegates might say that the Assembly should not revisit Council discussions, the fact was that the Executive Committee and the various Commissions were revisiting Council discussions every time they reviewed the Assembly working papers submitted by the Council and reviewed and adopted the draft Assembly Resolutions presented by the latter. He reiterated that the Assembly was the supreme governing body in ICAO, as previously explained by D/LEB. Underscoring that the issue at hand was one of follow-up, the Delegate of the United States averred that the said Council decision approving ICAO's new Whistle-blower Policy was being ignored and that it was thus necessary for the Assembly to speak out. The Assembly owed that to the dedicated ICAO personnel who worked tirelessly to serve ICAO Member States and the international aviation community, including during the current Assembly. Noting that the Plenary was being webcast and that observers from the media were in attendance, the Delegate of the United States emphasized that the eyes of the world were upon the Assembly.

58. In expressing support for paragraph 51.5 c) of the Report, the Delegate of Australia averred that some Delegates might be reading too much into the words "endorse the immediate implementation of the ICAO Whistle-blower Policy", which simply meant that the Secretariat should

proceed with the immediate implementation of a Policy which seemed to meet with the agreement of all Delegates who had taken the floor.

59. In reiterating his full support for the interventions by the Delegates of Brazil, Argentina and the many other Delegates who had spoken in the same vein, the Delegate of the United Kingdom indicated that he also fully supported the Report as being an accurate reflection of the discussions which had taken place in the Administrative Commission and the action proposed in paragraph 51.5. Emphasizing that any organization's most important resource was clearly its personnel, he stressed the need to ensure that ICAO staff had the working conditions they required to thrive. The Delegate of the United Kingdom noted that the Secretary General and her team had done much good work in that regard, including the launch of a comprehensive *People Strategy* to foster good working conditions.

60. Recalling that several Delegates had stated that it was not for the Assembly to decide on the ICAO Whistle-blower Policy as the Council had already ruled on that matter, the Delegate of the United Kingdom affirmed that it was quite the contrary as the Assembly was sovereign. He underscored that it was completely normal for the Assembly to request the Council to accelerate or prioritize items and that it was highly appropriate in a case of such importance as the ICAO Whistle-blower Policy. The Delegate of the United Kingdom indicated that if the text of paragraph 51.5 of the Report were reopened, then he would support the Delegate of the United States' proposal for the insertion of a new action paragraph.

61. D/LEB clarified that his Bureau's role was to provide legal advice to the Secretary General, the Council and other ICAO bodies, including the Assembly, and that it was up to the recipient to decide whether or not to take that advice. Referring to comments made regarding paragraph 51.5 c) of the Report on the immediate implementation of the ICAO Whistle-blower Policy, he highlighted that there was a two-step approach for the approval and promulgation of human resources-related policies which had been consistently followed by ICAO for at least 60 years. The first step entailed the Council's approval of the policy, and the second step, the policy's incorporation into *The ICAO Service Code* (Doc 7350), by which means it was promulgated. Recalling that each Annex amendment adopted by the Council had a specific date of adoption, effective date and applicability date, D/LEB underscored that the date of adoption and the effective date were not necessarily the same. He emphasized that LEB had diligently researched the Council's records and that there was no indication that the Council, when it had decided to approve the ICAO Whistle-blower Policy on 20 June 2019 (C-DEC 217/15), had desired that the Policy be effective immediately. Noting that, as a legal adviser, he was not very clear regarding the meaning of the term "immediate implementation" used in paragraph 51.5 c) of the Report, D/LEB stressed that he could not agree thereto if it meant retroactive implementation of the Policy as from its date of approval by the Council.

62. In thanking the Delegate of the United States for highlighting how she had called upon the Council to bring ICAO's protection against retaliation in line with UN best practices, the Secretary General underscored that she constantly advocated for and promoted ethics-related issues in the Organization. She recalled that in her previous capacity as Director of the Bureau of Administration and Services (D/ADB) she had led the Secretariat in developing, in 2012, the first-ever *ICAO Framework on Ethics*, which had subsequently been incorporated into *The ICAO Service Code* (Doc 7350) as Annex I. The Secretary General emphasized that after she had assumed her present position in 2015 she had continued to view the *ICAO Framework on Ethics* as one of her key priorities in order to ensure that ICAO upheld the highest standards of the UN in terms of ethical values, principles and conduct. The Secretary General wished to make it crystal clear that she had no intention of delaying the implementation of the ICAO Whistle-blower Policy and was implementing the Council's related decision

(cf. C-DEC 217/15). She affirmed that the Secretariat was making its best efforts to ensure that the Policy was implemented in a timely and comprehensive manner.

63. In also thanking the Delegate of the United States for the guidance which he had provided in his capacity as Representative of the United States on the Council with regard to the *ICAO Framework on Ethics* and the ICAO Whistle-blower Policy, the Secretary General reiterated that they had cooperated very well during their consultations in order to be able to produce, with the Council's support and in less than three months' time, the revised Ethics Framework incorporating the said Policy. Expressing appreciation to all Council Representatives for that support, the Secretary General underscored that she and they shared a common goal and objective. She looked forward to continuing their close cooperation.

64. Acknowledging the Secretary General's intervention, the Delegate of Colombia expressed support for the ICAO Whistle-blower Policy as an important tool of transparency for the Organization. In agreeing with the procedural points made by the Delegates of France and Argentina, he spoke in favour of retaining the current text of paragraph 51.5 c), as did the Delegate of New Zealand.

65. The President of the Council observed, from the discussion, that all Delegates who had taken the floor seemed to support the protection of whistle-blowers. A number of issues had been raised, however, regarding what should be the pronouncement of the Assembly on that matter. Noting that reference had been made many times to the Council's decision regarding the ICAO Whistle-blower Policy, with which some Delegates from non-Council Member States might not be familiar, he read the following abstract from C-DEC 216/17:

“26. The Council considered this item on the basis of an oral report from the Working Group on Governance and Efficiency (WGGE), to which was appended proposed text to align the ICAO Service Code in accordance with the United Nations Secretary General's Bulletin: *Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations* (ST/SGB/2017/2/Rev.1), as well as the Joint Inspection Unit Report on the Review of whistle-blower policies and practices in the United Nations system organizations (JIU/REP/2018/4).

“27. It was recalled that during the 216th Session, the Council had requested the WGGE to undertake a review to identify possible revisions to the Ethics Framework that would align it with the current policy in the United Nations system (C-DEC 216/11 refers). The proposed text that had been presented by the WGGE as appended to its oral report, represented the outcome of this review process.

“28. Following consideration, the Council:

- a) approved the proposed text as appended to the WGGE oral report to be incorporated in the ICAO Service Code;
- b) noted that there remained a number of issues that had been identified by the Staff Advisory Committee (SAC) and by WGGE members as requiring further consideration by the WGGE; and
- c) requested that an update be presented to the 218th Session of the Council by the WGGE and to report on the actions taken by the Secretariat to revise and consolidate

the ICAO Service Code and to align the relevant Staff rules with the Service Code as a result of this decision as well as in addressing the outstanding issues.”.

66. The President of the Council highlighted that the Council had further decided to request the WGGE to address any potential gaps that existed within the *ICAO Framework on Ethics* in order to include provisions of *The ICAO Service Code* (Doc 7350) that will prevent the inappropriate use of the Ethics Framework, such as to maliciously defame or impugn the integrity of other persons. The President of the Council underscored that the 218th Session of the Council would commence in two weeks’ time, during which the Secretariat would present the revised ICAO Service Code to the Council for consideration and approval through the WGGE. He noted that the Staff Rules and policies were promulgated in the Service Code.

67. Responding to the points raised regarding the expression “endorse the immediate implementation of the ICAO Whistle-blower Policy” used in paragraph 51.5 c) of the Report, the President of the Council indicated that those Delegates who had said that the Assembly had endorsed many documents were correct. He highlighted, in this regard, that during the current session the Assembly has endorsed the Global Air Navigation Plan (GANP), the Global Aviation Safety Plan (GASP) and the Global Aviation Security Plan (GASeP), inter alia. The President of the Council noted that those Delegates who had stated that a document that was to be endorsed by the Assembly had to first be presented to it for consideration were also correct. Recalling that D/LEB had raised the legal question of the meaning of the word “immediate”, the President of the Council noted that some Delegates who had expressed support for the ICAO Whistle-blower Policy and paragraph 51.5 c) of the Report had indicated that in their opinion it meant that implementation of the Policy was to be accelerated, prioritized, or done without delay. In further observing that some Delegates had rightly stated that the Assembly was sovereign, he underscored that the Assembly could direct/instruct the Council and give guidance to the Council.

68. The President of the Council noted that it was clear from the discussion that Delegates were in support of ICAO being a modern organization with good governance, including an Ethics Framework and Whistle-blower Policy. It was important to ensure, however, that no one took advantage of the said Policy to maliciously defame or libel other ICAO staff members. The President of the Council expressed confidence that a compromise could be reached regarding the formulation of paragraph 51.5 c) of the Report so that it would: underscore the importance which the Assembly attached to the ICAO Whistle-blower Policy without conveying the impression that it had reviewed that particular policy; instruct the Council as to the urgency of implementing the Policy immediately or without delay; and give appropriate instruction to the Council and to the Secretariat to proceed with ensuring that the Policy was incorporated into *The ICAO Service Code* (Doc 7350) and became applicable to ICAO staff members. He emphasized that it was necessary to work in the spirit of what had been approved by the Council, as highlighted by the Delegate of the United States.

69. The Delegate of Singapore reiterated that the ICAO Whistle-blower Policy approved by the Council in June 2019 represented an enhancement of the Organization’s existing protection against retaliation policy in order to align it with the UN best practices. In view of the said agreement on the need for good governance and an ICAO Whistle-blower Policy and the strong push for the latter’s immediate implementation, she suggested that paragraph 51.5 c) be split in two and slightly reworded so as to read: “c) strongly endorse the Whistle-blower Policy approved by the Council in June 2019 and direct the Council with its immediate implementation”; and d) further endorse the changes to the Ethics Framework which is already in place under the Service Code.”.

70. In speaking in favour of retaining the current text of paragraph 51.5 c), the Delegate of India indicated that it was intended to invite the Assembly, which was ICAO's supreme governing body and sovereign, to direct the Council to follow-up on the work which had already been done with respect to the ICAO Whistle-blower Policy and the Ethics Framework, and to do in future what ought to be done with regard thereto. He averred that the expression "immediate implementation" was merely a question of semantics.

71. The Delegate of Canada expressed full support for the Report, in particular, paragraph 51.5 c). In providing some background information, he highlighted that it had been Canada's belief, and that of many other Council Member States, that the Council's approval of the ICAO Whistle-blower Policy on 20 June 2019 (C-DEC 217/15) meant that the Policy was effective immediately, since the revised *ICAO Framework on Ethics* had been implemented immediately upon the Council's approval on 29 June 2018 (C-DEC 214/11). In particular, the Investigations Committee had been established. He emphasized that although those two issues were part of the same basket of human resources-related measures, one had been immediately implemented and the other, apparently not. Agreeing with the President of the Council that a Whistle-blower Policy was a fundamental component of good governance for any modern organization, the Delegate of Canada underscored that such a Policy had been in place in the UN for some time and that ICAO was even late in applying its best standards in that regard. Highlighting that three months had already elapsed since the Council's approval of the ICAO Whistle-blower Policy, he underscored that it could still be months before the Policy became effective if it was necessary to wait until all of the associated administrative work had been completed. Stressing that it was too important an issue to delay, the Delegate of Canada underscored that making a reference to the Policy's "immediate implementation" in paragraph 51.5 c) was the least that could be done. He considered that the Assembly's endorsement of the Policy's immediate implementation would send a strong signal affirming the importance of implementing it immediately.

72. In sharing these concerns, the Delegate of France underscored that in his view all Council decisions should be implemented immediately unless the Council itself explicitly stated in its decision that it should be implemented later. In the absence of such an explicit statement in C-DEC 217/15, he affirmed that the ICAO Whistle-blower Policy should be implemented immediately and incorporated into *The ICAO Service Code* (Doc 7350) as soon as possible.

73. D/LEB underscored that the term "with immediate effect" used in some C-DECs did not mean as from the date of the Council's approval but rather as from the date on which the C-DEC itself became effective following its circulation to Council Representatives for approval pursuant to Rule 57 a) of the *Rules of Procedure for the Council* (Doc 7559). Noting that there was thus a gap between the date of the Council's approval and the date when the Council's decision became effective, he reiterated the need to be precise when referring to immediate implementation, such as in paragraph 51.5 c) of the Report.

74. The Delegate of Colombia noted, in this regard, that the word "immediate" was defined in English as "instantaneous, without delay", which in his view did not leave much room for misinterpretation.

75. In echoing the comments made by Delegates from European States, as well as by the Delegates of Brazil, the United States, Argentina and New Zealand, the Delegate of Poland reiterated that a Whistle-blower Policy providing protection against retaliation was an essential component of an organization's accountability and integrity. He fully agreed on the need for ICAO, a UN Specialized Agency, to have a Whistle-blower Policy since the UN itself had one, and emphasized that it must be implemented sooner rather than later.

76. The Delegate of the United States recalled that during its meeting on 13 March 2019 the Council had agreed that pending the development and approval of an ICAO Whistle-blower Policy the Organization would start implementing the spirit of the UN policy (cf. C-DEC 216/11, paragraph 5). Referring to the Delegate of Canada's intervention, he reiterated that the revised *ICAO Framework on Ethics* had been implemented immediately, even though it had not yet been incorporated into *The ICAO Service Code* (Doc 7350) as Annex I. Furthermore, the terms of reference (ToRs) of the said Investigations Committee endorsed by the Council on 14 November 2018 had been implemented with immediate effect (cf. C-DEC 215/8, paragraph 37). The Delegate of the United States noted that LEB had clearly accepted the ToRs' immediate effect since it had soon thereafter appointed its Member on the Investigations Committee. He affirmed that the Delegate of Canada had made a very good point that while it had been considered appropriate for the revised *ICAO Framework on Ethics* to become effective immediately, that had not been the case for the ICAO Whistle-blower Policy. He highlighted that the issues that had been identified by the Staff Advisory Committee (SAC) as referred to in paragraph 28 of C-DEC 217/15 quoted by the President of the Council did not relate to the ICAO Whistle-blower Policy itself but rather to the appeal process to an independent review mechanism and access to legal counsel by a staff member accused of misconduct.

77. For the benefit of Delegates from non-Council Member States, the President of the Council read the following abstract from paragraph 37 of C-DEC 214/11 relating to the ToRs of the Investigations Committee: "... the Council endorsed the terms of reference attached to the oral report of the HRC and requested the Secretariat to proceed with the implementation thereof with immediate effect ...". He emphasized that the Council had not decided that the ICAO Whistle-blower Policy be effective immediately as it had recognized that there were a number of outstanding issues which required further consideration by the WGGE. The Council had therefore requested that the WGGE present an update to the 218th Session of the Council [C-DEC 217/15, paragraph 28 b) and c)].

78. Referring to paragraph 51.5 c) of the Report, the President of the Council reiterated that the Assembly was sovereign and that it could direct/instruct the Council and give guidance to the Council. Observing that some Delegates had difficulty with the Assembly endorsing the ICAO Whistle-blower Policy when it had not been formally presented in an Assembly working paper and tabled for consideration, he proposed that paragraph 51.5 c) be amended by replacing the word "endorse" with the word "support" to avoid giving that mistaken impression.

79. The President of the Assembly reiterated that Delegates were all in support of the ICAO Whistle-blower Policy and in agreement on the urgency of its implementation. Concurring that the word "endorse" had certain connotations, he agreed to the President of the Council's proposal as it would convey the spirit and the intention of what the Assembly was trying to achieve.

80. The Delegates of Costa Rica, France, Zambia, South Africa, the United States, Germany, Japan, Lebanon, Norway, Greece, Italy, Denmark, Canada, Nigeria, China, Brazil, India, Austria, South Sudan, New Zealand, Egypt, Pakistan, Turkey, Sweden, Singapore, Algeria, Togo, Finland, Estonia, Myanmar and Tunisia also voiced support for the President of the Council's proposal to amend paragraph 51.5 c) of the Report. In so doing, the Delegate of Costa Rica highlighted that the Spanish text thereof used the word "respalda", which could mean either "endorse" or "support".

81. The Delegate of Japan, a Council Member State, indicated that while he agreed with the remarks made earlier by the Secretary General and the Delegates of the United States, Australia, the United Kingdom, France, Germany and Brazil, inter alia regarding paragraph 51.5 c), he could accept the

President of the Council's proposed amendment thereto in order to enhance human resources management in ICAO as soon as possible.

82. In sharing the concern expressed by many Delegates that it was taking a long time to implement the ICAO Whistle-blower Policy, the Delegate of Norway indicated that he warmly supported the President of the Council's proposal in order to have the Policy in place as soon as possible, which was of great importance.

83. The Delegate of Finland encouraged LEB to work thereon with the Secretariat without any delay. D/LEB clarified that the matter was not in the hands of LEB, whose only role was to provide advice to the Council.

84. The Secretary General underscored that, as previously explained during the Administrative Commission's discussion of this issue, the Secretariat had started to incorporate the ICAO Whistle-blower Policy into *The ICAO Service Code* (Doc 7350) immediately after the Council's decision to approve that Policy in June 2019 (C-DEC 217/15).

85. The Delegate of Uganda indicated that he did not consider that the President of the Council's proposal to amend paragraph 51.5 c) of the Report was sufficiently clear. He endorsed the interventions by the Delegates of Nigeria, the United Republic of Tanzania and China, inter alia.

86. The Delegate of South Africa underscored that while he supported the President of the Council's said proposal, there was still a difference of understanding regarding the meaning of the term "immediate implementation" used in paragraph 51.5 c). He reiterated that although the ICAO Whistle-blower Policy had been approved by the Council in June 2019 (217/15), it had to be incorporated into the relevant ICAO documents used for governing the Organization, including *The ICAO Service Code* (Doc 7350), Staff Rules and Personnel Instructions, so that it could be implemented. The Delegate of South Africa indicated that he would have no difficulty with the Policy being implemented immediately upon the Council's approval, during its next (218th) session, of the envisaged revised and consolidated ICAO Service Code. He emphasized that the Policy could not be applied retroactively as some Delegates had seemed to imply.

87. The Delegates of Nigeria and Botswana were of the same view.

88. While supporting the President of the Council's proposal to amend paragraph 51.5 c) of the Report by replacing the word "endorse" with the word "support" in order to reach a consensus, the Delegate of Egypt voiced concern over the use of the word "immediate" and suggested its deletion.

89. Reiterating that it was not the Assembly's role to revisit the Council's decisions, the Delegate of Algeria emphasized that he could not accept paragraph 51.5 c). He underscored that the Assembly should allow the Council to complete the remaining work relating to the ICAO Whistle-blower Policy during its upcoming session.

90. Observing that the use of the word "immediate" in paragraph 51.5 c) was a source of contention, and agreeing with the Delegate of the United States that the issue of the Policy's implementation could not be left open-ended, the Delegate of Saudi Arabia suggested that a date be set therefor in consultation with the Secretary General and D/LEB.

91. The President of the Assembly suggested that the Assembly set the Policy's implementation date as no later than the 218th Session of the Council.

92. Agreeing with the definition of “immediate” cited by Delegate of Colombia, “instantaneous, without delay”, the Delegate of the United States averred that the immediate implementation of the Whistle-blower Policy referred to in paragraph 51.5 c) of the Report had no dependency whatsoever on the 218th Council Session. Thus while he supported the President of the Council’s proposal to replace the word “endorse” with the word “support” in that paragraph, he considered that it would be inappropriate to include a reference to any such dependency.

93. Emphasizing that it was not the first time that the word “immediate” had been used in a decision by an ICAO body such as the Assembly, the Delegate of Togo highlighted the need to refer to the Organization’s jurisprudence in that regard.

94. In questioning why the Assembly should even discuss the ICAO Whistle-blower Policy, the Delegate of the Russian Federation underscored that under Article 58 of the Chicago Convention it was the Council which was responsible for determining the conditions of service of ICAO personnel and that under Article 49 k) thereof the Assembly was to “deal with any matter within the sphere of action of the Organization not specifically assigned to the Council”.

95. The Delegate of Lebanon suggested that paragraph 51.5 c) be further amended by replacing the words “paragraph 3.1 of A40-WP/29” with the words “paragraph 51.4”. This was agreed.

96. In the absence of further comments, the President of the Assembly concluded that the Report on Agenda Item 51 had been approved subject to paragraph 51.5 c) being amended by replacing the word “endorse” with the word “support” and by replacing the words “paragraph 3.1 of A40-WP/29” with the words “paragraph 51.4”.

97. Drawing attention to the Report on Agenda Item 52: *Other issues to be considered by the Administrative Commission*, the Delegate of Cuba suggested that paragraph 52.4 b) be amended to refer to Section 5 of A40-WP/33. This was agreed.

98. Turning to the Report on Agenda Item 42: *Budgets for 2020, 2021 and 2022*, the Delegate of Spain suggested that the third sentence be amended to reflect that the Secretary of the Administrative Commission had expressed appreciation for the work not only of the Chairperson of the Finance Committee but also of the FIC as a whole and of the Secretariat, in particular, of the Chief and Acting Chief of the Finance Branch (FIN), Ms. M. Hemmerde and Miss L. Lim, respectively, who had done an excellent job working with the Council to develop the Draft Budget of the Organization for the next triennium. The Delegates of Brazil and Colombia fully supported this proposal, which was agreed.

99. Referring to the Report on Agenda Item 50: *Appointment of External Auditor*, the Delegate of India underscored that his State was extremely pleased that the Assembly, in Resolution 50/1, was confirming the action taken by the Council in appointing Mr. Michel Huissoud, President of the Swiss Federal Audit Office, as ICAO’s External Auditor for the financial years 2020, 2021 and 2022. Recalling that India’s nominated State audit institution had been a close second in the selection process, he reiterated the suggestion which the Representative of India had made in the Council (217/8) that future invitations for nominations for the position of External Auditor of ICAO also include the technical evaluation criteria for the sake of transparency and objectivity.

