

# ASSEMBLY 41st SESSION

Montréal, 27 September–7 October 2022

## 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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## CONTENTS

Page

<b>Minutes of the First Meeting</b> , Tuesday, 27 September 2022 at 1100 hours.....	1
Opening of the Session by the President of the Council .....	2
Address by Ms. Valérie Plante, Mayor of the City of Montréal .....	5
Address by Ms. Sylvie Barcelo, Deputy Minister of International Relations and la Francophonie of Québec .....	6
Address by the Honourable Mélanie Joly, Minister of Foreign Affairs, representing the Government of Canada .....	8
Pre-recorded video message from the Right Honourable Alok Sharma, President of the 26th Session of the Conference of the Parties (COP26) to the United Nations Framework Convention on Climate Change (UNFCCC).....	10
Presentation of <i>Council President Certificates</i> (CPCs) to recipient States.....	12
Approval of the Agenda .....	12
Establishment of Committees and Commissions .....	12
— Establishment of the Credentials, Executive and Coordinating Committees and the Technical, Economic, Legal and Administrative Commissions .....	12
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
<b>Minutes of the Second Meeting</b> , Tuesday, 27 September 2022 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
<b>Minutes of the Third Meeting</b> , Wednesday, 28 September 2022 at 0930 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
<b>Minutes of the Fourth Meeting</b> , Saturday, 1 October 2022 at 0900 hours .....	21
Election of Member States to be represented on the Council .....	21
— Parts One and Two of the election .....	21
— Deadline for presentation of candidatures for Part Three of the election .....	29

	<i>Page</i>
<b>Minutes of the Fifth Meeting</b> , Saturday, 1 October 2022 at 1400 hours .....	31
Statements by delegations of Member States .....	31
<b>Minutes of the Sixth Meeting</b> , Tuesday, 4 October 2022 at 1400 hours .....	33
Election of Member States to be represented on the Council .....	33
— Part Three of the election .....	33
Statements by delegations of Member States .....	35
<b>Minutes of the Seventh Meeting</b> , Thursday, 6 October 2022 at 1545 hours .....	37
Reports by Committees and Commissions of the Assembly and action thereon .....	37
— Approval of Report from the Administrative Commission on the General Section and Agenda Items 44 to 56 .....	37
— Approval of Report from the Legal Commission on the General Section and Agenda Items 40 to 43 .....	40
— Approval of Reports from the Technical Commission on the General Section and Agenda Items 29 to 33 .....	41
<b>Minutes of the Eighth Meeting</b> , Friday, 7 October 2022 at 0900 hours .....	43
Reports by Committees and Commissions of the Assembly and action thereon .....	43
— Approval of Reports from the Executive Committee on the General Section and Agenda Items 11, 12, 14 to 25 and 27 .....	43
<b>Minutes of the Ninth Meeting</b> , Friday, 7 October 2022 at 1230 hours .....	53
Reports by Committees and Commissions of the Assembly and action thereon .....	53
— Approval of Reports from the Economic Commission on the General Section and Agenda Items 34 to 39 .....	53
— Approval of the Final Report of the Credentials Committee .....	54
— Approval of Reports from the Executive Committee on Agenda Items 13 and 26 .....	55
— Approval of Report from the Executive Committee on Agenda Item 28 .....	57
Delegation of authority to the President of the Assembly for the approval of minutes of the Plenary .....	59
Vote of Thanks .....	59
Closing remarks by the Secretary General .....	60
Closing remarks by the President of the Council .....	61
Closing remarks by the President of the Assembly .....	62

SCHEDULE OF ITEMS DISCUSSED BY THE PLENARY MEETINGS

Item	September			October					
	27 AM	27 PM	28 AM	1 AM	1 PM	4 PM	6 PM	7 AM	7 PM
	1, 2, 3, 4, 5	9, 6, 7, 8	9, 8	5	8	5, 8	9	9	9
1. <i>Opening of the Session by the President of the Council</i>	X								
<i>Presentation of 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> - <i>Credentials Committee</i> - <i>Executive Committee</i> - <i>Technical Commission</i> - <i>Economic Commission</i> - <i>Legal Commission</i> - <i>Administrative Commission</i>		X	X				X	X	X
<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, 27 September 2022 at 1100 hours)

### **SUBJECTS DISCUSSED**

1. Agenda Item 1: Opening of the Session by the President of the Council
  - Address by Ms. Valérie Plante, Mayor of the City of Montréal
  - Address by Ms. Sylvie Barcelo, Deputy Minister of International Relations and la Francophonie of Québec
  - Address by the Honourable Mélanie Joly, Minister of Foreign Affairs, representing the Government of Canada
  - Pre-recorded video message from the Right Honourable Alok Sharma, President of the 26th Session of the Conference of the Parties (COP26) to the United Nations Framework Convention on Climate Change (UNFCCC)
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, Mr. Salvatore Sciacchitano, as Temporary President of the Assembly, declared the 41st Session of the Assembly open and spoke as follows:

“It is my great honour and privilege to declare open this 41st Session of the ICAO Assembly.

“On behalf of the ICAO Council and of the ICAO Secretary General, Mr. Juan Carlos Salazar, I wish to welcome the many Honourable Ministers and delegates participating in