100. There being no further comments, the President of the Assembly declared the following Report of the Administrative Commission approved and the Resolutions as indicated adopted:

- WP/604 — General Section
- Agenda Item 41: *Annual Reports of the Council to the Assembly for 2016, 2017 and 2018*
 - Agenda Item 42: *Budgets for 2020, 2021 and 2022*, subject to the amendment to paragraph 42.8 recorded in paragraph 98 above (Resolution 42/1)
 - Agenda Item 43: *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* (Resolution 43/1)
 - Agenda Item 44: *Contributions in arrears*
 - Agenda Item 45: *Assessments to the General Fund for 2020, 2021 and 2022* (Resolution 45/1)
 - Agenda Item 46: *Report on the Working Capital Fund* (Resolution 46/1)
 - Agenda Item 47: *Disposition of cash surplus/deficit*
 - Agenda Item 48: *Amendment of the Financial Regulations*
 - Agenda Item 49: *Review of expenditures, approval of accounts and examination of Audit Reports for the financial years 2016, 2017 and 2018* (Resolution 49/1)
 - Agenda Item 50: *Appointment of External Auditor* (Resolution 50/1)
 - Agenda Item 51: *Status of ICAO Workforce and Human Resources Management*, subject to the amendments to paragraph 51.5 c) recorded in paragraph 96 above
 - Agenda Item 52: *Other issues to be considered by the Administrative Commission*, subject to the amendment to paragraph 52.4 b) recorded in paragraph 97 above.

Approval of Reports from the Technical Commission on the General Section and Agenda Items 27 to 30

101. Prior to presenting the Technical Commission's four Reports (WPs/606 to /609) the Chairperson, Mr. Simon Allotey (Ghana), congratulated the President of the Assembly on his excellent handling of the 40th Session. In also congratulating the President of the Council, the entire Council, and the Air Navigation Commission (ANC) on their preparation of A40 documentation and on the Budget which the Council had put forward to the Assembly, he observed that there were many competing needs for the resources of ICAO and that prioritizing activities would not be an easy task.

102. The Chairperson of the Technical Commission also thanked the Secretary General and her staff for their outstanding support and their efficient organization of the Assembly. Indicating that it was amazing how much work went on behind the scenes, he affirmed that they had done a remarkable job.

103. In then presenting the Technical Commissions Reports on Agenda Items 27 to 30 (WPs/606 to /609 respectively), the Chairperson thanked the first Vice-Chairperson, Mr. Haydar Yalçin (Turkey), and the Second Vice-Chairperson, Mr. Hajime Yoshimura (Japan), for their readiness to step in during consideration of the very heavy work programme. He also thanked all of the participants in the Technical Commission who had worked in a spirit of cooperation and friendship, which had allowed the completion of the considerable workload.

104. The Chairperson noted that the Technical Commission had held five meetings between 24 September 2019 and 1 October 2019 and had addressed 220 working papers, as well as four draft reports to the Plenary. Representatives from some 182 Member States and 25 Observer Delegations had attended one or more meetings of the Commission.

105. Under Agenda Item 27 (WP/606), the Commission had reviewed the Annual Reports of the Council for 2016, 2017 and 2018 and the supplementary report covering the first six months of 2019 and had noted the work accomplished in the safety and air navigation fields during the past three years.

106. Under Agenda Item 28: *Aviation Safety and Air Navigation Policy* (WP/607), the Commission had reviewed both the third edition of the Global Aviation Safety Plan (GASP) and the sixth edition of the Global Air Navigation Plan (GANP). It had noted that the revised GASP set forth the global strategic direction for safety and provided the framework in which regional, sub-regional and national implementation plans were to be developed and implemented, thus ensuring harmonization and coordination of efforts aimed at improving international civil aviation safety.

107. The Commission had agreed on the need for ICAO to continue its implementation support, under the established global aviation safety programme, including tools, guidance and capacity building workshops to assist States and stakeholders to meet the GASP goals. The Commission had also agreed on the need to increase collaborative endeavours through voluntary mechanisms and for States and industry entities to actively participate in their respective Regional Aviation Safety Groups (RASGs). The Commission had further agreed on the need for ICAO, through the appropriate group of experts, to consider the inclusion of a common section on the importance of building States' civil aviation management capacities in forthcoming editions of the GASP.

108. With respect to the GANP, and aligned with the idea that innovation was necessary to bring benefits to all stakeholders, the Commission had welcomed the web-based format of the GANP,

which made easily accessible air navigation policies, priorities and strategies, for use by all States and key decision-makers. The Commission had further agreed that ICAO should make use of partnerships with largescale air traffic management modernization programmes for the development of Aviation System Block Upgrade (ASBU) elements and related ICAO provisions.

109. To meet the requirements of the rapid pace of technological innovations, as well as State and industry operating models, the Commission had recommended that ICAO, keeping in mind the principles enshrined in the Chicago Convention, review and enhance its Standard-making processes to operate in a more agile manner, applying a cross-domain approach and promoting integrated risk management to address new initiatives and emerging issues in a timely manner.

110. The Commission had agreed that Member States, Planning and Implementation Regional Groups (PIRGs) and all members of the aviation community should be urged to continue improving the air navigation system in line with the GANP so that it could respond to global, regional and local opportunities and adapt to challenges in a timely, harmonized and orderly manner.

111. The Commission had agreed that States should be urged to implement, following a proper operational assessment and prioritization by means of a performance-based approach, the necessary infrastructure components to support the existing and projected volumes of traffic in alignment with the GANP.

112. The Commission had recommended interlinkages between national air navigation plans and safety management systems as part of the interconnection of GANP and GASP.

113. Consequently, the Commission recommended that the Assembly endorse both the Third Edition of the GASP and the Sixth Edition of the GANP through Resolution 28/1: *ICAO global planning for safety and air navigation*.

114. With respect to the protection of safety information, the Commission had agreed to submit, for adoption by the Plenary, Resolution 28/2: *Protection of accident and incident investigation records*, and Resolution 28/3: *Protection of safety data and safety information collected for maintaining or improving safety and of flight recorder recordings in normal operations*.

115. The Commission had reviewed the outcomes of the Thirteenth Air Navigation Conference (AN Conf/13) and had urged States to action the recommendations addressed to them. It had recognized that holding divisional-type meetings ahead of Assembly sessions allowed the Technical Commission to focus on Global Plans and policy decisions, thereby improving the efficiency of Assemblies. The Commission had also recognized that that was an efficient means to put forward additional technical work for ICAO in due time for Budget preparation for the following triennium.

116. Finally, the Commission had reviewed Resolution 28/4: *Consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation* and had agreed to submit to the Plenary for adoption. In thus concluding his introduction of the Report on Agenda Item 28 (WP/607), the Chairperson underscored that the deliberations of the Commission had been wide-ranging and thorough.

117. The Chairperson proposed that the General Section of the Technical Commission's Report and its Reports on Agenda Items 27 to 30 (WPs/606 to 609) be approved by the Plenary as tabled. He highlighted: the two additional Resolutions being submitted by the Commission to the Plenary for adoption under Agenda Item 29: *Aviation Safety and Air Navigation Regional Implementation*

Coordination Mechanisms, Resolution 29/1: *Regional implementation support mechanisms* and Resolution 29/2: *Regional cooperation and assistance to resolve safety deficiencies, establishing priorities and setting measurable targets*; and the two additional Resolutions being submitted by the Commission to the Plenary for adoption Agenda Item 30: *Other issues to be considered by the Technical Commission*, Resolution 30/1: *New entrants* and Resolution 30/2: *Global provisions for design, certification and operations of water aerodromes*.

118. Referring to the Report on Agenda Item 30 (WP/609), the Delegate of France suggested, and it was agreed, that the last sentence of paragraph 30.32 be amended by replacing the word “international” with the word “instrument” in order to be aligned with the language used in cited Assembly Resolution A37-11.

119. The Delegate of the United States suggested, and it was agreed, that the first sentence of paragraph 30.34 be amended by adding after the word “considering”, the phrase “manual flight control piloting skills, and” so as to read “considering manual flight control piloting skills, and the broader context of competency-based training, the earlier work of ICAO on loss of control avoidance and recovery training (LOCART) and its related implementation, ...”.

120. The Delegate of Spain suggested, and it was agreed, that the last sentence of paragraph 30.48 be amended by deleting the words “expanding relevant guidance material to address” in order to broaden the scope of options which the Council could consider.

121. The Delegate of Germany suggested, and it was agreed, that the first sentence of paragraph 30.58 be amended by adding, after the word “design”, the phrase “to advance efforts to implement”, so as to read “... collaborative global network-centric planning of airspace design to advance efforts to implement air traffic flow management, and operational and technical interoperability.”.

122. The Observer from the International Coordinating Council of Aerospace Industries Associations (ICCAIA) suggested that the last sentence of paragraph 30.74 be amended by replacing the phrase “, in supporting the actions proposed in the working paper, noted” with the phrase “supported the recommendations in the working paper, noting”, so as to read “The Commission supported the recommendations in the working paper, noting that helicopter operations were on the existing work programmes of several expert groups ...”. The Delegate of France endorsed this proposal. It was so agreed.

123. Responding to a question raised by the Delegate of Cuba regarding the definition of the term “new entrants” set forth in Preambular Clause 3 of Resolution 30/1 [“higher airspace and unmanned aircraft system (UAS) traffic management (UTM) operations], the Director, Air Navigation Bureau (D/ANB) clarified that it only applied for the purposes of that Resolution. Similarly, the definition of the term “new entrants” contained in Annex 16 – *Environmental protection*, Volume IV – *Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA)* only applied to aeroplane operators whose activities fell within the scope of Volume IV. The Chairperson of the Technical Commission confirmed that that was the case.

124. In the absence of further comments, the President of the Assembly declared the following Reports of the Technical Commission approved and Resolutions as indicated adopted:

WP/606 — General Section

- Agenda Item 27: *Annual Reports of the Council to the Assembly for 2016, 2017 and 2018*
- WP/607 — Agenda Item 28: *Aviation Safety and Air Navigation Policy*
(Resolutions 28/1, 28/2, 28/3 and 28/4)
- WP/608 — Agenda Item 29: *Aviation Safety and Air Navigation Regional Implementation Coordination Mechanisms*
(Resolutions 29/1 and 29/2)
- WP/609 — Agenda Item 30: *Other issues to be considered by the Technical Commission*, subject to the amendments to paragraphs 30.32, 30.34, 30.48, 30.58 and 30.74 recorded in paragraphs 118 to 122 above
(Resolutions 30/1 and 30/2)

125. The meeting adjourned at 1210 hours.

Minutes of the Seventh Meeting
(Thursday, 3 October 2019 at 1400 hours)

SUBJECTS DISCUSSED

1. Agenda Item 9: Reports by Committees and Commissions of the Assembly and action thereon
 - Approval of Reports from the Executive Committee on Agenda Items 11, 20 to 25, 12 to 14, 18 to 19 and 26

SUMMARY OF DISCUSSIONS

Agenda Item 9: Reports by Committees and Commissions of the Assembly and action thereon

Approval of Reports from the Executive Committee on Agenda Items 11, 20 to 25, 12 to 14, 18 to 19 and 26

1. The President of the Assembly, in his capacity as the Chairperson of the Executive Committee, introduced a series of thirteen Reports *on Agenda Items 11, 20 to 25, 12 to 14, 18 to 19 and 26* for approval by the Plenary.
2. Referring to the Report on Agenda Item 20: *No Country Left Behind Initiative* (WP/630), the Delegate of New Zealand suggested, and it was agreed, that paragraph 20.11 be amended by inserting an additional sentence at the end which would read along the following lines: “Being mindful of the challenges faced by most small Pacific Island States, New Zealand encouraged the authors of the PSIDS Study to ensure its recommendations are practical, proportionate and cost-effective”.
3. Drawing attention to the Report on Agenda Item 12: *Aviation Security – Policy* (WP/615), the Delegate of Turkey highlighted that paragraph 12.51 incorporated changes suggested by the Delegate of Canada and the Observer from Airports Council International (ACI) during the Executive Committee’s review of its draft report on Item 12 (WP/596) (EX/9) although they had not been agreed to by all Delegates. He therefore proposed the retention of the original text of paragraph 12.51 as presented in WP/596. The Delegates of France, Portugal and the United Kingdom endorsed this proposal, as did the Observer from ACI.
4. The Delegate of France recalled, in this regard, that he and the Delegate of Mexico had opposed the changes to paragraph 12.51 suggested by the Delegate of Canada and the Observer from ACI and that the President of the Council had also commented thereon. In stressing the need to faithfully reflect what had actually transpired during the Executive Committee’s deliberations, he affirmed that the original text of paragraph 12.51 as presented in WP/596 struck a good balance.
5. Sharing this view, the Delegate of Portugal reiterated the need for the text of paragraph 12.51 to be consistent with the outcome of the Executive Committee’s deliberations on Agenda Item 12.

6. The Observer from ACI agreed that the original text of paragraph 12.51 should be retained as he considered that the current text as contained in WP/615 did not represent an improvement over his previously-suggested amended text.

7. The Deputy Director, Aviation Security and Facilitation (DD/ASF) noted that the modification of paragraph 12.51 had been an inadvertent mistake as there had been opposition to the changes suggested by the Delegate of Canada and the Observer from ACI. He therefore agreed that the original text of paragraph 12.51 as presented in WP/596 should be retained, as suggested by the Delegate of Turkey. In response to a query by the Delegate of Canada, DD/ASF clarified that the original text of paragraph 12.51 read as follows:

“12.51 Recalling the conclusions of HLCAS/2, and in keeping with the GASeP priority outcomes and relevant ICAO Assembly Resolutions, and also UNSCR 2309, the Committee agreed that outcome-focused and risk-based principles could inform the development of proposed amendments to Annex 17 – *Security* provisions and associated best practices. To that end, the Committee requested that the Aviation Security Panel consider the development of tangible methods to recognize and integrate such principles in decision-making processes as appropriate, with the goal of further strengthening the effectiveness, efficiency and sustainability of aviation security programmes.”.

8. There being no further comments on paragraph 12.51, the Plenary agreed to replace the current text of that paragraph in WP/615 with the original text as presented in WP/596 and reproduced in paragraph 7 above.

9. Referring to the Report on Agenda Item 13: *Audit Programmes – Continuous Monitoring Approach* (WP/623), the Delegate of Finland suggested, and it was agreed, that the first sentence of paragraph 13.5 be amended to reflect that WP/133 was also co-sponsored by Finland on behalf of the European Union and its Member States.

10. The Delegate of France highlighted that although no Delegates had opposed the changes to paragraph 13.19 which he had suggested earlier during the Executive Committee’s review of its draft Report on Agenda Item 13 (WP/595) (EX/9), they were not reflected in the current text of that paragraph in WP/623. Accordingly, he requested, and it was agreed, that the second sentence of paragraph 13.19 be amended to read as follows (deleted text appears in strikethrough and new text appears in grey shading): “It was hi that these recommendations should focus on the operational implementation of Annex 17 Standards and should be implemented as quickly as feasible, thereby improving confidence in the ~~effectiveness of the audit methodology~~ international aviation security system and improving local, regional and global compliance with Annex 17 Standards.”.

11. Drawing attention to the Report on Agenda Item 18: *Multilingualism at ICAO* (WP/635), the Delegate of Portugal suggested, and it was agreed, that the last sentence of paragraph 18.3 be amended by deleting the word “activities” so as to read “... , as well as providing support for translation and interpretation to lusophone countries.”.

12. Referring to the Report on Agenda Item 26: *Other high-level policy issues to be considered by the Executive Committee* (WP/634) in which the Executive Committee presented for adoption Resolution 26/2: *Innovation in aviation*, inter alia, the Delegate of Spain highlighted a discrepancy between the English text of Operative Clause 5 (“*Directs* the Council to urgently consider the establishment of a high-level body with the industry to regularly provide strategic advice to the Council concerning innovation in aviation”) and the Spanish text, which referred to the provision of technical advice rather than strategic advice. He noted that while he supported the establishment of a high-level body with the industry, he considered that it should provide strategic, and not technical advice. The Delegate of Spain recalled that the Air Navigation Commission already provided the Council with technical advice in the areas of aviation safety and air navigation capacity and efficiency

based on the technical work conducted by the ANC's various panels. He therefore suggested that the Spanish text of Operative Clause 5 of Resolution 26/2 be amended by replacing the word "técnico" with the word "estratégico" in order to be aligned with the English text.

13. In supporting this proposal, the Delegate of France noted that the French text thereof also referred to the provision of strategic advice, in line with the Executive Committee's discussion of WP/14 (*Innovation in Aviation*) presented by the Council and related WP/113 (*Enabling a new deal between ICAO and the aeronautics industry*) presented by France, Italy and Sweden.

14. The Plenary therefore agreed to the proposed editorial amendment to the Spanish text of Operative Clause 5 of Resolution 26/2, whereby the word "técnico" would be replaced with the word "estratégico".

15. Averring that it might not be possible for the Council to urgently consider the establishment of the said high-level body with industry since it would have many other pressing issues to address, the Delegate of Brazil suggested that Operative Clause 5 be further amended by deleting the word "urgently". The Delegate of Cuba endorsed this proposal, as did the Delegate of Colombia, who underscored that the absence of the word "urgently" would not prevent the Council from expeditiously addressing the issue of the establishment of the said high-level body with industry.

16. In offering clarification, the Chief, Strategic Planning and Regional Affairs Coordination (C/PRC) noted that the underlying premise of WP/113 presented by France, Italy and Sweden was that the establishment of a high-level body with industry was of high importance and therefore urgent. He further noted that WP/14 presented by the Council emphasized the need for ICAO to keep pace with innovations that affected the sustainable development of civil aviation. C/PRC thus considered that use of the word "urgently" in Operative Clause 5 of Resolution 26/2 was very appropriate.

17. The Delegates of France, Sweden, Italy, Germany, Austria, Australia and Singapore spoke in favour of retaining the word "urgently" in Operative Clause 5 of Resolution 26/2. In so doing, the Delegate of France cautioned that if Operative Clause 5 did not contain the word "urgently", then there would be a high risk that many months would elapse before the Council considered the establishment of the said high-level body with industry.

18. The Delegate of Italy affirmed the importance of the Council establishing the high-level body with industry at an early date so that it could start receiving strategic advice concerning innovation in aviation as soon as possible. He indicated that the Council would use its good judgement in deciding when to consider the matter and to activate such a body, taking into account other urgent issues.

19. In underscoring that Operative Clause 5 of Resolution 26/2 only directed the Council to urgently "consider" the establishment of the said high-level body, the Delegate of Australia reiterated that it would be for the Council itself to decide when to discuss the matter.

20. The Delegate of Singapore indicated that she supported retaining the word "urgently" in Operative Clause 5 of Resolution 26/2 in view of the rapid pace of technological advances in the field of aviation and the call for ICAO to strengthen the industry's involvement in its work to enable the Organization to keep pace those developments, made during the Executive Committee's discussion of WPs/14 and /113.

21. Noting, from the interventions, that there was more support for retaining the word "urgently" in Operative Clause 5 than for deleting it, the President of the Assembly indicated that it would be maintained.

22. In the absence of further comments, the President of the Assembly declared the following Reports of the Executive Committee approved and Resolutions as indicated adopted:

- WP/629 — Agenda Item 11: *Annual Reports of the Council to the Assembly for 2016, 2017 and 2018*
- WP/630 — Agenda Item 20: *No Country Left Behind Initiative*, subject to the amendment to paragraph 20.11 recorded in paragraph 2 above
- WP/631 — Agenda Item 21: *United Nations 2030 Agenda – Sustainable Development Goals (SDGs)*
(Resolution 21/1)
- WP/632 — Agenda Item 22: *Resource Mobilization and Voluntary Funds*
(Resolution 22/1)
- WP/613 — Agenda Item 23: *Technical Assistance Programme*
(Resolution 23/1)
- WP/640 — Agenda Item 24: *Technical Cooperation – Policy and Activities*
(Resolution 24/1)
- WP/637 — Agenda Item 25: *ICAO Civil Aviation Training and Capacity Building*
(Resolution 25/1)
- WP/615 — Agenda Item 12: *Aviation Security – Policy*, subject to the amendment to paragraph 12.51 recorded in paragraph 8 above
(Resolutions 12/1, 12/2 and 12/3)
- WP/623 — Agenda Item 13: *Audit Programmes – Continuous Monitoring Approach*, subject to the amendments to paragraphs 13.5 and 13.19 recorded in paragraphs 9 and 10 above
(Resolution 13/1)
- WP/636 — Agenda Item 14: *Facilitation Programmes*
(Resolutions 14/1, 14/2 and 14/3)
- WP/635 — Agenda Item 18: *Multilingualism at ICAO*, subject to the amendment to paragraph 18.3 recorded in paragraph 11 above
- WP/633 — Agenda Item 19: *Increasing the efficiency and effectiveness of ICAO*
(Resolution 19/1)
- WP/634 — Agenda Item 26: *Other high-level policy issues to be considered by the Executive Committee*
[Resolution 26/1 (no changes) and 26/2 (subject to the editorial amendment to the Spanish text of Operative Clause 5 as recorded in paragraph 14 above)]

23. The meeting adjourned at 1455 hours.

Minutes of the Eighth Meeting
(Friday, 4 October 2019 at 0940 hours)

SUBJECTS DISCUSSED

1. Agenda Item 9: Reports by Committees and Commissions of the Assembly and action thereon
 - Approval of Reports from the Executive Committee on Agenda Items 15, 16 and 17

SUMMARY OF DISCUSSIONS

Agenda Item 9: Reports by Committees and Commissions of the Assembly and action thereon

***Approval of Report from the Executive Committee
on Agenda Item 15***

1. The President of the Assembly, in his capacity as the Chairperson of the Executive Committee, presented the Committee's Report on Agenda Item 15: *Environmental protection – General provisions, aircraft noise and local air quality – Policy and standardization* (WP/625) for approval by the Plenary.
2. In the absence of comments, the President of the Assembly declared the Report of the Executive Committee on Agenda Item 15 set forth in WP/625 approved.

***Approval of Report from the Executive Committee
on Agenda Item 16***

3. The President of the Assembly, in his capacity as the Chairperson of the Executive Committee, next presented the Committee's Report on Agenda Item 16: *Environmental protection – International aviation and climate change – Policy and standardization* (WP/626) for approval by the Plenary.
4. The Delegate of China highlighted that during the Executive Committee's consideration of Item 16 many Delegates – a clear majority as referred to in the Report – had refused to reopen draft Resolution 16/1 for discussion and to make any changes thereto. He had calculated that it was mostly Delegates from States Members of the Organisation for Economic Cooperation and Development (OECD) who had refused to do so. The Delegate of China underscored that although Member States had been invited by ICAO to attend the Assembly and to consider the various items on its Agenda, Delegates taking part in the Executive Committee's said deliberations had been told they could not deliver their concerns regarding draft Resolution 16/1. While those concerns could be reflected in the Executive Committee's Report to the Plenary, no changes could be made to the said draft Resolution. That had been the case with the changes jointly proposed by China, India and the Russian Federation. Averring that that was not the correct way in which to conduct the business of the Assembly, the Delegate of China indicated that to his knowledge, after consultation with many other Delegates, this situation had never arisen in previous sessions of the Assembly during consideration of the climate change issue. He averred that it would set a dangerous precedent if the present session of

the Assembly were to adopt draft Resolution 16/1 or any other draft Resolution without taking into consideration the comments and positions of Member States.

5. Having listened very carefully to the interventions made during the Executive Committee's consideration of Item 16 to determine Delegates' rationale for refusing to reopen draft Resolution 16/1 for discussion and to make any changes thereto, the Delegate of China noted that there appeared to be two main reasons. Firstly, many Delegates were not ready to discuss draft Resolution 16/1 since it had been difficult for their States to complete their detailed studies thereof prior to the Assembly. He indicated that in order to accommodate them he could ask that consideration of draft Resolution 16/1 be delayed until the next Assembly. The second reason which the Delegate of China had heard from the floor was that since the Council had decided to recommend draft Resolution 16/1 to the Assembly for adoption there was no need to change it. In enquiring whether that was ICAO's customary practice, he indicated that he had been unable to find any rules of procedure which stipulated that the Assembly could not change a decision by the Council. Averring that it would set a dangerous precedent if Member States were unable to change a Council decision, the Delegate of China emphasized that if that were the case, then in future there would be no need to convene the Assembly as the Council could simply inform Member States of its decisions so that they could take action accordingly. He considered that that would be feasible and quite easy to do and would obviate the need for Delegates to travel long distances to attend the Assembly and to spend so much of the taxpayers' money to stay in Montréal, which was an expensive city in his opinion. The Delegate of China nevertheless did not believe that that was the proper way in which to proceed, which was why he had tried very hard in the Executive Committee to insist on Member States' right to consider and modify draft Resolution 16/1.

6. The Delegate of China emphasized that he was eager to have draft Resolution 16/1 opened for discussion in the Plenary and to communicate with other Delegates to see whether or not they could achieve consensus regarding the changes jointly proposed by China, India and the Russian Federation.

7. In supporting this intervention, the Delegate of the Russian Federation stressed that it was imperative that Member States' Delegates attend ICAO Assemblies to discuss the items on the Agenda. While respecting the Council's decision to recommend that the Assembly adopt Resolution 16/1, as well as Resolution 17/1, he emphasized that the Assembly was a sovereign body and thus made its own decisions. The Delegate of the Russian Federation underscored that while there was insufficient time remaining during the Assembly session to discuss the proposed substantial changes to draft Resolutions 16/1 and 17/1, they should be taken into account in the future, including at the next Assembly (A41) in 2022. He emphasized that further consideration should be given to the proposal made by the Delegate of Brazil during the Executive Committee's discussions (EX/11) that the Council convene a high-level meeting or meetings to discuss Member States' views regarding the refinement of those two Resolutions 16/1 and 17/1 which would be considered at A41, within the periodic review of CORSIA to be undertaken by the Council, for consideration by the Assembly, every three years from 2022.

8. Responding to a question then raised by the Delegate of the Russian Federation, the President of the Assembly clarified that States would have the opportunity to express their reservations regarding Resolutions 16/1 and 17/1 after they had been adopted by the Plenary.

9. The Delegate of the United States expressed full support for draft Resolution 16/1 as presented in WP/626. In then offering a different perspective to that of the Delegate of China on the process to date, he stressed that all States present were open and willing to discuss views regarding that Resolution and draft Resolution 17/1. As the Assembly only took place once every three years, the United States seized the current opportunity to work with any and all States which desired to improve and update and address their concerns in the said Resolutions. Highlighting that his Delegation had worked constructively with China and many other States in that regard, he emphasized that he and the other members of the United States' Delegation had made themselves available, both

formally and informally, to discuss those draft Resolutions. Recalling that many other States had done the same, the Delegate of the United States emphasized that there had thus been a high degree of flexibility in the discussions on draft Resolutions 16/1 and 17/1.

10. The Delegate of the United States observed that one of the most difficult challenges facing the Assembly was that CORSIA was in the process of being implemented and that there were still a number of important steps being taken at the technical level which would inform CORSIA's future development. He noted that further discussions could take place at that level and ultimately, during the said periodic review of CORSIA to be undertaken by the Council, for consideration by the Assembly, every three years from 2022. In stressing that the Council's recommendations that draft Resolutions 16/1 and 17/1 be adopted were not expected to be automatically accepted by the Plenary, the Delegate of the United States underscored that there was a process in place for States to review the Council's proposed Assembly Resolutions and to submit related working papers in order to notify other States of the proposed changes to the text well in advance of the Assembly. Recalling that the changes to draft Resolutions 16/1 and 17/1 which were jointly proposed by China, India and the Russian Federation and which had only been presented to the Executive Committee (EX/11) on Sunday, 29 September 2019, he indicated that it was very difficult to see how even reasonable changes could be accepted in such a short period of time, particularly when many Delegates had to consult their national administrations thereon. In reiterating that there had been openness, willingness, desire and much flexibility over the last 48 hours to accommodate different views, the Delegate of the United States recommended the adoption of draft Resolution 16/1 now under consideration in the form presented in WP/626.

11. In also expressing support for draft Resolution 16/1, the Delegate of Mexico recalled that both that draft Resolution and draft Resolution 17/1 were the result of a long negotiating process in ICAO – over nine years – and reflected a very delicate balance of States' concerns regarding climate change and CORSIA. He emphasized that the Plenary should adopt both Resolutions not because the Council recommended such action but rather because they reflected that very delicate balance, containing the same language as the Assembly Resolutions which had been adopted by majority at the past two Assemblies, with minor updates to reflect work done during the triennium. In agreeing that it was important to take into account the legitimate concerns expressed by a number of States, the Delegate of Mexico affirmed that the Assembly had done so, with the greatest respect.

12. The Delegate of Mexico emphasized that the adoption of draft Resolution 16/1 would enable further progress to be made in addressing the issue of climate change, which was of high importance to all States and to the international community as a whole. He highlighted, in this regard, that Mexico sought to ensure that any climate change actions did not result in predatory practices such as unfair charges. With regard to draft Resolution 17/1 on CORSIA, one of the elements of the basket of measures to reduce CO₂ emissions from international aviation, the Delegate of Mexico underscored that in response to the legitimate aspirations of many developing States ICAO was providing capacity building to assist them in implementing CORSIA in the most economical way possible. He stressed that while he was open to discussing any constructive proposals in order to achieve the broadest possible consensus and move forward in addressing climate change, he considered that no amendments should be made to draft Resolutions 16/1 and 17/1 for the reasons he had cited.

13. The Delegate of Eritrea averred that the essence of draft Resolution 17/1 was paradoxical in the sense that while its goal was to advance mitigation of CO₂ emissions from international aviation, it was targeted at the few, leaving behind the majority at stake and marginalized. He therefore firmly believed that the views expressed by the Delegate of China and the Russian Federation squarely accommodated the concerns of developing States.

14. Noting that the Delegate of the United States had reiterated that he was not ready to respond to the changes to draft Resolutions 16/1 and 17/1 which were jointly proposed by China, India and the Russian Federation, the Delegate of China emphasized that the said three States had

been constant in their views, which they had presented many times, even before the 37th Session of the Assembly in 2010. He highlighted that their views had first been expressed in the Council in 2008 when the draft Resolutions on climate change and a global market-based measure (MBM) scheme had been discussed and had continued to be expressed since that time, including during the last (217th) session of the Council. The Delegate of China recalled that in order to promote a better understanding of the three States' position, he had submitted their detailed jointly proposed changes to draft Resolutions 16/1 and 17/1 to the Executive Committee and requested that they be posted on the A40 website. Noting, however, that there were still some OECD Member States which were not ready to respond to the three States' position, he asked that the Plenary delay discussion of draft Resolutions 16/1 and 17/1 until they were. The Delegate of China underscored that while it had been stated that the texts of those two Resolutions were delicately-balanced the said three States considered that their views, which they had been repeating in the Assembly for some nine years, were not adequately incorporated therein. The three States thus were of the opinion that the texts of draft Resolutions 16/1 and 17/1 were not balanced and therefore needed further consideration and deliberation by all Delegates and modification.

15. The Delegate of China then presented the changes to draft Resolution 16/1 which were jointly proposed by China, India and the Russian Federation and which had been presented earlier to the Executive Committee (EX/11) (document posted on the A40 website under *Reference Documents*). While he did not read out all of the proposed changes to the Preambular Paragraphs in order to save time, they are reproduced below for the sake of completeness:

- to amend Preambular Paragraph 10 by deleting the phrase “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”, and by inserting the following new Preambular Paragraph:

“*Also recognizing* that some States have concerns on the fairness and feasibility of the goal of keeping the net carbon emissions from 2020 at the same level and have filed reservations on the goal;”;

- to separate Preambular Paragraph 12 into two paragraphs after the words “cooperation of States and the industry”, with the second paragraph beginning with the words “*Noting* the collective commitments”; and in that second paragraph to delete the words “on behalf of the international air transport industry” and to add the phrase “and *also noting* that such commitments are in great need of robust research on equity, feasibility and affordability in light of States' different national conditions and realities” at the end;
- to amend Preambular Paragraphs 21 and 22 by replacing the word “*Welcoming*” with the word “*Noting*”;
- to amend Preambular Paragraph 23 by replacing the words “an important” with the words “a potential”;
- to amend Preambular Paragraph 25 by deleting the phrase “as a living inspirational path for a significant proportion of aviation fuels to be substituted with sustainable aviation fuels by 2050”; and
- to amend Preambular Paragraph 28 by replacing the words “are considered as part of work” with the words “provide flexibility”.

16. The following changes to the Operative Paragraphs of draft Resolution 16/1 were also jointly proposed by China, India and the Russian Federation:

- to insert a new Operative Paragraph 1bis which would read “*Reaffirms* the principle of sovereignty of States in the international cooperation to address climate change;”;
- to amend Operative Paragraph 2 a) by replacing the words “ensure that ICAO exercise continuous leadership” with the words “continue to enhance synergies between ICAO and other relevant UN agencies”;
- to amend Operative Paragraph 7 by replacing the words “the collective aspirational goals” with the words “the sustainable growth of international aviation”;
- to amend Operative Paragraph 8 to read “*Recognizes* that some States have concerns on the goal outlined in paragraph 6 above; and *requests* the Council to report to the 41st Session the fairness and the feasibility of the goal in light of the collective efforts to develop green aviation and relevant data-driven research initiated by States and, as appropriate, by the CAEP studies regarding the feasibility of achieving the goal, and relevant information from States;”
- to amend the beginning of Operative Paragraph 9 to read “*Requests* the Council to take stock of States’ long-term green growth visions listed in their respective national plans and continue to explore the fairness and feasibility of a long-term global aspirational goal for international aviation ... ;”;
- to amend Operative Paragraph 13 to read “*Requests* the Council to continue to provide guidance and other technical assistance for the preparation and update of States’ action plans prior to the end of June 2021 in order for States to conduct necessary studies and to voluntarily submit action plans to ICAO, and *encourages* States’ dissemination of economic and technical studies and best practices related to aspirational goals;”;
- to amend the beginning of Operative Paragraph 15 to read “*Requests* the Council, respectful of sovereignty of States, to invite States ... ;”;
- to amend the chapeau of Operative Paragraph 22 by replacing the word “*Requests*” with the word “*Invites*”;
- to amend Operative Paragraph 22 c) by deleting the words “through ICAO”;
- to amend Operative Paragraph 23 c) to read “continue to provide the forum to exchange information on best practices for Green Airports, aiming at sharing lessons learned and best practices amongst States; and”;
- to amend Operative Paragraph 23 d) by replacing the words “guidance material” with the word “reports”;
- to amend Operative Paragraph 25 c) by replacing the words “global aspirational goals” with the words “sustainable growth of international civil aviation”;
- to amend Operative Paragraph 25 f) by deleting the phrase “leading up to the convening of the CAAF/3 no later than 2025, with a view to updating the 2050 ICAO

Vision for Sustainable Aviation Fuels to include a quantified proportion of SAF to be used by 2050”;

- to amend Operative Paragraph 26 to read “*Encourages* States to identify the potential impacts of climate change on international aviation operations and related infrastructure, identify adaptation measures to address the potential climate change impacts and collaborate to adapt to climate change risk assessment for international aviation, in cooperation with relevant international organizations and the industry; and”;
- to amend the chapeau of the Annex of draft Resolution 16/1 on climate change by inserting the words “and periodical review” after the word “implementation” so as to read “The guiding principles for the design, implementation and periodical review of market-based measures (MBMs) for international aviation:” and to relocate that Annex to draft Resolution 17/1 on CORSIA.

17. The Delegate of the United Kingdom expressed full support for draft Resolution 16/1 as presented in WP/626 and strongly urged against any changes thereto by the Plenary. In also voicing full support for the interventions by the Delegates of the United States and Mexico, she reiterated that the Assembly had listened extremely patiently and courteously to the interventions from those States with varying views regarding draft Resolution 16/1, inter alia. Emphasizing that it could not be denied that the Assembly had had a frank and open dialogue thereon over the past week with the views of all States having been noted, the Delegate of the United Kingdom stressed that it was now time for the Plenary to adopt draft Resolution 16/1 in the form presented in WP/626 and to move forward.

18. The Delegates of Germany, France, Finland and the United Arab Emirates echoed this view. In so doing, the Delegate of France underscored that the work of the Executive Committee over the last few days and the work of the small drafting group that morning had been carried out in a spirit of great cooperation and mutual respect with a view to reaching solutions which were as inclusive and as consensus-based as possible. He stressed the importance of Delegates listening to each other’s views, as well as to the voice of the majority, and to evolve their positions in order to achieve consensus. Recalling that during the last Executive Committee Meeting (EX/11) the President of the Assembly, in his capacity as Chairperson, had proposed a way to move forward on Agenda Items 16 and 17 whereby the texts of the draft Reports thereon would be reviewed and revised to take into account the said three States’ positions while the texts of draft Resolutions 16/1 and 17/1 would remain unchanged, the Delegate of France expressed surprise that his advice and wisdom had not borne as much fruit as had been hoped. He affirmed that the moment had come to pursue his proposed way forward and to adopt draft Resolution 16/1 in the form presented in WP/626.

19. Noting that all Delegates were aware of CORSIA’s importance, the Delegate of Algeria underscored that the changes to draft Resolution 16/1 which were jointly proposed by China, India and the Russian Federation were very relevant and should be taken into consideration and, if possible, discussed.

20. The Delegate of India emphasized that ICAO was a multilateral body and that the views expressed by different States were based on the challenges they faced and the unique circumstances of their peoples. She stressed that the views which had been expressed by India throughout the meetings of the Executive Committee were concerns which were of great significance to India and to its future development. India therefore considered that the observations which it had made regarding draft Resolution 16/1 should be discussed and that the views which had been expressed by a few other States which had serious concerns should be given an opportunity to be in some way accommodated in the final text of Resolution 16/1.

21. Voicing objection to the Plenary's adoption of draft Resolution 16/1, the Delegate of the Russian Federation indicated that he would express a reservation thereto.

22. In light of the discussion, the President of the Assembly concluded that the Plenary adopted the report on Agenda Item 16, including draft Resolution 16/1, as presented in WP/626.

23. The Delegate of China indicated that he did not agree with this decision to adopt draft Resolution 16/1 pending the receipt of clarification as to the Assembly's decision-making process.

24. Noting that he had responded to a similar query during the Executive Committee's last meeting (EX/11), the Director, Legal Affairs and External Relations Bureau (D/LEB) emphasized that the Assembly's main governing principle was to strive to take decisions on the basis of consensus. It was the customary practice in ICAO Assemblies for the summary of the discussion given by the President of the Assembly or by the Chairpersons of the Executive Committee or Commissions to stand as the body's decision, unless there were objections thereto. D/LEB noted that, as previously explained by the President of the Council (EX/11), the determination of the majority view could be done by voting which, in accordance with Rule 46 of the Standing Rules of Procedure of the Assembly (Doc 7600), was normally by voice, by show of hands or by standing, but which could also be by roll-call upon request. However, Rule 46 was not usually applied until every effort had been made to achieve the greatest possible consensus on a compromise solution which would accommodate to the extent possible the views of the minority.

25. The Delegate of China requested that since the President of the Assembly's summary of the discussion had not been accepted by the Plenary as its decision regarding draft Resolution 16/1, the Plenary take a decision on the latter strictly in accordance with the Standing Rules of Procedure of the Assembly (Doc 7600) i.e. by vote.

26. The President of the Council remarked that this was a contentious issue, like many other issues confronting the Assembly, since ICAO was a multinational and multicultural organization. He underscored that while the Assembly had its Rules of Procedure to address such a situation, ICAO had a good tradition of reaching decisions by consensus, although not necessarily by unanimity i.e. unanimous consensus. The President of the Council reiterated (EX/1) that Rule 46 of the Rules of Procedure relating to voting was not usually applied until every effort had been made to achieve the greatest possible consensus on a compromise solution which would accommodate to the extent possible the views of the minority. In noting that the President of the Assembly had the very important and delicate responsibility of gauging States' responses and presenting a summary for their decision, he underscored that all Delegates sought to support him in that work.

27. The President of the Council observed that draft Resolution 16/1 was a continuation of Resolution A39-2 on climate change, with minor changes having been made to update its text to take into account the additional work done by ICAO in the past triennium. He emphasized that while the expectation had been that there would have been a convergence of views over the past three years and that it would have been possible for draft Resolution 16/1 to be adopted unanimously, without any reservations by States, that clearly was not the case for all of the States which had expressed reservations to Resolution A39-2. The President of the Council underscored that while it was the right and privilege of every State to express a reservation following the adoption of an Assembly Resolution, and to file a difference to an ICAO Standard under Article 38 of the Chicago Convention, it was necessary to recognize ICAO's said tradition. He recalled that after he had made a similar statement at a meeting of the Executive Committee during the 38th Session of the Assembly in 2013, Delegates had agreed not to proceed with a roll-call vote on draft Resolution 17/2 on climate change and instead had adopted that Resolution on the basis of consensus.

28. The President of the Council appealed to Delegates to honour ICAO's tradition by taking a similar approach to draft Resolution 16/1. He underscored that there was clearly an

overwhelming majority in support of that Resolution as presented in WP/626, with the exception of a few States, and that Delegates had worked assiduously over the past two weeks to reach this point. In reiterating that every State had the right and privilege to express a reservation following the adoption of an Assembly Resolution, the President of the Council appealed to the Plenary not to proceed to voting on draft Resolution 16/1 at this stage. He averred that no one could dispute where the majority view lay. The President of the Council nevertheless acknowledged that States were sovereign and could take whatever action they chose to take.

29. The Delegate of Saudi Arabia highlighted that his State maintained its reservation regarding Operative Paragraph 6 of Assembly Resolution A39-2 concerning the ICAO global aspirational goal of carbon neutral growth from 2020 and thus had a reservation regarding Operative Paragraph 6 of Resolution 16/1, which he would formally express following the latter's adoption by the Plenary.

30. Recalling that all Delegates had the same mandate from their respective governments, namely, to take strategic decisions for the next three years for international civil aviation in an efficient manner, the Delegate of Monaco agreed that the Plenary should adopt, without delay, draft Resolution 16/1 as presented in WP/626.

31. Noting that the Delegates of the Russian Federation and Saudi Arabia had indicated that they would express a reservation regarding Resolution 16/1, the Delegate of Australia emphasized that the same option was open to the Delegate of China.

32. In voicing support for the way forward proposed by the President of the Council, the Delegate of the United States highlighted that once the Plenary had adopted Resolution 16/1 he would formally express his State's standing reservation to guiding principle 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."] contained in the Annex thereto, which the United States had previously expressed in 2013 and 2016 at the time of the adoption of Assembly Resolutions A38-18 and A39-2.

33. While respecting the President of the Council's appeal, the Delegate of China emphasized that as he considered that the Assembly's discussion of environmental issues had created a dangerous precedent, he had had no other choice than to set another precedent in Assembly decision-making on the issue of climate change by requesting a vote on draft Resolution 16/1. In then responding to some of the interventions made, he indicated that it was his understanding of the Executive Committee's proceedings that Delegates, mostly from OECD Member States, had refused to reopen draft Resolution 16/1 for discussion in order to quickly finish their consideration of Item 16, and that the changes thereto jointly proposed by China, India and the Russian Federation would be further considered by the Plenary, which was the supreme body of the Assembly. The Delegate of China clarified that he insisted that the Plenary conduct its business in accordance with the Standing Rules of Procedure of the Assembly (Doc 7600) and vote on draft Resolution 16/1 as he had carefully calculated during the Executive Committee's last meeting which Delegates supported the said proposed changes and which were opposed thereto (mostly from OECD Member States). He had observed that most of the Delegates who had remained silent during that meeting had been from developing States. As their position could not be assumed, the Delegate of China considered it necessary for the Plenary to vote on draft Resolution 16/1 to know the views of all ICAO Member States rather than only the views of those Member States whose Delegates had taken the floor.

34. Noting that it was difficult for him to divide the world into OECD Member States and non-OECD Member States, the Delegate of Spain emphasized that the Assembly was called upon to reach consensus and not create divisions. He underscored that its goal was to enable the sustainable development of international civil aviation, which required that it address environmental issues such as climate change. The Delegate of Spain emphasized that the concerns expressed regarding draft Resolution 16/1 would be taken into consideration by ICAO and its relevant groups of experts over

the next three years. Furthermore, States would have the opportunity to express their reservations to that Resolution following its adoption by the Plenary, to file differences to pertinent ICAO Standards, and to state their positions at relevant meetings and at the next Assembly. Noting that ICAO would soon be celebrating its 75th Anniversary, the Delegate of Spain affirmed that the Rules of Procedure for the Council and the Assembly had worked very well in the past and that it was necessary to replicate that success going forward and not create rifts among States.

35. In order to enable the Plenary to move forward with this matter, the President of the Assembly asked the Delegate of China to consider expressing a formal reservation to Resolution 16/1 following its adoption, as other States would be doing, on the understanding that all reservations would be noted for the records.

36. Indicating that he could not accept that process, the Delegate of China emphasized the need for a very clear decision-making process and for his State's reservation to be based on the Plenary's final decision regarding draft Resolution 16/1.

37. The President of the Assembly then drew attention to Rule 46 of the Standing Rules of Procedure of the Assembly (Doc 7600), which stipulated that "Voting shall normally be by voice, by show of hands, or by standing, but at the request of any delegation, there shall be a roll-call ...". To a query by the Delegate of Cuba, he clarified that the Plenary would be voting to adopt draft Resolution 16/1 in the form presented in WP/626, with any States having a divergent view having the opportunity to express a formal reservation to that Resolution following its adoption.

38. The Delegate of China requested that pursuant to Rule 47 of the said Rules of Procedure the vote be by secret ballot. The Delegates of India, the Russian Federation, the Democratic People's Republic of the Congo, Cuba and Eritrea supported this request.

39. Responding to a question raised by the Delegate of Saudi Arabia, D/LEB reiterated that if there was no opposition to the summary of the discussion given by the President of the Assembly or by the Chairpersons of the Executive Committee or Commissions, then it would stand as the body's decision. However, if there were objections, then the determination of the majority view could be done by voting in accordance with Rule 46 of the Standing Rules of Procedure of the Assembly (Doc 7600).

40. Noting that it had been his understanding that ICAO's processes were to be carried out in a transparent manner for the benefit of its Member States, the Delegate of Australia enquired whether the voting on draft Resolution 16/1 could be done without a secret ballot.

41. In also seeking clarification regarding the voting procedure, the Delegate of Jamaica indicated that she was inclined to support the Delegate of Australia's view regarding holding a vote by secret ballot.

42. The President of the Council noted that Rule 47 of the Standing Rules of Procedure of the Assembly (Doc 7600) stipulated that "The vote on any question shall be by secret ballot if the delegations of two or more Contracting States so request and the request is not opposed. In case of opposition the question whether there shall be a secret ballot shall be decided by a majority of votes cast in secret ballot. The provisions of this Rule shall prevail over those of Rule 46.", which Rule had been cited earlier by D/LEB (cf. paragraph 24 above).

43. Emphasizing that recourse to a secret ballot in the event of opposition to a vote by secret ballot was exactly the reason why the Assembly normally did not go along that path, the President of the Council appealed again to all Delegates, including the Delegate of China, to simplify the matter by applying ICAO's good tradition of reaching decisions by consensus, although not

necessarily by unanimity. He recalled, in this regard, the Preamble to the Chicago Convention, which read as follows:

“WHEREAS 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

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

“THEREFORE, the undersigned governments having 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;”.

44. Underscoring that Delegates had worked hard over the past two weeks in order to meet that ethos, the President of the Council appealed to them to not go along the path of voting on draft Resolution 16/1 and to instead maintain the Organization’s good tradition of reaching decisions by consensus, for the benefit of the cooperation and the collaboration upon which the international air transport system depended.

45. The President of the Assembly urged all Delegates to take the President of the Council’s wise words into consideration in deciding how to move forward on this matter.

46. The Delegates of France, Nigeria, Turkey, New Zealand, Spain, Mexico, Singapore, the Republic of Moldova, Norway, Egypt, the Netherlands, the United Kingdom, Italy, Lebanon, Germany, Tunisia and Trinidad and Tobago voiced full support for the President of the Council’s intervention. In so doing, the Delegate of France stressed that, in view of ICAO’s upcoming 75th Anniversary, it was extremely important that the Assembly send the world a message of unity and proactive action in addressing the issue of international aviation and climate change.

47. In highlighting that the Assembly would not be deciding on a long-term global aspirational goal for international aviation when it adopted draft Resolution 16/1, the Delegate of Singapore noted that in Operative Paragraph 9 thereof it only requested the Council to continue to explore the feasibility of such a goal and to present the progress of the work to the 41st Session of the Assembly. He underscored that all of the concerns expressed by Delegates regarding a long-term global aspirational goal would be taken into account by the Council in its ongoing work thereon.

48. The Delegate of Trinidad and Tobago emphasized that the Caribbean Islands were particularly affected by hurricanes and other extreme weather events.

49. Observing that all Delegates who had taken the floor since the President of the Council’s intervention had voiced support therefor, the President of the Assembly proposed that draft Resolution 16/1 be adopted by the Plenary in the form presented in WP/626, on the understanding that any States having a divergent view could express a formal reservation to that Resolution.

50. In affirming his respect for the Preamble of the Chicago Convention and the principles enshrined in the latter, as well as for the Standing Rules of Procedure of the Assembly (Doc 7600), the Delegate of China indicated that he could only go along with the adoption of draft Resolution 16/1 if it incorporated the above-mentioned changes jointly proposed by China, India and the Russian Federation (cf. paragraphs 15 and 16).

51. The President of the Assembly highlighted that in order to proceed with a vote by secret ballot on draft Resolution 16/1, it would be necessary, under Rule 47 of the Rules of Procedure,

to first vote on whether to conduct a secret ballot on that matter; depending on the outcome, a vote would then be held on the substantive issue of the adoption of draft Resolution 16/1. He asked whether Delegates agreed to voting by secret ballot.

52. Averring that the Delegate of China might have the same position with regard to the draft Resolution 17/1 on CORSIA, the Delegate of Australia suggested that the Plenary now hold one secret ballot on the adoption of both draft Resolutions 16/1 and 17/1 as presented in WPs/626 and /627, respectively.

53. Agreeing, the President of the Assembly indicated that in the interests of clarity and time, the Plenary would proceed directly to the vote by secret ballot, with the question being whether Delegates agreed with the Reports and attached Resolutions under Items 16 and 17, with the proviso that formal reservations from Member States can be submitted. He emphasized that such reservations would be noted for the records.

54. Underscoring that much work had been done to ensure that the Executive Committee's Reports on Items 16 and 17 reflected the various views expressed, the Delegate of Argentina proposed that only draft Resolutions 16/1 and 17/1 be put to the vote and not related Reports.

55. The Delegate of France, noting that the interpreters and other Secretariat staff members had worked tirelessly over the past two weeks and that many Delegates had flights to catch in the evening, suggested that the fastest and most efficient way to conclude the discussion on the adoption of the said two draft Resolutions would be to vote using States' nameplates.

56. In endorsing the suggestions by the Delegates of Australia and Argentina, the Delegate of the Russian Federation encouraged all other Delegates to do likewise so that the voting process could be completed as soon as possible.

57. The President of the Assembly concurred that it would be expedient to vote on both draft Resolutions 16/1 and 17/1 and by show of States' nameplates rather than by secret ballot. The Delegates of Turkey, New Zealand and Colombia also spoke in favour of that voting procedure. Averring, however, that it was not in line with ICAO's spirit of consensus, the Delegate of Turkey emphasized that it should be followed on the understanding that States would need to cooperate and collaborate in the coming years on the issues of climate change and CORSIA, for the benefit of ICAO and the environment.

58. While agreeing to vote on both draft Resolutions 16/1 and 17/1 together as a last resort, the Delegate of China again appealed to all Delegates to demonstrate their flexibility by incorporating the said changes to the two draft Resolutions jointly proposed by China, India and the Russian Federation, which would obviate the need for a vote on these important issues. Reiterating his respect for the Standing Rules of Procedure of the Assembly (Doc 7600), he enquired as to the legal basis for voting by show of States' nameplates rather than by secret ballot. The Delegate of China indicated that the reason why he insisted on a vote by secret ballot was because he considered that many developing States were afraid of openly expressing their views on the said draft Resolutions. It was therefore necessary to create a better environment for them to freely express their views thereon.

59. Noting that he found it interesting that the Delegate of China was speaking on behalf of some developing States, the President of the Council asked that any such State which was afraid to express its views on draft Resolutions 16/1 and 17/1 please indicate that to him. Averring that the Delegate of China's statement could, to some extent, be taken to be inappropriate by some developing States, the President of the Council emphasized that as sovereign States they could make their own decisions and that all ICAO Member States were equal and of equal standing. He further underscored that the Delegate of China should only provide his own State's reason for insisting on a vote by secret

ballot. The President of the Council indicated that it was his understanding that those States which had wanted to take the floor had done so.

60. Observing that the way in which to conduct the vote on the two draft Resolutions was purely a procedural issue, the Delegate of the Russian Federation suggested that the Delegates who had voiced opposition to a secret ballot be asked to withdraw their objection so that the Plenary could proceed therewith in accordance with Rule 47 of the Standing Rules of Procedure (Doc 7600).

61. Indicating that he fully believed that each State had one stance, the Delegate of China underscored that it was a very important principle of Chinese diplomatic policy that each State, whether big or small, had an equal vote. It was for that reason that he suggested that equal opportunity be given to each and every State to vote by secret ballot on draft Resolutions 16/1 and 17/1. In disagreeing with the President of the Council's statement regarding his speaking on behalf of developing States, the Delegate of China explained that he had done so as in China's view CORSIA was a market-based measure whose establishment sacrificed the future benefits of developing States. He noted that while at the moment CORSIA provided a minimum immunity for many developing States, they might not always have that immunity in the future as their civil aviation sectors grew. The Delegate of China emphasized that that was why China did not consider that CORSIA was a fair and balanced scheme for the whole developing world and why it was trying its best to create for the future the sustainable development of civil aviation for developing States. It was also why it was necessary to create opportunities for all developing States to learn what acceptance of the CORSIA package would mean to them. For that reason, China consistently insisted on the need for all States to focus their attention on the actual reduction of CO₂ emissions from international civil aviation rather than on mere carbon offsetting, and stressed that an increase in the sustainable development of civil aviation in developing States was more important than carbon neutral growth. The Delegate of China averred that in the future more and more developing States would gain a better understanding of China's position and would join its group, whose standing would consequently increase as they worked together for the future sustainable development of their civil aviation sectors.

62. The President of the Assembly indicated that the Plenary would therefore proceed with a vote by secret ballot, with the question being whether Delegates agreed with the draft Resolutions under Items 16 and 17, with the proviso that formal reservations from Member States can be submitted.

63. The Delegate of Cuba noted that although she had spoken in favour of a vote by secret ballot, she was not afraid of expressing her State's view regarding the adoption of the said draft Resolutions out loud if required. With regard to draft Resolution 16/1, she underscored that Cuba saw merit in the changes jointly proposed by China, India and the Russian Federation as their content defended the position of developing States. Cuba maintained its position that the Resolution as presented in WP/626 was inappropriate for developing States and would express a formal reservation thereto, if it deemed that to be necessary.

64. Being from a State which promoted peace and the protection of the environment, the Delegate of Costa Rica stressed the importance of all Delegates coming together and reaching a decision with regard to both draft Resolution 16/1 and draft Resolution 17/1.

65. The Delegate of Nigeria remarked that it was unfortunate that it was necessary to vote by secret ballot on the two draft Resolutions.

66. The Delegate of India emphasized that her State, like many others, was a responsible nation which was committed to working with ICAO on policies and practices for climate protection as well as climate change. India nevertheless had serious concerns with regard to certain ICAO goals relating thereto, such as the established goal of carbon neutral growth from 2020, the goal it was seeking for sustainable aviation fuels, and the long-term global aspirational goal for international

aviation which it was also seeking. The Delegate of India underscored that her State considered that, as a developing State, it was being put in a situation similar to that of a young student who was ready to go to school but who found that its doors were already closed or that its fees had increased. India did not want that to happen. Noting that before India's airlines would be able to reach a certain level of international aviation they would have to pay many additional fees and charges for flying on various international routes, she stressed the need to appreciate and acknowledge the principle of fairness in this Assembly.

67. The Plenary then proceeded to a secret ballot on the question "Do you agree with the draft Resolutions under Items 16 and 17, with the proviso that formal reservations from Member States can be submitted?".

68. D/LEB drew attention to Rule 3 of the Standing Rules of Procedure of the Assembly (Doc 7600), which stipulated that "No person shall represent more than one State.". To a question then raised by the Delegate of Spain, he noted that Rule 45 thereof stipulated that "Except as otherwise provided in the Convention, decisions shall be by a majority of the votes cast [Convention, Article 48 c)]. An abstention shall not be considered as a vote.".

69. Paper ballots were distributed to the Heads of Delegations of the 127 Member States indicated below that were eligible to vote, who signed to acknowledge receipt thereof. A roll-call then took place, with the said Heads of Delegations depositing their completed ballots in the ballot box after informing the election monitors on the podium of their respective names, for the record:

Afghanistan	Denmark	Lithuania	Seychelles
Algeria	Dominican Republic	Madagascar	Singapore
Argentina	Ecuador	Malaysia	Slovakia
Australia	Egypt	Maldives	Slovenia
Austria	Equatorial Guinea	Mali	South Africa
Bahamas	Estonia	Mexico	Spain
Bangladesh	Fiji	Monaco	Sri Lanka
Barbados	Finland	Mongolia	Sudan
Belgium	France	Montenegro	Sweden
Benin	Gambia	Namibia	Switzerland
Bolivia (Plurinational State of)	Georgia	Nepal	Thailand
Botswana	Germany	Netherlands	Togo
Brazil	Ghana	New Zealand	Trinidad and Tobago
Brunei Darussalam	Greece	Nicaragua	Tunisia
Bulgaria	Guinea	Niger	Turkey
Burkina Faso	Guinea-Bissau	Nigeria	Turkmenistan
Burundi	Hungary	North Macedonia	Uganda
Cabo Verde	Iceland	Norway	Ukraine
Canada	India	Oman	United Arab Emirates
Chad	Indonesia	Panama	United Kingdom
Chile	Iran (Islamic Republic of)	Paraguay	United Republic of Tanzania
China	Iraq	Peru	United States
Colombia	Ireland	Poland	Uruguay
Comoros	Italy	Portugal	Venezuela (Bolivarian Republic of)
Cook Islands	Jamaica	Qatar	
Costa Rica	Japan	Republic of Korea	Republic of
Côte d'Ivoire	Kenya	Republic of Moldova	Viet Nam
Cuba	Kiribati	Romania	Yemen
		Russian Federation	Zambia

Cyprus	Lao People's	Rwanda	Zimbabwe
Czechia	Democratic Republic	Saint Vincent	
Democratic People's	Latvia	and the Grenadines	
Republic of Korea	Lebanon	Saudi Arabia	
Democratic Republic	Lesotho	Senegal	
of the Congo	Liberia	Serbia	

70. The Second Vice-President, Ms. Poppy Khoza (South Africa), the Fourth Vice-President Ms. Soo Jeong (Crystal) Kim (Republic of Korea) and the Chairperson of the Credentials Committee, Mr. Farhad Parvaresh (Islamic Republic of Iran) were invited to serve as tellers for the official tallying and verification of the ballots, in order to ensure transparency in the voting process.

71. The meeting adjourned at 1240 hours to enable the tallying of the ballots, on the understanding that the results thereof would be presented to the Plenary when it reconvened at 1400 hours.

Minutes of the Ninth Meeting
(Friday, 4 October 2019 at 1400 hours)

SUBJECTS DISCUSSED

1. Agenda Item 9: Reports by Committees and Commissions of the Assembly and action thereon
 - Approval of Reports from the Executive Committee on Agenda Items 16 and 17
2. Delegation of authority to the President of the Assembly for the approval of minutes of the Plenary
3. Vote of Thanks

SUMMARY OF DISCUSSIONS

Agenda Item 9: Reports by Committees and Commissions of the Assembly and action thereon

Approval of Reports from the Executive Committee on Agenda Items 16 and 17

1. The Plenary resumed its consideration of Agenda Item 16, with the Coordinator, Assembly and Council Support Unit (C/ACS) announcing the following results of the secret ballot conducted at the end of the previous meeting (P/8) on the question “Do you agree with the draft Resolutions under Agenda Items 16 and 17, with the proviso that formal reservations from Member States can be submitted?”:

In favour: 92 Member States

Opposed: 25 Member States

Abstentions: 10 Member States

There were no blank or invalid ballots. With 127 ballots having been cast by eligible Member States, the required majority was 64. The motion to agree with the draft Resolutions under Agenda Items 16 and 17 thus carried, with the proviso that Member States could submit formal reservations. It was highlighted that, in accordance with past practice, any such formal reservations regarding Resolution 16/1 and/or Resolution 17/1 should be submitted in writing to the Secretary General within one month of the conclusion of the Assembly i.e. by **4 November 2019**.

2. Observing, from the results of the secret ballot, that these seemed to be very contentious matters, the Delegate of Trinidad and Tobago proposed that ICAO convene a high-level conference in 2020 or in early 2021 to deal with Member States’ concerns regarding Resolutions 16/1 and 17/1.

3. Endorsing this proposal, the Delegate of the Russian Federation underscored that it would be good to hold such a high-level conference in 2021, prior to the next Assembly (A41) in 2022.

4. The Delegate of Brazil made the following declaration on behalf of her State: Brazil had joined in the consensus to approve CORSIA at A39 in 2016 and was working towards its implementation. Despite the fact that Brazil did not agree with some elements of Assembly Resolution A39-3 it was implementing the monitoring, reporting and verification (MRV) procedures for CORSIA in accordance with the relevant Standards and Recommended Practices (SARPs) of Annex 16, Volume IV, which it considered were the backbone of CORSIA. However, it was clear to Brazil, based on the discussions which had taken place at the previous Assembly and the current Assembly, that CORSIA was a complex mechanism which raised concerns among many States. Brazil considered that if the Assembly wished to retain CORSIA as an effective global scheme, it was necessary to provide the appropriate tools to address those concerns, which was no easy task. In view of the commitment made under Operative Paragraph 18 of Assembly Resolution A39-3 that a periodic review of the CORSIA be undertaken by the Council, for consideration by the Assembly, every three years from 2022, Brazil had been proposing that the Council prioritize the work on the methodologies to conduct such a review of CORSIA. In order to have an effective review in 2022, the Council needed to start that work now.

5. In expressing support for the proposal by the Delegate of Trinidad and Tobago, the Delegate of Brazil noted that it was very similar to the one which she had made during the Executive Committee's review of its draft Report to the Plenary on Agenda Item 17 (WP/575; EX/11) that the Council convene a high-level meeting or meetings to discuss Member States' views regarding the refinement of updated Assembly Resolutions A39-2 and A39-3 (i.e. Resolutions 16/1 and 17/1) which would be considered at A41, within the said periodic review of the CORSIA to be undertaken every three years from 2022. She emphasized that in order to be successful global scheme CORSIA required the firm commitment of ICAO Member States, which would only be possible with a broad dialogue on their various perspectives.

6. The Delegate of China remarked that the results of the secret ballot demonstrated that a lot of States were opposed to Resolutions 16/1 and 17/1, which showed that their texts were not yet mature. For that reason, he joined the Delegates of the Russian Federation and Brazil in supporting the proposal by the Delegate of Trinidad and Tobago to convene a high-level conference in order to further improve the said two Resolutions.

7. The Delegate of India noted that while the majority of States which had voted did not want to change Resolution 16/1 on climate change and Resolution 17/1 on CORSIA, there was a minority of 20 per cent of those States which wished to have the opportunity to change them. The Delegate of Trinidad and Tobago's proposal should therefore be given due consideration. Underscoring that there were many elements of Resolution 16/1 and Resolution 17/1 which worried her State and which made it very difficult for it to accept them, the Delegate of India indicated that it would be filing its reservations regarding both of those Resolutions. She requested that the texts of India's reservations be made available on the ICAO website.

8. Emphasizing the need to continue dialogue, the Delegate of India reiterated that the proposal by the Delegate of Trinidad and Tobago should be seriously considered. She affirmed that a High-level Conference, maybe in 2021, was definitely a way forward to bring India and other States to the point where they considered that their concerns regarding Resolution 16/1 and Resolution 17/1 had been addressed. The Delegate of India highlighted that a parallel organization to ICAO, the International Maritime Organization (IMO), was considering a global offsetting scheme similar to CORSIA for greenhouse gas emissions from international shipping and had already drafted provisions on how certain IMO funds could be made available to developing countries in that context. Referring to the recent UN Climate Action Summit (New York, 23 September 2019), the Delegate of India underscored that participants had agreed that if the pace of climate action to implement the 2015 Paris Agreement was to be accelerated, then it would be necessary to continue to provide support to developing countries in terms of capacity building and finance.

9. The Delegate of Egypt commended the President of the Assembly for having afforded the opportunity for all divergent opinions regarding Resolution 16/1 on climate change and Resolution 17/1 on CORSIA to be expressed at this historic Assembly. While noting that the Plenary had taken a judicious decision to move forward with those two Resolutions as the majority of States considered that that was the best option at the present time, he stressed the need to still be open to new ideas. The Delegate of Egypt praised the spirit of openness and the professionalism which the President of the Assembly had demonstrated to achieve that decision, highlighting that he had taken into consideration the Standing Rules of Procedure of the Assembly (Doc 7600), as well as the need to strengthen friendship and cooperation among all ICAO Member States while respecting their right to express their opinions and reservations. He emphasized the importance of considering all options, including the proposal made by the Delegate of Trinidad and Tobago to convene a High-level Conference.

10. Noting that his State currently held the presidency of the European Union (EU), the Delegate of Finland made the following intervention on behalf of the EU and its Member States, as well as on behalf of Iceland and Norway: First of all, he congratulated ICAO: on the important progress which had been achieved since the last Assembly with CORSIA, as well as in other areas of the basket of market-based measures to address CO₂ emissions from international aviation; and on the fact that at this Assembly, it had been ensured that States could build upon all of the good work done in the last triennium, which was crucial as they approached the start of the pilot phase of CORSIA.

11. The Delegate of Finland observed that a clear majority of States had confirmed their involvement for making CORSIA a success. It was notably the case for Europe, and in that context, he stated that the EU and its Member States, with Iceland and Norway, continued to strongly support CORSIA and remained fully committed to implement it from the start of the pilot phase. They called on other ICAO Member States to join CORSIA as soon as possible. They welcomed the progress made since the last Assembly in putting in place the building blocks required to start implementing CORSIA in 2021. The EU and its Member States, with Iceland and Norway, therefore generally welcomed Resolution 17/1 on CORSIA.

12. The Delegate of Finland underscored that, fully in line with their positions taken at the last Assembly, and in their interventions in ICAO Council meetings, Operative Paragraph 18 of Resolution 17/1 was to be read in the light of the Chicago Convention, as well as in line with certain Contracting Parties' legal obligations to pursue efforts to limit the temperature increase in line with the Paris Agreement on Climate Change. He highlighted that one of the principles of the Chicago Convention was that each Contracting State may apply on a non-discriminatory basis its laws and regulations to all aircraft operating within its jurisdiction. The Delegate of Finland emphasized that that principle also applied to environmental measures such as the ones in the EU and its Member States.

13. The Delegate of Finland noted that the focus now was on the practical implementation of CORSIA in the coming years. He underscored that in doing so, it was necessary to ensure its intended environmental integrity and its largest possible geographical scope. In that regard, the Delegate of Finland reaffirmed that European States were, and would remain, fully involved in ICAO's ACT-CORSIA (Assistance, Capacity Building and Training for CORSIA) Programme.

14. In thanking the President of the Assembly for his leadership, the Delegate of the United States indicated that it was unfortunate that the meeting had been pushed in a direction of division rather than in the spirit of working together to find compromise with regard to CORSIA. He underscored that while no State had claimed that CORSIA was perfect – and in fact most States had been quick to point out its flaws – if the Assembly were to wait to find the perfect answer to be agreed by all States to address that important issue, then it would be waiting for a long time. The Delegate of the United States emphasized that although it was clear from today's discussions that the vast majority of States supported Resolution 17/1 on CORSIA, there was much work ahead to ensure that ICAO

could effectively address that issue. He stressed that while the United States remained committed to working with other States in a spirit of cooperation, it expected the same of others. As they proceeded to future meetings, the United States encouraged States to work constructively within the process, to share their views and to work in the spirit of compromise.

15. With regard to the Delegate of Trinidad and Tobago's proposal for a High-level Conference, the Delegate of the United States hoped that no one would blame his State for not wanting to repeat the discussions of the last week and for having difficulty comprehending the convening such a meeting so soon without knowing how such a meeting would be different than today's. The United States would support further consideration being given to the said proposal, but not a decision by the Assembly to hold such a meeting at a particular time. In that regard, the United States was open to working with all States to find a constructive way forward. While today was perhaps bittersweet, the United State was eager to see CORSIA continue to be implemented and remained committed to working to address the difficult issues raised.

16. The Observer from the International Air Transport Association (IATA) indicated that IATA had been watching the proceedings over the last two weeks with intense interest. Emphasizing that IATA had enormous respect for ICAO, he highlighted that next year it would be also celebrating 75 years of existence, having worked hand-in-hand with ICAO over those decades to resolve a wide range of different issues. The Observer from IATA noted that for those who had been engaged in ICAO proceedings over the last years, what they had witnessed over the last couple of days was almost unprecedented. As an Observer, it could be construed that somehow ICAO had taken a step backwards in a world where at the moment the pressures were intense on the airlines to move forward on resolving the climate issue as quickly as possible.

17. The Observer from IATA underscored that over the years IATA had worked closely with ICAO and welcomed all of its work on the full basket of market-based measures that were on the table. Highlighted that IATA had been making improvements in technology, pushing the envelope in developing alternative fuels that had enormous promise for reducing the environmental footprint of international aviation, working with partners across the industry and with governments on operational infrastructure improvements, and giving its full support to CORSIA as an opportunity to stabilize aviation emissions growth in the short- to medium- term while at the same time releasing an estimated USD 40 billion in climate finance into the markets. All of that support was not taken lightly, as airlines were under intense pressure to reduce their environmental footprint. IATA was doing everything it could and would continue to do so. The Observer from IATA underscored that while IATA would continue to support the work of ICAO, sadly it would have to move faster than ICAO was going in order to be able to move in taking whatever steps it could find to continue to reduce aviation's environmental footprint.

18. In closing, the Observer from IATA thanked the President of the Assembly for his guidance through what seemed to have been challenging circumstances, and the President of the Council for his continued attention and focus on this area. He noted that, at the end of the day, it was the aviation industry which flew the aircraft which actually comprised international aviation. The Observer from IATA underscored that those aircraft were designed and built by aircraft and engine manufacturers to very high and safe standards, and that they took off from, and landed at, airports with state-of-the-art facilities to facilitate the 4.7 billion passengers who were transported every year and the 35 percent of world trade in value which was transported by aviation. He emphasized that IATA was proud to be part of that aviation industry and would continue to do everything in its power to reduce the environmental footprint of aviation. The Observer from IATA urged that ICAO continue to work closely with IATA and involve it in the development of ICAO processes and Standards so that all could benefit and move forward in the long term.

19. In the absence of further comments, the President of the Assembly declared the following Reports of the Executive Committee approved and Resolutions as indicated adopted:

- WP/626 — Agenda Item 16: *Environmental Protection – International Aviation and Climate Change – Policy and Standardization* (Resolution 16/1)
- WP/627 — Agenda Item 17: *Environmental Protection – Carbon Offsetting and Reduction Scheme for International Aviation (CORSA)* (Resolution 17/1)

20. The President of the Assembly indicated that the request that a high-level conference be convened had been noted and would be given due consideration. The reservations by China, India, the Russian Federation, Saudi Arabia, the United States and Venezuela (Bolivarian Republic of) regarding Resolution 16/1 on climate change and the reservations by Brazil, China, India, the Russian Federation and Venezuela (Bolivarian Republic of) regarding Resolution 17/1 on CORSIA had also been noted, as follows:

Reservations expressed regarding Resolution 16/1 on climate change

21. The Delegate of China made the following statement regarding Resolution 16/1 and Resolution 17/1:

“The Chinese delegation appreciates the efforts by the President of the Assembly, the President of the Council and the Secretary General for organizing and conducting this Assembly.

“As the largest developing country, **China** strongly supports the environmental protection in international aviation and responses to climate change. We believe that the basket of measures including infrastructure, technologies, operational improvements, MBMs, sustainable aviation fuels (SAF) can greatly contribute to aviation emissions reduction.

“The Chinese civil aviation sector has been active in effectively controlling the growth of aviation emissions, and committed to implementing our national strategy of ecological conservation. Since the 39th session of the ICAO Assembly, we have made a direct investment of over 8 billion RMB in new technologies, sustainable aviation fuel, operational improvements, infrastructure and market-based mechanism so as to support green development in a comprehensive approach that addresses both symptoms and root causes. Meanwhile, in view of our own development reality and in reference of relevant ICAO standards, we have formulated policies to promote the establishment of a MRV mechanism. As of August 2019, China had a fleet of 3742 aircrafts with an average age of less than 7 years. In 2018, our civil aviation fuel consumption was 0.287 kg per ton kilometer, representing a 20 million tons of CO₂ emissions reduction compared to the fuel efficiency in 2005 and 220 million tons of CO₂ reduction compared with the 1978 fuel efficiency.

“China always opines that emission reduction in international aviation is an integral part of the global climate governance and we therefore should follow its basic principles, in particular, CBDR, equity and respective capabilities as well as the international community's consensus on the models of global climate governance which allows States to choose their own mid-term and long-term goals and implementation paths that are the most suitable to their own circumstances. Therefore, China advocates building an international aviation emission reduction scheme that allows each country to make contributions to the best of its ability, and that is fair and just and conducive to mutual learning.

“China opposes any scheme that strays from realities faced by States and goes at the expense of the legitimate rights to development of developing countries and emerging market

countries. We maintain that the goal of 2020 carbon neutral growth only focuses on emission growth control while neglecting developed countries' historical responsibilities for emissions and the legitimate rights to development of developing countries and emerging market countries. This goes against the notion of justness and fairness advocated by the international community and undermines mutual trust and cooperation among Member States. This is not conducive to mobilizing Member States to participate in the scheme of international aviation emissions reduction.

“Mr. President and colleagues,

“At this session of Assembly, during the deliberation of environmental issues, particularly on item 16 and 17 where substantial divergence exists, Article 49 c) of the Chicago Convention was not adhered to strictly and we were not able to fully discuss and examine relevant documents submitted by the Council. The comments and positions of States are not reflected in the resolutions in a balanced manner. This situation has never been seen in previous sessions of the Assembly. The Chinese delegation is deeply perplexed and disappointed by it.

“In view of the above, the Chinese delegation makes the following statement for the record:

“1. This delegation opposes the adoption by this session of the Assembly, without discussions and negotiations, of the two resolutions: *Consolidated Statement of Continuing ICAO Policies and Practices Related to Environmental Protection – Climate Change* and the *Consolidated Statement Of Continuing ICAO Policies And Practices Related To Environmental Protection – Carbon Offsetting and Reduction Scheme for International Aviation (CORSA)*.

“2. This delegation makes reservations on the two resolutions just adopted by the Assembly, particularly on those paragraphs that are not fair, feasible and reasonable.

“After this meeting, this delegation will submit to the Secretariat in writing our reservations. Subject to future consultations on these two resolutions at ICAO, China reserves the right to modify or withdraw our reservations thereon. At the same time, China emphasizes that our reservation on these resolutions does not imply a suspension or abatement in our efforts to pursue green aviation development. This delegation requests the Assembly to record in full the reservation statements by States and make the full texts available on the ICAO website.

“Last but not least, this delegation expresses sincere gratitude to all the interpreters who have greatly facilitated the smooth conduct of our proceedings.”.

22. The detailed text of **China**'s reservations regarding Resolution 16/1 was later conveyed in writing to the Secretary General, as follows:

“In particular,

“1. Preambular Paragraph 10

“Reason: ICAO has already set a long-term goal of improving fuel efficiency by 2 per cent per annum in 2009. Before fully proving the feasibility, economic viability and its impact on international aviation, and taking stock of the long-term green development visions of different States, it is neither necessary nor feasible to develop either long-term goals in a top-down manner. Meanwhile, a sentence should be added at the end of this paragraph: *Also recognizing that some States have concerns on the fairness and feasibility of the goal of keeping the net carbon emissions from 2020 at the same level and have filed reservations on the goal.*

“2. Preambular Paragraph 12

“Reason: These organizations cannot represent the whole aviation community, especially aviation enterprises of developing countries; Slogans have been shouted for over 10 years, but no convincing analysis and justifications have been given, nor have these organizations provided tangible funds to help realize the goals.

“3. Preambular Paragraph 21

“Reason: Who led the analysis? Were there controversies in the process of analysis? Have expert opinions been fully reflected? Before these questions are clarified and common understandings formed by ICAO, China cannot ‘welcome’ the analysis conclusions mentioned in this paragraph.

“4. Preambular Paragraph 25

“Reason: The 2050 Vision mentioned in CAAF/2 only demonstrates a will of different parties to promote greater use of SAF. It should be up to States themselves to decide whether or not to significantly increase the proportion of sustainable aviation fuels based on their national circumstances and realities. This is the right of States and can be more conducive to the advancement of SAF usage.

“5. Preambular Paragraph 28

“Reason: Sustainability is closely related to national circumstances and resource endowments, so a unified criteria doesn't fit realities and doesn't help with implementation in real practice. The SAF certification should be determined by sovereign States themselves based on related guidance and specifications, and ICAO can play an important advisory role in this process. The establishment and implementation of market mechanisms is only one of the measures for reducing aviation emission, not representing all measures and not even the goal. Therefore, sustainability criteria, certification and the assessment of life cycle emissions of SAF should be considered as important elements for promoting sustainable development of civil aviation as a whole rather than for serving the implementation of CORSIA and other market mechanisms.

“6. Operational Paragraph 2a)

“Reason: ICAO is an inter-governmental agency composed of Member States based on Chicago Convention. In addressing the issue of international aviation emissions, this organization should strengthen its cooperation with other organizations and enhance synergies rather than pursuing the so-called leadership.

“Moreover, in light of what occurred in the process of promoting international aviation emission reduction by ICAO in recent years, China requests the addition of a subparagraph: *Reaffirm the principle of sovereignty of States in the international cooperation to address climate change.*

“7. Operational Paragraph 6

“Reason: Lack of fairness, scientific justification and feasibility.

“8. Operational Paragraph 8

“Reason: This paragraph has appeared repeatedly in corresponding resolutions in previous sessions of the Assembly, but ICAO has never conducted any substantive work thereon till

now, and this session of the Assembly has not opened any discussions according to this requirement. China requests the Council to make this work a priority for the next triennium.

“9. Operational Paragraph 9

“Reason: ICAO has already set a long-term goal of improving fuel efficiency by 2 per cent per annum as early as 2009. This goal is ambitious enough and there is no adequate need to develop other long-term goals. Even if another long-term goal is to be developed, it should be based on a stocktaking of long-term low-carbon development scenarios in various countries and subject to the studies and analysis made by the Council on the feasibility, fairness and availability of assistance resources to developing countries and emerging market countries before recommendations are submitted by the Council to the Assembly for discussion.

“10. Operational Paragraph 15

“Reason: Member States are not obliged to support ICAO on enhancing the reliability of measuring/estimating emissions from international aviation. The Council can only ‘invite’ rather than ‘request’ States to give support based on respect of State sovereignty.

“11. Operational Paragraph 22 b) and c)

“Reason: Legal, security, economic and other institutional arrangements related to the use of airspace are domestic affairs of States. ICAO can ‘suggest’ but has no right to ‘request’ States to adopt certain measures. It is not an obligation for States to exchange information on Green Airports through ICAO.

“12. Operational Paragraph 23c) and d)

“Reason: ICAO is an inter-governmental organization composed of Member States. The Council should provide the forum of information exchange for Member States rather than for airports. What is to be exchanged should be decided by sovereign States themselves and there is no need to prejudge or specify subjects. To realize environmental sustainability, airports should take customized measures only suitable to their locations and features, and the role of ICAO Council is to take stock of and compile good practices of various States for references rather than developing guidance materials divorced from reality.

“13. Operational Paragraph 25 f)

“Reason: The purpose of convening CAAF/3 is to strengthen exchanges and enhance confidence on sustainable aviation fuel through promotion of cooperation. Without adequate research and studies on scenarios of different countries, especially on national circumstances and special needs of developing countries, and without developing specific means and roadmap of assistance to developing countries and emerging market countries, ICAO is not equipped enough to set a quantified goal of SAF to be used by 2050.

“14. Operational Paragraph 26

“Reason: It is the Member States rather than the Council which would adapt to climate change. Therefore, the Council should invite Member States to identify impacts and risks, and provide them with opportunities of increasing exchanges.”.

23. Reiterating that there were many elements of Resolution 16/1 and Resolution 17/1 which worried her State and which made it very difficult for it to accept them, the Delegate of India indicated that it would be filing its reservations regarding both of those Resolutions. She requested

that the texts of India's reservations be made available on the ICAO website. The following Declaration of Reservation by **India** regarding Resolution 16/1 was later conveyed in writing to the Secretary General:

' "The Republic of India is a responsible nation and is committed to working with ICAO on climate change. It strongly believes that the response of the international aviation community should be under the overarching principles set by the Paris Agreement achieved under UNFCCC during COP21 in 2015.

"The Paris Agreement clearly recognizes that the developing States have not yet reached their peak emission and it will take longer for developing States to reach their peak emission. It does not mandate carbon neutral growth specific to any particular sector, and certainly not by 2020. Therefore Carbon Neutral Growth – 2020 would be regressive and would hurt the aviation sector, particularly in the developing States, where aviation sector has not yet matured and is growing at a fast pace.

"1. Preamble

"The Republic of India registers its reservations on paragraphs of the Preamble of the Assembly Resolution A40-18 [formerly Resolution 16/1], for the reasons recorded as under:

"Clause-10 (*Recognizing the global aspirational*)

"We register our serious concerns on the fairness and feasibility of the goal of freezing the net carbon emissions at 2020 and have filed our reservations to last Assembly Resolution A39-22/1 [Resolution 22/1 renumbered Assembly Resolution A39-2] in 2016 and are again filing our reservations. The threshold of 2020 is very unfair for the developing States. We recommend that a different baseline may be considered for the developing States as the aviation growth in such States is expected to be quite high after 2020, whereas the developed States have already reached a saturation level.

"Clause-12 (*Affirming that addressing GHG*)

"The Republic of India registers its reservation on the goal to reduce its carbon emissions by 50 per cent by 2050 compared to 2005 levels. This goal appears to be too ambitious and would not be feasible to be achieved, particularly by the developing States. Therefore we recommend that this should be modified to more realistic levels.

"Clause-13 (*Recalling the UNFCCC and*)

"While India agrees with the principle enunciated in this clause, it is observed that this principle does not find place in the Resolution for which corrective action should be taken.

"Clause-30 (*Recalling that Assembly Resolution*)

"The reservations filed by India in respect of Resolution A40-19 shall be applicable to this clause.

"2. Resolution

"The Republic of India registers its reservations on the following paragraphs of the Assembly Resolution A40-18 [formerly Resolution 16/1], for the reasons recorded as under:

"Para-2 c)

“While India supports the cooperation between UNFCCC and ICAO, and the principle to honour UNFCCC and Paris Agreement, it is observed that ICAO resolutions are not giving due importance to the principles/decisions agreed under the UNFCCC and Paris Agreement. We recommend necessary corrections in the approach of ICAO in this regard.

“Para-6 and 8

“We register our strong reservations regarding the medium-term global aspirational goal of keeping the global net carbon emissions from international aviation from 2020 at the same level. The threshold of 2020 is very unfair for the developing States. We recommend that a different threshold may be considered for the developing States as the aviation growth in such States is expected to be quite high after 2020, whereas the developed States have already reached a saturation level.

“Para-9

“In view of our reservations on Clause-12 of the Preamble, we support the proposal 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. However, we recommend that due attention should be paid to the disparity in terms of need for eradication of poverty and equitable socio-economic development in developing States.”

24. The Delegate of the Russian Federation expressed his State’s reservation regarding Preambular Paragraphs 10, 13, 19, 24, 26 and 29 and Operative Paragraphs 2 a), 7, 8, 9, 13, 15, 22 c), 23 c), 23 d), 25 c), 25 f) and 26 of Resolution 16/1. His State also considered that the Annex to Resolution 16/1 containing the guiding principles for the design and implementation of market-based measures (MBMs) for international aviation should be relocated to Resolution 17/1 on CORSIA. The following statement regarding the **Russian Federation**’s reservations regarding both Resolution 16/1 and Resolution 17/1 was later conveyed in writing to the Secretary General, together with the amendments proposed by the Russian Federation, China and India to those two Resolutions as set forth in WP/58 and WP/59, respectively:

“The Russian Delegation would like to take this opportunity to assure you and the participants of the 40th Session of the Assembly that the Government of the Russian Federation is devoting the most careful attention to matters of climate change and on 23 September 2019 adopted the Resolution to ratify the Paris Agreement. At the same time, we firmly believe that the international aviation community in response to the global challenge of climate change should focus its efforts on actions aimed at a real decrease in CO₂ emissions through technological development of the industry, while maintaining as the top priority the goal of increase the global level of safety.

“To our sincere and deep disappointment, we must state the fact that the proposals of the Russian Federation, developed in cooperation with the delegation of the People's Republic of China and supported by India, to some of the provisions of drafts of Resolutions 16/1. *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change* and 17/1. *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA)* were rejected without due discussion in violation of Rules 38 and 39 of the Standing Rules of Procedure of the Assembly (Doc 7600) despite the fact that these proposals were supported by several States. We view that as a sign of disrespect for the position of sovereign States, officially expressed during the Assembly.

“Once again, we wish to reiterate that, in our opinion, implementing CORSIA:

- a) will lead to increased rates of emissions in the sector of international civil aviation and will have exclusively negative consequences for the implementation of ICAO's strategic goals: Flight Safety, Environmental Protection, and Economic Development of Air Transport.
- b) will cause serious distortions in market relationships and stimulate unscrupulous competition, which contradicts the spirit and letter of the Chicago Convention, as well as UN Sustainable Development Goals;
- c) become a tool for using international civil aviation as a funding source for climate-activity in other industrial sectors.

“In this connection, the delegation of the Russian Federation would like to inform the Assembly of our disagreement with the language in paragraphs of the preamble: 10, 13, 19, 24, 26, 29, and with the language in items: 2 a), 7, 8, 9, 13, 15, 22 c), 23 c), 23 d), 25 c), 25 f) and 26 of the body of Resolution 16/1. *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*. We also think that the Appendix on guiding principles for the design and implementation of market-based measures (MBMs) for international aviation should be moved to a resolution replacing Resolution A39-3.

“Taking into account the large number of comments on the text of 17/1 *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Carbon Offsetting and Reduction Scheme for International Aviation (CORSA)*, the Russian Federation hereby states that it does not find it possible to join this resolution as a whole and intends, when it sees fit, to apply the provisions of Article 38 of the *Convention on International Civil Aviation* in terms of SARPs of Annex 16, Vol IV to the Chicago Convention.

“At the same time, the Delegation of the Russian Federation hereby announces that it is willing at any time to continue discussing the option of global measures of economic stimulus aimed at a real decrease in GHG emissions in the sector of international civil aviation and fully compliant with ICAO strategic goals and UN sustainable development goals.

“We are forwarding this information so that the reservations above may be reflected in the document with the Assembly resolutions in force (as of 4 October 2019) (Appendix A), and the text of the statement mentioned in presentations and the minutes of the 40th Assembly (meeting of the Executive Committee and Plenary Sessions).”.

25. The Delegate of Saudi Arabia indicated that his State maintained its reservation regarding Operative Paragraph 6 of Assembly Resolution A39-2 and thus had a reservation regarding Operative Paragraph 6 of Resolution 16/1, the detailed text of which was later conveyed and confirmed in writing to the Secretary General, as follows:

“We would like to refer to the ICAO 40th Assembly Resolution ‘Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change’ that was adopted recently. In this regard, the Government of the Kingdom of **Saudi Arabia** would like to reiterate its reservation in respect of Operative Paragraph 6 of said Resolution concerning ICAO aspirational goal of keeping the global net carbon emissions from international

aviation from 2020 at the same level. This reservation was verbally expressed in the closing of the Plenary meetings of ICAO Assemblies 37, 38 and 39.

“In [Operative] Paragraph 6 of its Assembly Resolution (A37-19) in 2010, ICAO had adopted the above-mentioned aspirational goal without assessing its attainability and impacts, especially for developing countries; a concern which was expressed by many States in the form of reservations. The same Resolution in [Operative] Paragraph 7 requested the Assembly during its 38th Session to review the aforementioned goal in light of progress towards the goal, new studies regarding the feasibility of achieving the goal, and relevant information from States. The same scenario was repeated during all the following Assemblies up until the 40th Assembly, held in 2019, and no real feasibility study was submitted. All that was submitted to the Assembly was the ‘Trend Assessment’ conducted by the Committee on [Aviation] Environmental Protection. The Kingdom of Saudi Arabia wishes to confirm that this aspirational goal was not based on scientific and practical studies, nor were its feasibility and practicability assessed. Moreover, it did not take into consideration the right of developing countries to grow and reach the maximum emissions volume and market maturity that were reached by developed countries before them.

“In light of the above, we would like to kindly request, Mr. President, that this reservation be formally recorded.”

26. The Delegate of the United States renewed his State’s standing reservation to guiding principle 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.”] contained in the Annex to Resolution 16/1 which the United States had previously expressed in 2013 and 2016 at the time of the adoption of Assembly Resolutions A38-18 and A39-2.

27. The Delegate of Venezuela (Bolivarian Republic of) expressed his State’s reservation regarding Operative Paragraph 6 of Resolution 16/1 on the global aspirational goal of carbon neutral growth from 2020 which his State had previously expressed with respect to Operative Paragraph 6 of Assembly Resolution A39-2.

Reservations expressed regarding Resolution 17/1 on CORSIA

28. The Delegate of Brazil reaffirmed her State’s reservations regarding Operative Paragraphs 21 and 23 of Assembly Resolution A39-3 and expressed its reservations regarding Operative Paragraphs 20 and 22 of Resolution 17/1. The detailed text of **Brazil’s** reservations regarding Resolution 17/1 was later conveyed in writing to the Secretary General, as follows:

“1. Operative Paragraph 20

“In line with the statement made during the 40th Session of the Assembly Plenary and recalling its Note Verbale No. NV2016-078/BRASICAO, of November 6 [4] 2016, the Government of Brazil declares its understanding that emissions units generated through multilaterally-agreed mechanisms established under the United Nations Framework Convention on Climate Change, namely the Clean Development Mechanism of the Kyoto Protocol and the mechanism established by Article 6, paragraph 4 of the Paris Agreement, are already eligible for CORSIA.”

“2. Operative Paragraph 22

“Also in line with the aforementioned Note Verbale, in view of the need to ensure the highest levels of environmental integrity of CORSIA, the Government of Brazil expresses its reservation towards the use in CORSIA of emission units generated from mechanisms, instruments or arrangements outside the UNFCCC. The Government of Brazil also declares that any transfer of units

resulting from mitigation outcomes achieved in the Brazilian territory will be subject to prior and formal consent by the Federal Government.”.

29. The Delegate of China made a statement regarding Resolution 16/1 and Resolution 17/1, which is reproduced in paragraph 21 above. The detailed text of **China**'s reservations regarding Resolution 17/1 was later conveyed in writing to the Secretary General, as follows:

“In particular,

“1. Title

“Reason: Assembly resolutions should be inclusive. Therefore, the title of this Resolution should stick to the general term ‘market-based mechanisms’ rather than the specific term ‘CORSIA’.

“2. Preambular Paragraph 5, 6, and 7

“Reason: From the very beginning, China has been expressing concerns and doubts on the legitimacy and justification of the development procedure and contents of this Standard. After the Standard was voted and adopted, China has notified differences according to Article 38 of Chicago Convention. China noted but cannot welcome the documents referred to in the above-mentioned three paragraphs.

“3. Preambular Paragraph 8

“Reason: China ‘noted’ or ‘realized’ the establishment of TAB.

“4. Preambular Paragraph 18

“Reason: Whether or not the development and implementation of CORSIA will contribute to the achievement of the goals set out in the Paris Agreement would depend on the assessment results and shouldn't be prejudged.

“5. Operational Paragraph 2

“Reason: China requests addition of a sentence at the beginning of this paragraph: *Reaffirm the principle of sovereignty of States in the international cooperation to address climate change.*

“China opposes to deletion of ‘and any other measures’ referred to in the corresponding Resolution of the previous session of the Assembly.

“6. Operational Paragraph 3

“Reason: China opposes to using the goal of carbon neutral growth from 2020 as the baseline of CORSIA. We affirm that States should determine the CORSIA baseline by themselves and reinforce their actions gradually based on national circumstances.

“7. Operational Paragraph 4

“Reason: ‘The global aspirational goal’ is used in this paragraph to describe the purpose of implementing a package of measures. As ICAO has developed multiple aspirational goals

since 2009, it is not clear which one this paragraph refers to. If it refers to the goal of carbon neutral growth from 2020, China firmly opposes it.

“8. Operational Paragraph 5

“Reason: China opposes to using the goal of carbon neutral growth from 2020 as the baseline of CORSIA. We affirm that States should determine the CORSIA baseline by themselves and reinforce their actions gradually based on national circumstances.

“9. Operational Paragraph 6

“Reason: As the submission and contents of States' action plans are of a voluntary nature, the Assembly shouldn't *request* the Council to *ensure* as to what should be done with the action plans. Moreover, China maintains that the definition of *CORSIA eligible fuels* has no scientific basis.

“10. Operational Paragraph 7

“Reason: The Council has no mandate and competence to monitor and oversee actions of States. It is requested to change ‘monitor’ to ‘report to the Assembly’.

“11. Operational Paragraph 11 b) and c)

“Reason: China opposes to using the goal of carbon neutral growth from 2020 as the baseline of CORSIA. We affirm that States should determine the CORSIA baseline by themselves and reinforce their actions gradually based on national circumstances.

“12. Operational Paragraph 16

“Reason: The basis and criteria for this work should be determined by Member States through consultations rather than by the Council.

“13. Operational Paragraph 17

“Reason: The three-year periodic review should be implemented according to *The guiding principles for the design and implementation of market-based measures (MBMs) for international aviation* (listed in the Annex of the Resolution on Climate Change) as well as relevant information provided by States rather than being implemented in a way where ‘CAEP reports and Council approves’. The final assessment results should be determined by Member States.

“In 17 a), ‘The global aspirational goal’ is used to describe the purpose of implementing a package of measures. As ICAO has developed multiple aspirational goals since 2009, it is not clear which one this paragraph refers to. If it refers to the goal of carbon neutral growth from 2020, China firmly opposes it.

“14. Operational Paragraph 18

“Reason: ICAO has no right to prohibit Member States from using other market measures for addressing aviation emission. If a State adopts market mechanisms other than the offsetting measures, it should avoid duplicative taxation on international aviation emissions so that the market mechanisms of this State will not be applied to aircrafts of other States without mutual agreements.

“15. Operational Paragraph 19

“Reason: The Council should revise and improve the standard based on relevant information provided by States and assistance from Member States, CAEP and TAB. The Council has no mandate or competence to oversee the implementation of CORSIA in Member States, therefore, the word ‘oversee’ in subparagraph c) should be changed to ‘take stock of’.

“An effective implementation of CORSIA cannot be done without scientific and rational evaluations as well as a mechanism of dialogue and consultation between States and the Council, the following subparagraphs should therefore be added:

- “g) The Council, based on relevant info from States, and, as appropriate, from CAEP, to develop and update specific index/criteria for the review in accordance with guiding principles listed in the Annex to this resolution, for decision by the Assembly;
- “h) The Council, upon the request of States, to identify possible means to address issues arising in the implementation of the CORSIA to ensure the sustainable development of international aviation and against inappropriate economic burden on international aviation;
- “i) The Council should establish a mechanism of technical dialogue and consultation between States and ICAO on States' approaches to implement the CORSIA, including nationally determined baselines and standards to certify emissions units/SAF in light of their national circumstances and scientific research, in a facilitative, non-intrusive manner and respectful of their national sovereignty.

“16. Operational Paragraph 20

“Reason: As the UNFCCC is the main arena for global actions against climate change, States should be encouraged to give priority to the use of emission units endorsed by UNFCCC and the Paris Agreement. There is no need for ICAO Council to make different decisions in this regard.

“17. Operational Paragraph 21

“Reason: The timeline in Annex 16. Volume IV mainly sets MRV-related requirements. Therefore, the phrase ‘for implementation of the CORSIA’ should be changed to ‘for implementation of the MRV’.

“The assistance should include not only trainings but also financial assistance to developing countries (This requirement had existed in the Resolution of the previous session of Assembly. Unfortunately, it was deleted by this session.), as well as exchanges and understanding of experiences and lessons of various countries during the implementation of CORSIA.

“18. Operational Paragraph 22

“Reason: China affirms that certification of eligible emission units and eligible SAF should be determined by sovereign States according to related criteria. ICAO can recommend offsetting products for preferred consideration, but should not make decisions for sovereign States.”.

30. Reiterating that there were many elements of Resolution 16/1 and Resolution 17/1 which worried her State and which made it very difficult for it to accept them, the Delegate of India indicated that it would be filing its reservations regarding both of those Resolutions. She requested that the texts of India’s reservations be made available on the ICAO website. The following

Declaration of Reservation by **India** regarding Resolution 17/1 was later conveyed in writing to the Secretary General:

‘ “The Republic of India is committed to addressing the issue of climate change and appreciates the initiative of ICAO to address Climate Change.

“As a responsible member of ICAO, India is willing to play its part to support ICAO policies and practices related to Environmental protection, including CORSIA. The review of CORSIA in 2022 must make adjustments in CORSIA design elements to use RTKs based on international travel by nationals of Member States irrespective of the airline used for the purpose of computing the emission levels.

“The Republic of India registers its reservations on Preamble and certain paragraphs of the Assembly Resolution A40-19 [formerly Resolution 17/1] for the reasons recorded as under:

“1. Preamble

“The Republic of India registers its reservations on clauses of the Preamble of the Assembly Resolution A40-19 [formerly Resolution 17/1], for the reasons recorded as under:

“Clause-16 (*Recalling the United Nations*)

“While India agrees with the principle enunciated in this clause, it is observed that this principle does not find place in the Resolution for which corrective action should be taken.

“Clause-21 (*Recognizing that this Resolution*)

“While India supports the cooperation between UNFCCC and ICAO on the development of CDM methodologies, and the principle to honour UNFCCC and Paris Agreement, it is observed that ICAO is going ahead on its own in this matter, and that the resolution gives priority to the decision of TAB and CAEP. This needs to be corrected.

“The agreed principles of accounting of GHG as established under UNFCCC place the responsibility for mitigation of GHG emissions with Member States and not with sectoral sources of emission. The Assembly Resolution should take this into account.

“2. Resolution

“The Republic of India registers its reservations on the following paragraphs of the Assembly Resolution A40-19 [formerly Resolution 17/1], for the reasons recorded as under:

“Para-1

“The provisions of this resolution should be subject to the reservations being registered herewith.

“Para-3 and 5

“We would like to state our reservation regarding the achievement of global aspirational goal of 2020 as it is against the growth of aviation in developing States. We recommend that a different baseline may be considered closer to 2027 for the developing States as the aviation growth in such States is expected to be quite high after 2020, whereas the developed States have already reached a saturation level.

“Para-8

“While India supports the principle contained in this paragraph, it is observed that there is no provision either in the resolution or in CORSIA which gives any advantage to the developing States.

“Para-11

“Keeping in view our reservations on Clause 21 of the Preamble, we recommend that the method may be changed to calculate States’ offsetting requirements as against aeroplane operators’ offsetting requirements. This must be done by taking into consideration the international travel by nationals of the Member States irrespective of the airline used.

“Para-12

“The provision for new entrants lacks clarity with regard to baseline and therefore this provision should be revised on the basis of further work to be undertaken by ICAO in consultation with Member States. In this connection we would like to reiterate our stand that the emissions should not be determined airline-wise but should be assigned to Member States. If such an approach is adopted, a separate provision for new entrants would not be necessary.

“Para-19

“We are of the view that the Council must adopt a mechanism for technical dialogue and consultation with Member States for review and amendment to Annex 16, Volume IV, particularly with regard to baseline determination.

“Para-20

“India registers its strong reservations to the decision that the mechanism for Emission Units Criteria (EUC) established under the UNFCCC and the Paris Agreement will be accepted only if it is aligned with the decisions by the ICAO Council. We recommend that this provision should be modified to say that the mechanism for EUC established by ICAO Council shall be consistent with the mechanisms established under the UNFCCC and the Paris Agreement.”

31. The Delegate of the Russian Federation expressed his State’s reservation regarding Resolution 17/1 on CORSIA as a whole. The text of the **Russian Federation**’s reservations regarding both Resolution 17/1 and Resolution 16/1 was later conveyed in writing to the Secretary General, together with the amendments proposed by the Russian Federation, China and India to those two Resolutions as set forth in WP/58 and WP/59, respectively, and is reproduced in paragraph 24 above.

32. The Delegate of Venezuela (Bolivarian Republic of) expressed his State’s reservation regarding Operative Paragraph 3, 4 and 5 of Resolution 17/1 on the global aspirational goal of carbon neutral growth from 2020 which his State had previously expressed with respect to Operative Paragraphs 3, 4 and 5 of Assembly Resolution A39-3.

***Delegation of authority to the President of the Assembly
for the approval of minutes of the Plenary***

33. The Plenary delegated to the President authority to approve, on its behalf, the minutes of the 40th Session of the Assembly.

Vote of Thanks***Closing remarks by the Secretary General***

34. The Secretary General emphasized that it had been her great honour to serve as Secretary General for this 40th Session of the ICAO Assembly. She began her speech by requesting a warm round of applause and appreciation for: the President whom the Plenary had elected for this 40th Session, Mr. Nari Williams-Singh of Jamaica; the dedicated Vice-Presidents and Chairpersons of the Committees and Commissions, who had supported the Assembly's work; the President of the Council; and the ICAO Secretariat, a great many of whom had sacrificed their nights and weekends, not only these past two weeks, but also throughout the lead-up to this event.

35. The Secretary General highlighted that this 40th Session of the ICAO Assembly had benefitted from the participation of more than 2 400 Delegates from 184 Member States and 55 observer delegations – the highest number that the Organization had ever hosted. A total of 504 working papers had been received from Member States and international organizations, which marked an increase of 33 per cent compared to A39. The Secretary General was also very grateful that the ICAO Secretariat had been able to implement sustainable management best practices throughout this event's preparation and hosting, with green environment and environmental protection principles. The President of the Council and the Secretary General had been very encouraged to see such a high level of interest from Member States and industry in the work of ICAO, recognizing and supporting its leading role in global aviation.

36. The Secretary General noted that, as all present were aware, for these past two weeks the eyes of the world had been upon ICAO as the Assembly had worked to continue addressing the carbon footprint of international flight. In the midst of one of the world's largest-ever climate marches, which had passed right before ICAO's doorstep, it had therefore been greatly encouraging for ICAO to see the Assembly reconfirming its resolve in support of the CORSIA global offsetting solution and basket of market-based measures to tackle the environment issue. The Assembly had also acknowledged the excellent recent progress achieved through ICAO on the first aeroplane CO₂ emissions Standard and the non-volatile Particulate Matter (nvPM) Standard for aircraft engines, and had endorsed that ICAO's Committee on Aviation Environmental Protection (CAEP) should prioritize an exploratory study on environmental impacts of new supersonic aircraft being developed. The successful adoption of the new Volume IV to Annex 16 – *Environmental Protection*, the ICAO-driven development and implementation of 116 State Action Plans to reduce aviation CO₂ emissions from international aviation, and the need for further elaboration of the *2050 ICAO Vision on Sustainable Aviation Fuels*, had also been highlighted. Most importantly, the Assembly had been able to send a strong signal to the world that ICAO would prioritize the work on the feasibility of a long-term emissions reduction goal for international aviation, by developing options and an implementation roadmap, for consideration by the next Assembly. The Secretary General underscored that ICAO would only be able to do that together in strong partnership between States, industry, civil society and other stakeholders.

37. The Secretary General highlighted that, in the areas of Aviation Safety and Air Navigation Capacity and Efficiency, the Assembly had endorsed new editions of ICAO's Global Aviation Safety Plan (GASP) and Global Air Navigation Plan (GANP), which would be instrumental in managing the adoption and integration of new 21st century aircraft and operations alongside traditional aircraft operations. She noted that ICAO appreciated, in this context, the excellent insights heard during the innovation-focused Fifth ICAO World Aviation Forum (IWAFF 2019) and Fair events which ICAO had conducted on the eve of the Assembly. ICAO also welcomed the Assembly's agreement, over the last two weeks, that it should pursue a new global target of zero aviation fatalities by 2030. Those efforts would be augmented by the new Global Aviation Safety Oversight System (GASOS) which the Assembly had adopted, and which would help augment safety cooperation and assist many States in terms of their aviation safety oversight, safety management, and accident investigation capabilities.

38. The Secretary General further highlighted that, in the areas of Aviation Security and Facilitation, the Assembly had endorsed the ICAO Cybersecurity Strategy for civil aviation and called for its implementation through an action plan. The Assembly had also strongly called for the establishment of a renewed governance structure to further the work on cybersecurity initiated by the Secretariat Study Group. That would feature important goals relating to information-sharing, improved coordination among all partnering government and enforcement entities, and timely and aligned responses to related risks and events.

39. The Assembly had also endorsed that cybersecurity should feature prominently in the revised General Work Programme of the ICAO Legal Committee, especially as pertains to the pertinence and adequacy of existing air law instruments. The Organization welcomed the Assembly's endorsement for ICAO to forge global partnerships supporting the implementation and evolution of the ICAO Global Aviation Security Plan (GASeP), in addition to its calls for ICAO's continued Traveller Identification Programme (TRIP) Strategy work on passport and border control modernization, identity management infrastructure, and the ICAO Public Key Directory (PKD). The Organization had also been encouraged that the Assembly had expressed its clear agreement that ICAO should increase its outreach to States on the implementation of an Advance Passenger Information (API) system, and on the endorsement of the United Nations Security Council Resolution 2396 (2017) urging that an ICAO Standard be adopted relevant to Passenger Name Record (PNR) data. Lastly, the Assembly had endorsed ICAO's continued focus on the recommendations which had emerged from the Second High-level Conference on Aviation Security in 2018, including on the insider threat, achieving the national targets reflected in the GASeP, and other aviation security priorities. The Assembly had also supported the idea of making 2020 the *Year of Security Culture*.

40. With respect to the Economic Development of Air Transport, the Secretary General underscored that the Assembly had strongly endorsed ICAO's continued focus on promoting the socio-economic benefits of air transport, including as it related to new aviation infrastructure/system financing, and the economics of airports and air navigation services. The Assembly had agreed that States should assess national taxation objectives in accordance with ICAO's policies and subsequent to appropriate cost-benefit analyses. The Organization had also been pleased to receive the Assembly's continued support for the *ICAO Long-term Vision for International Air Transport Liberalization*.

41. Regarding ICAO's work to develop robust aviation data, monitoring and analyses, the Secretary General noted that the Assembly had endorsed new objectives in the areas of air transport statistics, big data analytics, forecasting and economic analysis, including with respect to the development of an Aviation Satellite Account (ASA) methodological framework. In terms of global air transport consumer protection, the Assembly had encouraged all Member States to apply the ICAO Core Principles, as well as to ratify the Montréal Convention of 1999. The Secretary General recalled that the said Convention had been one of six treaties being promoted for ratification during ICAO's inaugural Treaty Event during A40. She noted that ICAO welcomed the Assembly's calls for it to provide technical expertise and support for the Plan of Action for Air Transport and Tourism Development in Africa, and that it should establish a new Global Aviation Competitiveness Index. Lastly in this area, ICAO welcomed the release, during this Assembly, of the new edition of the Industry High-level Group's Aviation Benefits Report, to which ICAO was a key contributor.

42. The Secretary General indicated that, in addition to the above-mentioned developments relating to ICAO's Strategic Objectives, ICAO had been pleased to see the Assembly's endorsement that ICAO should provide fresh impetus to its Next Generation of Aviation Professionals (NGAP) Programme through a new, ambitious and holistic strategy capable of delivering effective tools to deal with the anticipated shortage of air transport professionals.

43. In a similar vein, ICAO welcomed the Assembly's clear acknowledgement of the scope and value inherent in ICAO's assistance and capacity-building prioritization under its *No*

Country Left Behind (NCLB) initiative. Member States' governments had also expressed appreciation at A40 for the invaluable assistance provided to them through ICAO's Global Aviation Training (GAT) Office, notably towards achieving and maintaining the highest competencies of aviation personnel through ICAO's aviation training programmes.

44. The Secretary General acknowledged both the calls to action and the praise which Member States had expressed at A40 regarding the efficiency and transparency of ICAO. Assuring them that all of their voices had been heard, she gave them her personal assurance as Secretary General that ICAO would continue to refine and implement all related governance policies and procedures in order to better serve Member States and global aviation.

45. The Secretary General indicated that it would be ICAO's pleasure to welcome, and begin working with, the new Council which the Assembly had elected, actioning the key priorities and new work programme which had been adopted at A40, and using the agreed Budget and the additional resource mobilization which would be needed. She noted that the results-based Budget in particular set out the priorities to guide the activities of the Organization, and provided an overview of the emerging aviation issues and risks facing ICAO. Under the guidance of the Council, the Secretariat would now be making every effort to overcome any related challenges and to implement the Budget and work programme to the benefit of ICAO Member States and the global aviation sector.

46. Having seen so many of the videos and other tributes on display which Member States had prepared for ICAO this year, in honour of its 75th Anniversary, the Secretary General extended the Secretariat's deep gratitude for the partnerships and commitments which so many Member States had undertaken in 2019 to help celebrate ICAO and its important global role.

47. In noting that the 40th Session of the Assembly was her last as Secretary General, the Secretary General underscored that it had been her great honour to serve ICAO as Secretary General and to lead the Secretariat to deliver services to its Member States, to industry, and to the global aviation sector.

48. The Secretary General observed that, while there had been some discussions about the Secretariat during this Assembly, all Delegations had now experienced personally how amazing ICAO really was. Secretariat staff members had worked around the clock in order to ensure that all documents in all six ICAO working languages were ready for their review when they arrived in the morning at ICAO Headquarters, and they had provided interpretation services for them during their deliberations. Building security had been maintained and many other logistic services had also been provided, including the set-up of the Assembly Hall – activities which Delegations had probably not noticed because they had been done so smoothly and efficiently.

49. The Secretary General reiterated that there had been an historic record of work volume at A40, in terms of participants and working papers. She emphasized that even with the reduced resources of this triennium, the Secretariat had made great efforts to enhance the efficiency of the Organization and to modernize its processes so that it was able to provide and to present to the Assembly all of the results which had been recorded in the Assembly reports. The Secretary General believed that ICAO and the Secretariat had become closer to Member States and industry with the NCLB initiative. She underscored that, under the Assembly's direction and the Council's guidance, the Organization had been able to produce all the said results for them.

50. The Secretary General took this opportunity to express her profound thanks to the entire Secretariat for their dedication, for their professionalism and for their loyalty to ICAO, through which the Organization was able to serve its Member States and to deliver all of these services. She affirmed that the Secretariat was proud to be part of this Organization.

51. Until it was their good fortune to meet again, whether here in Montréal or in Delegates' respective States and regions, the Secretary General wished them all safe journeys home and continued success in addressing all of the challenges in support of the remarkable global aviation network.

Tributes

52. The Delegate of Turkey prefaced his tribute to the President of the Council with an expression of congratulations to the President of the Assembly for the excellent work done in chairing this 40th Session and for achieving such successful results.

53. The Delegate of Turkey noted, however, that this success had not emerged of itself, and all that had been achieved at this Assembly had been crafted from years of hard work – from ICAO's entry-level experts, to its top leaders. He emphasized that leading ICAO was a tremendous task and that the frontrunners of this Organization should be praised for the devotion and commitment demonstrated in supporting ICAO's mandate. The Delegate of Turkey underscored that it was only through visionary leadership that ICAO could continue evolving to fully serve civil aviation globally and all peoples of the world. But as all knew, in order to allow for the full realization of any strategy – stability and consistency were needed. And all had witnessed this strategic leadership being executed every day, these last six years, by Dr. Olumuyiwa Benard Aliu, the fifth and current President of the ICAO Council.

54. The Delegate of Turkey underscored that Dr. Aliu was an aerospace engineer and had served as Representative of Nigeria on the Council from 1 January 2005 to 31 December 2013. The first African President of the Council, he had been elected by acclamation twice, on 18 November 2013 and 21 November 2016, respectively. A true visionary leader, Dr. Aliu had brought ICAO to a notable level of professionalism, making the Organization significant again.

55. In then recalling some of Dr. Aliu's greatest achievements as President of the Council, the Delegate of Turkey highlighted how, in 2014, shortly after the start of his first mandate, Dr. Aliu had organized the first-ever ICAO Council Off-site Strategy Meeting (COSM), whose purpose was to determine how ICAO could better communicate with, and assist, its Member States. Held annually every year since, one of the major points covered during those meetings was how to close the gap with respect to how Member States implemented ICAO Standards and Recommended Practices (SARPs). COSM2014 had determined that ICAO should focus its activities on Member States with higher accident rates or security threats, and had reviewed what the Organization could do to better encourage developed Member States to provide more comprehensive assistance to developing Member States. It had also resolved that ICAO itself should provide more direct assistance to developing Member States by having a more active role with the coordination between Member States and by helping to generate the political will needed for Member States to pool resources, participate in regional efforts, earmark voluntary funds and build capacity.

56. The Delegate of Turkey recalled that during that same COSM2014, the *No Country Left Behind* (NCLB) initiative had been born, highlighting ICAO's efforts to assist Member States in implementing ICAO SARPs. The main goal of that work was to help ensure that SARP implementation was better harmonized globally so that all Member States had access to the significant socio-economic benefits of safe and reliable air transport.

57. The Delegate of Turkey underscored that this had led to the organization of the first-ever ICAO World Aviation Forum (IWAF) in November 2015. With more than 800 participants, the Forum emphasized how the aviation system had a significant impact on economic development and growth; how it impacted tourism and trade; and generated other economic benefits which helped eradicate poverty, create jobs and mobilize resources.

58. The Delegate of Turkey highlighted that Dr. Aliu had also been instrumental in strategizing and prioritizing the core activities of ICAO through the Global Plans, namely, the Global Aviation Safety Plan (GASP), the Global Air Navigation Plan (GANP) and the newly-launched Global Aviation Security Plan (GASeP). The new editions, approved by the Assembly this week, would help Member States and industry focus on aviation's major areas of concern and create a unified strategy aimed at improving aviation globally and geared towards the achievement of the aspirational goal of zero fatalities in aviation.

59. The Delegate of Turkey emphasized that Dr. Aliu had also initiated and led the creation of the Comprehensive Regional Implementation Plan for Aviation Safety in Africa (AFI Plan) and the Comprehensive Regional Implementation Plan for Aviation Security and Facilitation in Africa (AFI SECFAL Plan), which had spectacularly changed the performance of aviation in Africa, followed by the Middle East (MID) and South American (SAM) Regions.

60. The Delegate of Turkey also highlighted that Dr. Aliu's longstanding vision on environmental challenges concerning sustainable aviation fuels and CO₂, nvPM and NO_x emissions, had led to the creation, and the adoption by the 39th Session of the Assembly in October 2016, of the ICAO Carbon Offsetting and Reduction Scheme for International Aviation (CORSA), addressing any annual increase in total CO₂ emissions from international civil aviation.

61. The Delegate of Turkey further noted that, under Dr. Aliu's leadership, the Organization had evolved in creating tools and mechanisms to directly support Member States to better implement SARPs, such as, inter alia: iMPLEMENT; D4I (Data for Implementation); the new Terms of Reference (ToR) for the Planning and Implementation Regional Groups (PIRGs) and the Regional Aviation Safety Groups (RASGs); the impact assessment and implementation task lists for any new or amended Standard; the Safety Information Management System (SIMS) as the infrastructure for Annex 19; as well as the first ICAO Emergency Response Policy.

62. The Delegate of Turkey emphasized that Dr. Aliu had successfully led the Council in dealing with settlement of disputes under Articles 54 and 84 of the Chicago Convention and had immediately reacted to the downing of Malaysia Airlines Flight MH17 over eastern Ukraine on 17 July 2014 by creating the Task Force on Risks to Civil Aviation arising from Conflict Zones (TF RCZ).

63. The Delegate of Turkey underscored that Dr. Aliu's vision had created the first strategic plan to enhance and foster regional cooperation with the creation of the Aviation Safety Implementation Assistance Partnership (ASIAP) in February 2015, and the launch, in 2017, of the Regional Safety Oversight Organization (RSOO) cooperative platform and Global Aviation Safety Oversight System (GASOS), designed to enhance safety worldwide by facilitating access to effective global safety oversight organizations. Dr. Aliu had also worked closely with industry leaders and launched, for the first time in ICAO, Industry Briefings where international partners were given the opportunity to present annual updates on the State of the Industry.

64. In noting that Dr. Aliu's vision had also focused on the people and the future of aviation, the Delegate of Turkey highlighted how, in 2015, he had helped create the ICAO Programme for Aviation Volunteers (IPAV), providing a framework for the deployment of aviation professionals working as volunteers to respond to emergencies affecting the aviation system in a Member State, develop capabilities in the implementation of ICAO SARPs, and foster self-reliance and growth. The Next Generation of Aviation Professionals (NGAP) initiative had also greatly benefited from Dr. Aliu's vision for the future. He had determined that it was critical to provide greater support to that work and, as a result, had helped elevate the NGAP initiative to an ICAO Programme incorporated today into the ICAO Global Plans, as well as the ICAO Business Plan and Work Programme. In addition, Dr. Aliu had been instrumental in supporting the creation of ALICANTO, the first global academic association of aviation and aerospace education organizations that would facilitate the interaction of academia with Member States and industry.

65. The Delegate of Turkey underscored that Dr. Aliu's longstanding passion for aviation had been put into practice by the establishment of the ICAO Museum, where elements of aviation history were displayed to inform and inspire interest in all areas of civil aviation and highlight the unique contributions of global air transport to the peace and prosperity of all nations and peoples of the world. By celebrating civil aviation's past, Dr. Aliu had focused on the future and how INNOVATION could help aviation become an enabler for the creation and preservation of friendship and understanding amongst the peoples of the world. One of the aspects of modern innovation was the relatively low development costs making it truly accessible to all Member States and fostering the implementation of the NCLB initiative. In this regard, being aware of the increasing pace of innovation throughout the aviation industry and the great potential that it held, Dr. Aliu had organized the first ICAO Innovation Fair with the objective to excite and educate the aviation sector on the possibilities that innovation presented, and to provide insight to key decision-makers on how they could start-up innovation within their own Member States.

66. The Delegate of Turkey emphasized that keeping up with the doubling of aviation traffic and new technological developments required a strong, stable and competent ICAO leadership, oriented toward the future and capable of realizing a great visionary strategy implemented in a sustainable manner. While he would have welcomed having Dr. Aliu continue leading ICAO, what was most important was to have ICAO maintain his legacy and to have ICAO's role in the global aviation world continue to grow and be nurtured as he had so well achieved.

67. The Delegate of Turkey then proposed a **VOTE OF APPRECIATION** by the Assembly for the one who had led ICAO and global aviation these last six years, his close colleague and dear friend, Dr. Aliu. He had no doubt that Assembly participants shared the same sentiments and called upon them to recognize the outstanding work, merit and dedication of this extraordinary leader, Dr. Aliu, through the show of their well-earned respect, consideration and support by acclamations.

68. A long and warm round of applause ensued.

69. The Delegate of Ukraine expressed sincere gratitude for the work done by the Assembly and for its outcomes, highlighting that the Secretariat and the Chairpersons of the various Committees and Commissions had professionally and successfully fulfilled their obligations. In also voicing appreciation for Dr. Aliu's wise leadership, he expressed confidence that with all of his initiatives and hard work ICAO had helped civil aviation to become safer worldwide. The Delegate of Ukraine thanked Dr. Aliu for his continued support and willingness to cooperate.

70. In associating himself with the Delegate of Turkey's tribute to Dr. Aliu, the Delegate of Bolivia (Plurinational State of) commended and thanked Dr. Aliu for the excellent way in which he led the ICAO Council. He expressed appreciation for Dr. Aliu's wisdom, patience, intelligence and especially his characteristic leadership in solving some of the most pressing issues brought before the Council and stressed the need to continue to work to address the challenges currently facing international civil aviation, as well as emerging risks. The Delegate of Bolivia (Plurinational State of) affirmed that the Assembly had been successful.

71. The Delegate of Georgia joined previous speakers in expressing gratitude to Dr. Aliu for his leadership during the last six years as President of the Council. She reiterated that many important initiatives and activities relating to aviation safety, security, environmental protection and global cooperation had been carried out by ICAO under his leadership, which had shaped the civil aviation world of today and tomorrow. The Delegate of Georgia highlighted, in this context, ICAO's NCLB initiative, whereby States with limited resources, such as her State, could contribute to the development of a big and diverse aviation family. She emphasized that Dr. Aliu's personal involvement in promoting ICAO values had played its role in Georgian aviation since he had been the first President of the Council to have visited Georgia and to have met with officials not only from

government but also from industry. The Delegate of Georgia thanked Dr. Aliu once again and wished him success in his future endeavours.

72. Noting that the Delegate of Turkey had said all that he himself had wished to say about Dr. Aliu, the Delegate of Nigeria affirmed that no one could have described his achievements as President of the Council better. He therefore fully supported the Delegate of Turkey's tribute to Dr. Aliu in its entirety and expressed his deep appreciation to Dr. Aliu.

73. Observing that some men were wise and that some were otherwise, the Delegate of India emphasized that Dr. Aliu was an inspirational leader who belonged to the first category. She noted that Dr. Aliu, the fifth President of the Council, had assumed the role of Representative of Nigeria on the Council on 1 January 2005. He had initially assumed the position of President of the Council on 1 January 2014 and had subsequently been re-elected by acclamation on 21 November 2016, commencing his second term on 1 January 2017. Dr. Aliu was thus a New Year man who had brought new added value to the position of President of the Council. The Delegate of India recalled a couplet by the Tamil saint Thiruvalluvar in which courage, a liberal hand, wisdom and energy were cited as being the four qualities of a king. Affirming that Dr. Aliu truly deserved praise for displaying all of those four qualities, she underscored that every word he spoke was well-chosen and every pause he made was effective. Emphasizing that it had been a long and fruitful Assembly, the Delegate of India underscored the need to acknowledge the sincerity, hard work and diligence of Dr. Aliu as President of the Council. His outstanding leadership during the Assembly also needed to be applauded and appreciated. She wished Dr. Aliu the very best ahead.

74. In also expressing sincere thanks to Mr. Nari Williams-Singh, the President of this Assembly, the Delegate of India noted that his nomination by Sweden had been immediately seconded by her State as there had been no doubt about the essence of that gentleman. Observing that for some people, positions added value, and that for a few other people, they added value to the positions, she underscored that the Assembly was a witness to the fact that Mr. Williams-Singh belonged to the latter category. She then quoted a very famous saying by an Indian saint, Tulsidas, which, in translation from the original Hindi, read that a leader should be like the mouth which does not keep the food it eats and instead passes it on as energy to all organs and cells equitably. In affirming that Mr. Williams-Singh was truly a leader of that category, the Delegate of India emphasized that his persona had a poise and that his hair was white not without reason. His balanced and unbiased approach had added another dimension to the presidency of the Assembly. The Delegate of India underscored that the fact that the 40th Session was a big success was due to Mr. Williams-Singh's efficient conduct of its proceedings and the thoroughness with which he had worked, which all appreciated. She thanked the Secretariat, under the leadership of the Secretary General, and the President of the Council for having contributed to making the Assembly so successful.

75. The Delegate of China voiced appreciation to all Delegates in the Assembly Hall and to all other people who had listened carefully to his interventions for their indulgence and patience and for including his opinions in the Reports. He also expressed sincere thanks to the President of the Assembly and especially to the President of the Council for their wisdom and spirit in guiding the session to accomplish the Assembly's mission, which would have been impossible without their efforts. Lastly, the Delegate of China thanked the Secretariat for their endless work and efforts to provide services for the Assembly.

76. Recalling that the Secretary General had mentioned, moments ago, that ICAO was amazing, the Delegate of China indicated that he had had a very wonderful experience these past two weeks. He nevertheless apologized to Delegates for having made so many interventions and for having taken up a lot of the session's time due to his anxiety to engage in discussion with them, and for sometimes having used harsh language or having had an impolite manner. While he did not wish to be personal, the Delegate of China indicated that he had had many ups and downs during the past two weeks, and that he had not meant to be offensive; he had just had a national position that needed

to be expressed. If he had given that feeling to other Delegates, then he sought their understanding and pardon.

77. Last, but not least, the Delegate of China joined previous speakers in expressing gratitude and thankfulness for the hard work and the wonderful job that Dr. Aliu had done as President of the Council during the last six years. He affirmed that all of Dr. Aliu's efforts were of high value and contributed greatly to the development of global civil aviation. The Delegate of China underscored that supporting Dr. Aliu's work as President of the Council was consistent with his Government's priority. He also expressed its sincere hope to continually engage in ICAO's discussions, not only on the climate change issue but also on many other important technical and security issues. Averring that work to address the climate change issue would not be finished in just one day, the Delegate of China emphasized that his State would continue to uphold the spirit of inclusiveness and cooperation in continuing to discuss with its colleagues at ICAO to maintain the sustainable development of global civil aviation and to address the climate change issue in that area.

78. The Delegate of France thanked the President of the Assembly and the President of the Council of ICAO for all of their efforts, and for being such good listeners, over the last two weeks of continuous work, which had brought Delegates to a safe landing, despite some turbulence during the final approach, which he regretted.

79. The Delegate of France also thanked the Secretary General and the whole Secretariat team, notably conference services and the translation and interpretation services, for their excellent support. He knew the efforts which were required of ICAO employees during this very busy period which punctuated the Organization's work every three years and was deeply grateful.

80. Lastly, the Delegate of France thanked all the Delegations representing the global aviation community. He emphasized that each voice was necessary and that each voice counted, and that Delegations could learn from one another. The Delegate of France also underscored that in a multilateral world, the whole was greater than the sum of the parts.

81. The Delegate of France noted that the 40th Session of the ICAO Assembly was coming to an end, as Delegates were celebrating the 75th Anniversary of their Organization. He emphasized that while Delegates could be proud of the results achieved, they should also be aware of the work and the efforts which the Assembly had requested of the Council and the Secretariat for the next three years.

82. Highlighting that Delegates had confirmed the fact that CORSIA was a reality, the Delegate of France remarked that it was a success in which all could rejoice. In underscoring that it was now necessary to implement CORSIA, he indicated that in order to do so ICAO needed to listen to public opinion worldwide and the players of the aviation sector, while confirming its robustness and effectiveness. ICAO must also enhance its efforts to raise awareness of CORSIA and to defend it. It also needed to establish a long-term goal to reduce CO₂ emissions from international civil aviation which would enable everyone to mobilize towards the objective of an aviation sector that was sustainable and socially acceptable.

83. The Delegate of France observed that aviation had always experienced technological changes which had deeply affected its evolution and had led to its growth by continually strengthening its safety and security. In emphasizing that the rise of artificial intelligence, block chains and cybersecurity required that ICAO be more proactive in integrating innovation into its work and that it listen more to the aviation sector, he stressed that that was the mission which the Council had been entrusted with by the Assembly.

84. In concluding, the Delegate of France noted that when there were ambitious goals, it was necessary to take a demanding path. He emphasized that the Delegation of France at ICAO would

be very involved in the upcoming work to make the Organization even more agile, transparent and effective. In welcoming the commitments made during the Assembly, the Delegate of France indicated that it would also pay close attention to ensure that they were implemented as soon as possible so that ICAO would be able to take up the challenges which awaited it in the next 75 years.

85. The Delegate of Jamaica also thanked and expressed appreciation to Dr. Aliu as President of the Council for the work which he had done on behalf of the Council and ICAO Member States as whole. She highlighted, in this regard, the interest which Dr. Aliu had paid to the concerns of Small Island Developing States (SIDS), particularly those in the Caribbean, in building capacity and in improving safety and security in their regions through ICAO's NCLB initiative. The Delegate of Jamaica also thanked the Secretariat for the work it had done, and continued to do, on behalf of Member States. Having heard the Secretary General, Dr. Liu, say that this would be her last Assembly, the Delegate of Jamaica also paid tribute to her, especially as she was the first woman to lead this august institution as Secretary General.

86. The Delegate of Mexico joined previous speakers in offering his sincere congratulations to the President of the Assembly for his exemplary performance in dealing with the session's complicated and heavy Agenda, in addressing the concerns raised, and in achieving the necessary consensus. He expressed satisfaction with his guidance and assistance, as well as with the results achieved during the Assembly.

87. While noting that the Delegate of Turkey had already summarized Dr. Aliu's great achievements, the Delegate of Mexico highlighted some additional ones. He underscored that since the day on which Dr. Aliu had announced his intention to stand for President of the Council, there had been no doubt whatsoever as to his ability to lead the Organization, given his past performance, his strong voice on behalf of Nigeria in the Council, his deep knowledge of aviation and other issues, and his innate political leadership capability. In affirming that Dr. Aliu had effectively led the Organization over the past six years, the Delegate of Mexico noted that he had been very patient and had always worked in the interests of all ICAO Member States, which was very much appreciated.

88. The Delegate of Mexico underscored that one of Dr. Aliu's great qualities was his commitment to the Organization's values. Noting that ICAO, like all other organizations, experienced both good and bad times, he recalled that Dr. Aliu had gone through a complicated period when he had had to address many challenges relating to air operations, aviation environmental protection (e.g. Annex 16, Volume IV on CORSIA), and internal governance. Dr. Aliu had nevertheless been able to take the actions necessary to preserve the unity of the Council and of the Organization and, above all, to protect the prestige and relevance of ICAO. Emphasizing that these qualities were not easily found in one person, the Delegate of Mexico, in his capacity as Representative of Mexico on the Council, expressed his respect for Dr. Aliu and offered him his sincere thanks.

89. The Delegate of Trinidad and Tobago congratulated the President of the Assembly for his stellar handling of the 40th Session. He also expressed appreciation to Dr. Aliu for all of his efforts, in particular, for the special attention which he had paid to the Caribbean States, taking time out from his busy schedule to visit them. In thanking Dr. Aliu for being a great friend to the Caribbean States and a great leader of this institution, the Delegate of Trinidad and Tobago emphasized that the Caribbean States would continue to strive to meet the goals set by ICAO.

90. The Delegate of the Russian Federation echoed previous speakers' expressions of appreciation to the President of the Assembly, the President of the Council, the Secretary General and the Secretariat. In saying a few words specifically about Dr. Aliu, he indicated that they had known each other for many years, having worked together as Council Representatives since 2005, before Dr. Aliu had assumed the post of President of the Council in 2014. In expressing deep gratitude for Dr. Aliu's high degree of professionalism, the Delegate of the Russian Federation noted that he spoke several of ICAO's working languages, including Russian. Recalling that Dr. Aliu had visited the Russian Federation when he had been a candidate for the presidency of the Council, he invited him to

visit it again, as a great friend of his. The Delegate of the Russian Federation noted, in this regard, that Dr. Aliu had numerous friends in that State with whom he could converse in Russian. He underscored that Dr. Aliu would also be welcome in many other States.

91. The Delegate of Algeria expressed appreciation to the President of the Assembly for all of the work he had done and done very well. He also thanked Dr. Aliu for having successfully met all of the enormous challenges he had faced with wisdom and a great sense of responsibility. In addition, the Delegate of Algeria voiced appreciation to the Secretary General and the Secretariat. He affirmed that with all of the good work done at the Assembly, and the commitments made, ICAO was on the right track.

92. In echoing the words of the Delegate of Turkey, the Delegate of Nicaragua thanked Dr. Aliu for his excellent leadership, support and work. She conveyed warm greetings from the Nicaraguan people, as well as from the Nicaraguan Civil Aviation Authority and its technical experts.

93. The Delegate of Costa Rica thanked all of the States which had supported Costa Rica's candidature for election to the Council under Part Three, which had been presented within the framework of the Central American rotational agreement. He emphasized that it was an honour for Costa Rica to now be a Council Member State. The Delegate of Costa Rica also expressed gratitude to the President of the Assembly for his excellent support throughout the session, and to the President of the Council, Dr. Aliu, for his inspiring words, in particular, his final speech and prayer. In addition, he thanked the Secretary General and the whole Secretariat for their good work.

94. The Delegate of Costa Rica then recalled the proverb that the best time to plant a tree was 20 years ago and that the second best time was today. He underscored that Costa Rica, as a State which promoted peace and nature, encouraged everyone to continue to plant not only trees but also the seeds of hope, unity, team work, collaboration and above all, love, so that they could make a difference in the world and serve as an example. The Delegate of Costa Rica affirmed that with everyone thus united they could achieve 1944 Chicago Convention's objectives, thereby honouring it.

95. The Delegate of Singapore expressed sincere appreciation to the President of the Assembly for his excellent leadership. He noted that while the discussions had, at times, been difficult, as all would acknowledge, through his able guidance and even-handed leadership the Assembly had been able to arrive at outcomes to move forward and had also adopted many important Resolutions. Consequently, ICAO and its Member States would have many tasks to work on in the new triennium to make aviation safer, more secure, more efficient, and more sustainable for everyone. The Delegate of Singapore emphasized that, difficult as his role had been, the President of the Assembly had helmed the 40th Session with distinguished diplomacy, tact, good humour, and a Jamaican touch. In paraphrasing a line from a well-known song by the legendary Jamaican singer Bob Marley, he affirmed that everything was indeed alright with the President of the Assembly. The Delegate of Singapore also voiced support for the Caribbean States' expressions of gratitude to, and admiration of, the President of the Assembly.

96. In expressing agreement with everything that the Delegate of Turkey had said in his tribute to the President of the Council, the Delegate of Singapore noted that many of the Agenda Items considered during the past two weeks bore the fingerprints of Dr. Aliu, including, inter alia: ICAO's NCLB initiative and the Council President Certificates in Aviation Safety and in Aviation Security in support thereof; CORSIA; and the feasibility study related to the Pacific Small Island Developing States aviation needs analysis (PSIDS Study). Underscoring that they were a just testimony of what Dr. Aliu had done for the Organization and its Member States as President of the Council these past six years, he wished him all the best and assured him that he had a friend in Singapore. The Delegate of Singapore further emphasized that Dr. Aliu would always have a special place in everyone's hearts.

97. The Delegate of Brazil began her intervention by thanking the Portuguese interpreters for the services they had provided over the past two weeks during the Plenary's meetings. Recalling that the provision of the Portuguese interpretation services was a Brazilian initiative, she indicated that it had been a pleasure to be able to listen in Portuguese to all of the Delegates who had taken the floor.

98. The Delegate of Brazil noted that this was the last Assembly for the President of the Council, Dr. Aliu, who would be leaving ICAO very shortly, and for the Secretary General, Dr. Liu, whose second term of office would end in two years' time. She wished Dr. Liu all the best and assured her of the continuing support of the Delegation of Brazil to ICAO.

99. The Delegate of Brazil recalled that, as a newly-appointed Representative of Brazil on the Council some three years ago, she had gotten off on the wrong foot with Dr. Aliu as she had requested that he reopen the Council's discussion of a certain issue. While Dr. Aliu had initially stated that he would not reopen it, in the end he had acceded to her request. Since that time they had established a very good working relationship. Noting that Dr. Aliu would soon be leaving with blazing guns, the Delegate of Brazil wished him all the best and very good luck.

100. In then speaking on behalf of the Council's Latin American/Caribbean Group (GRULAC), of which she was the Coordinator, the Delegate of Brazil thanked the President of the Assembly for the excellent work which he had done over the past two weeks. She underscored that he was a true diplomat, having led, cajoled, steered, pushed and urged all Delegates along the way to a successful Assembly. He had done that with great aplomb, especially taking into consideration that he had managed not to leave any country behind, which was the mark of true leader. The President of the Assembly had had very difficult times and very delicate negotiations and had faced them with all the calm and all the untroubled waters of a Jamaican sea. He had never railroaded any Delegate or ignored any Delegate's valid concern and point of view. Furthermore, the President of the Assembly had strove to keep all Delegates united and focussed on their way to a successful meeting and outcome of the 40th Session, which again was the mark of a true leader. As Coordinator of GRULAC, the Delegate of Brazil congratulated the President of the Assembly, underscoring that the Latin American and Caribbean States were very proud to claim him as their own. He had done his region and his country proud, and they thanked him. At the suggestion of the Delegate of Brazil, the Assembly then gave a round of applause for its President.

101. The Delegate of Singapore endorsed the Delegate of Brazil's expression of appreciation to the President of the Assembly.

102. The Delegate of South Africa also thanked the President of the Assembly for the way in which he had managed the 40th Session's proceedings. Furthermore, she thanked the Secretariat, under the leadership of the Secretary General, for all of the preparations which they had done for the Assembly, as well as for all of the work that they were doing at ICAO. In reiterating the expression of appreciation for Dr. Aliu's leadership during his tenure as President of the Council made by the Minister of Transport of South Africa as part of his general statement (P/3), the Delegate of South Africa indicated that her State also joined in other Member States' expressions of gratitude to Dr. Aliu. In affirming that Dr. Aliu's legacy would live on in ICAO and in the international civil aviation community, she wished him all the best in his future endeavours.

103. The Delegate of Kenya likewise expressed sincere gratitude to the President of the Council and to the Secretary General. She emphasized that the President of the Council, as a son of her continent, had given many hope and had brought inclusion under ICAO's NCLB initiative. Noting that Dr. Aliu had run his race in ICAO and had finished strong, the Delegate of Kenya affirmed that everyone was proud of him and wished him all the best.

104. The Delegate of the United Republic of Tanzania joined the Delegate of Brazil and other speakers in congratulating the President of the Assembly on the good work which he had done. Highlighting that his vast experience in the aviation industry had enabled him to lead the Assembly in a very professional manner, which had resulted in consensus being reached on most of the issues discussed, he also congratulated him for his dedicated leadership, which had led to the success of the 40th Session.

105. The Delegate of the United Republic of Tanzania also joined previous speakers in thanking and congratulating Dr. Aliu for his wonderful achievements as President of the Council for the past six years. In emphasizing that Dr. Aliu's enormous contributions to the aviation industry would be long remembered, he cited, as an example, the establishment of ICAO's NCLB initiative, which worked very well in providing assistance to States in implementing the Organization's SARPs.

106. The Delegate of Belize echoed the words of all the other Delegates from around the world in thanking and congratulating Dr. Aliu. In also expressing appreciation to the President of the Assembly, whom he had known for many years, he underscored that he had been a very good leader and had tactfully managed the proceedings.

107. The Observer from the Civil Air Navigation Services Organisation (CANSO) expressed gratitude to the President of the Assembly, as well as to the President of the Council, for the wisdom and leadership which they had demonstrated over the past two weeks. She also expressed the hope that the Assembly's decisions would be properly implemented. The Observer from CANSO also thanked the Director, Legal Affairs and External Relations Bureau (D/LEB) for the clarifications which he had provided.

108. In addition, the Observer from CANSO voiced appreciation to the President of the Council for having launched the African Air Navigation Services Providers (ANSPs) Peer Review Programme in 2015, which her organization supported. She also thanked him, as well as the Secretary General and the Secretariat, for monitoring the implementation of that Programme, which benefitted many States and ANSPs. Recalling that the President of the Council would soon be leaving ICAO, the Observer from CANSO wished him well.

109. The Observer from the Caribbean Aviation Safety and Security Oversight System (CASSOS) congratulated the President of the Assembly on his management of the Plenary and the Executive Committee. In fully supporting the comments made by the Delegate of India in that regard, she affirmed that the President of the Assembly had made everyone very proud by marshalling the Assembly so spectacularly and congratulated him.

110. In joining previous speakers in wishing the President of the Council all the best for the future, the Observer from CASSOS emphasized that Dr. Aliu's dedication, commitment and care would not be forgotten. Noting that Dr. Aliu's legacy would testify to his wisdom and leadership for years to come, she underscored that his commitment to SIDS, especially those in the Caribbean region, would never be forgotten, as stated earlier by the Delegates of Jamaica and Trinidad and Tobago.

Response by the President of the Council

111. The President of the Council indicated that while he had a prepared speech, he was just going to give an impromptu one. He was overwhelmed by the many kind words which had been spoken about him during the present meeting, as well as during previous meetings of the Plenary. The President was particularly moved by the kind words of his dear friend and colleague, the Delegate of Turkey and former Representative of Turkey on the Council, Ambassador Ali Rizi Çolak, who clearly had done extensive research into his two terms in office. Ambassador Çolak and the President had a

connection in that they shared the same birthday and he wished to express what a pleasure it had been to work with Ambassador Çolak on the Council.

112. The President of the Council recalled that, as highlighted in his opening address to the Assembly on 24 September 2019, he had first fallen in love with aviation when he was just five years old, when he saw, in 1965, an aircraft bring medical supplies to a remote town where his mother had been working as a nurse with a Catholic mission. Noting that in a few months' time his second term of office would end, he emphasized that it had been an honour for him to serve as President of the Council for the past six years.

113. As mentioned by Ambassador Çolak, the President of the Council was the first African to serve ICAO in that capacity. He noted that from the very day that he had first been elected President of the Council by acclamation, on 18 November 2013 (cf. C-DEC 200/2), there had been an attempt to make that an historical factor in his election. The President of the Council had tried as much as possible to have colleagues refrain from doing so, particularly since his election had not been an affirmative action – he just happened to be a President of the Council who was black. However, as the President of the Council had travelled on mission to States in the Caribbean, African and Asia/Pacific regions in pursuit of ICAO's NCLB initiative, he had soon realized, when he looked into the faces of the people around him, what that meant to them. They drew inspiration from his election, seeing it as an example of how they themselves could attain the highest height in the field of international civil aviation if they also strove to succeed. The President of the Council realized that meeting their expectations was both a challenge and an inspiration.

114. While in moments of self-criticism the President of the Council had often wondered whether he was meeting that challenge, he was comforted by the kind words which had been spoken about him during this Assembly, for they led him to think that the inspiration which he gained from people during his missions to States enabled him, in turn, to continue to inspire them.

115. As the President of the Council reflected on that very important fact, he wished to draw attention, from the vantage point of the presidency, to a number of issues which needed to be kept in mind going forward and always remembered.

116. The President of the Council emphasized that although much had been said about what had been accomplished at this historic Assembly, notably the approval of the Organization's programmes and next triennial Budget, and about the future work which needed to be done, it was necessary to remember that consumers i.e. the users of the international air transport system were of paramount importance. The global aviation sector worked for them. For airlines, airports, air navigation service providers and regulators alike, conveying consumers safely by air from their point of departure to their chosen destination was the number one priority. The second priority was ensuring that aviation was operated in such a way that it did not bring harm to the public at large. The global aviation sector had a social responsibility, including, in particular these days, for the environment, for climate change, and for this Earth that everyone called home.

117. Recalling, in this context, the First Preambular Clause of the Chicago Convention, which stated that "*Whereas* 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;", the President of the Council underscored that it was for the Assembly, ICAO's highest organ, to meet that challenge.

118. The President of the Council highlighted that, in addition to approving the Organization's programmes and next triennial Budget, the Assembly had elected a new 36-Member Council for a three-year term in order to set ICAO's policies, manage the Organization's operation and provide guidance to the Secretariat in implementing the Assembly's and Council's decisions. He underscored that, pursuant to Article 50 b) of the Chicago Convention, Member States were elected to

the Council under three parts: Part One – States of chief importance in air transport; Part Two – States not otherwise included which made the largest contribution to the provision of facilities for international civil air navigation; and Part Three – States not otherwise included whose designation would ensure that all the major geographic areas of the world were represented on the Council. The President of the Council emphasized that accordingly the issue of NCLB was enshrined in the Chicago Convention since once elected, all Council Member States were equal.

119. The President of the Council stressed that ICAO would continue to play its role to meet the needs of each and every one of its Member States. He underscored that ICAO was beneficial to developed countries, notably those which were at the forefront of R&D in the aviation field, as the Organization served as the platform for bringing together those States' developments and related new civil aviation regulations and globalizing them in a cost-effective manner. ICAO was also beneficial to developing countries, as it provided them with assistance and support in implementing the Organization's SARPs. The President of the Council stressed that there should be no division in ICAO between the "haves" and the "have nots" as the international air transport system required that all Member States continue to work together.

120. The President noted that the Council would play a key role in that regard, as it was the Council's responsibility to take all of its decisions and actions in a spirit of consensus and compromise. In congratulating the recently-elected Council Member States for the privilege which they had been accorded, the President reminded them that their national interests and the collective interests of the 193 Member States which had elected them must be aligned. He underscored that it was the responsibility of Council Representatives to add value to the relationships among Member States, both at the bilateral and multilateral levels, again in a spirit of consensus and compromise.

121. The President of the Council stressed that cooperation at all levels was key. For instance, the NCLB initiative exemplified the symbiotic relationship between the Council and the Secretariat, according to which the Council set the Organization's policies and the Secretariat implemented them. It was imperative that the Council and the Secretariat continue to work together in harmony. The President of the Council therefore took this opportunity to thank the Secretary General, Dr. Fang Liu, and all of the members of the Secretariat for their efforts. He noted that it was amazing how much work the 700 staff members at ICAO Headquarters and the Regional Offices performed. The President of the Council encouraged a continuing spirit of co-existence and mutual support between the Council and the Secretariat.

122. The President of the Council noted that it was clear from the Assembly's deliberations that Member States and the aviation industry needed ICAO to continue to serve as the platform where they could work together. Highlighting that the greatest risk to any organization was losing its leadership role, he cautioned that if ICAO was not able to meet the expectations of its Member States and the aviation industry, then the Organization would lose its relevance. Remarking that he had often wondered why the Chicago Convention had seen very little amendment in the 75 years following its conclusion, the President of the Council indicated that it was perhaps due to the fact that all Delegates taking part in the 1944 Diplomatic Conference had understood that they were part of a collective humanity. As they could see the destruction which friction and war wreaked on humanity, they had forged a Convention to meet the needs of everyone.

123. The President of the Council reiterated the fundamental importance of the need for the Council and the Secretariat to continue to work harmoniously together in order to continue to overcome the challenges facing international civil aviation.

124. The President of the Council indicated that although he did not yet know what work he would next engage in, Assembly participants could be sure that it would be associated with the aviation industry since no one who entered the aviation industry ever left it. In thanking everyone for

their friendship and cooperation during his two terms in office, he expressed the hope that the same support which had provided to him over the past six years would be available to him in the future.

125. While aware that ICAO was a secular organization, the President of the Council sought participants' indulgence and asked that he be allowed, this one time, to speak from his faith. He prayed: "May God Almighty bless you in all your endeavours. May you have safe travels, and may you meet all your families and loved ones in peace. God bless you all."

Expression of thanks by the President of the Council

126. Noting that the President of the Assembly, Mr. Nari Williams-Singh, was a dear friend of his, the President of the Council underscored that the work which he had done as Director General of the Jamaican Civil Aviation Authority and as the Chairperson of CASSOS had been exemplary. In affirming that the Assembly had made a good decision in electing Mr. Williams-Singh as its President, he emphasized that the results that had been achieved were a testament to his capabilities, not only as an engineer but also as a diplomat. The President of the Council was sure that his dear wife, Tisha, who was attending the present meeting, was very proud of all of his work.

127. The President of the Council also bade thank you to the four Vice-Presidents of the Assembly, H.E. Salman Sabah Al-Salem Al-Hamoud Al-Sabah (Kuwait), Ms. Poppy Khoza (South Africa), Mr. Levan Karanadze (Georgia), and Ms. Soo Jeong (Crystal) Kim (Republic of Korea), the four Chairpersons of the Commissions, Mr. Simon Allotey (Ghana) (Technical Commission), Mr. Marc Rioux (Canada) (Economic Commission), Mr. Abdul Kadir Jailani (Indonesia) (Legal Commission), and Mr. Mark Rodmell (United Kingdom) (Administrative Commission), and to the Members of the Credentials Committee led by Mr. Farhad Parvaresh (Islamic Republic of Iran), for all the work which they had done to make this 40th Session of the Assembly an historic success.

Closing remarks by the President of the Assembly

128. Mr. Nari Williams-Singh emphasized that it had been a distinct pleasure and honour for him to have served as President of the 40th Session of the Assembly of ICAO. Noting that the convening of the Assembly would have been impossible without the support and combined efforts of all who attended, he simultaneously congratulated all participants, including the Vice-Presidents, Commission Chairpersons, Member State representatives, and other attendees for the critical and varied roles they had played in ensuring the successful completion of a very productive and interesting ICAO Assembly.

129. The President of the Assembly indicated that it was clear that, despite challenges, this 40th Session had presented abundant opportunities, and an opportune occasion, to further the vision of the States which, 75 years ago, had recognized aviation's unique promise as a foremost force for development, international solidarity and prosperity when they had signed the Chicago Convention. That enlightened decision had laid the foundation for a formidable international order and a truly international Organization which continued to facilitate constructive transnational cooperation and dialogue, as well as for three-quarters of a century of unprecedented aviation-driven prosperity and growth for all nations.

130. The President of the Assembly noted that, over the ten-day period of the 40th Session, the accommodation and facilitation of views, input, and representations from multiple delegations, government representatives, Heads of State, non-governmental organizations (NGOs), and other interests had served as a testament of ICAO's commitment to its mission, which was to serve as the global forum of States for international civil aviation. While the deliberations had indeed been intense at times, the dialogue and rules of engagement had been commendable as they had inclusively set the stage for achieving the vision of sustainable growth of the global civil aviation system. As the Assembly had sought to address the shared objectives for a safe and sustainable sector

despite the diverse challenges and priorities of each nation and/or organization, it had been enlightened by thoughtful and constructive interventions and representations on a number of critical matters as it sought to ensure a prosperous, safe, and sustainable future. It remained self-evident that as mobility and transportation efficiency increased in value as backbones of the global economy, aviation would continue to predominate as an essential pillar of the world's economic, social and cultural development. In that context, the need for integration and collaboration would continue to increase in stark proportionality, as unlike the boundaries of sea and land, the ocean of air pervaded and permeated the borders of every country, region, and continent. Cross-border coordination and partnerships would therefore remain indispensable for the aviation sector's growth and development, as the capitalization of opportunities and solutions to global problems, including climate change and aviation safety and security, demanded approaches which could never be championed from isolated fronts.

131. The President of the Assembly underscored that collaboration, diversity, and integration would remain the best responses to the increasing demands of the world's growing populations and economies. Those responses would require emboldening creativities, blending complementary strengths, ensuring universal learning and a wise sense of ownership, and, of course, building trust. The future was truly in everyone's collective hands. He enjoined participants, as they departed this Assembly, to imbibe the wisdom of Stephen Covey in his book *The 7 Habits of Highly Effective People*, namely to: Be proactive; Begin with the end in mind; Put first things first; Think win-win; Seek first to understand, then to be understood; Synergize; and Sharpen the saw. The President of the Assembly affirmed that that approach would serve everyone well as they translated the accomplishments of the 40th Session of the Assembly into policies, programmes and actions which delivered results.

132. The President of the Assembly congratulated the newly-elected Council. In addition, he thanked the President of the Council, Dr. Aliu, for his leadership, guidance, support, and friendship, and wished him all the very best in the next phase of his journey. The President of the Assembly also thanked the Secretary General, Dr. Liu, for her leadership, guidance, and support and wished her all the very best. In thanking the Secretariat for their tireless work, he recalled receiving e-mails from certain staff members at all hours of the night and in the early morning. The President of the Assembly also mentioned the interpreters, précis-writers, sound technicians, and all those staff members behind the scenes who had also ensured the smooth running of this Assembly.

133. The President of the Assembly thanked last, but by no means least, his Jamaican Delegation for the support which it had provided to him during this very tremendous experience. As he closed the Assembly, he invited everyone to reflect on a very popular Jamaican phrase used when faced with challenges, "no problem". Recalling how he had ended his opening remarks on 24 September 2019, the President of the Assembly played the song *One Love* by the legendary Jamaican singer Bob Marley, which was also a favourite of the President of the Council.

134. Following a standing ovation, the President of the Assembly declared the 40th Session of the Assembly of ICAO closed. The meeting adjourned at 1625 hours.

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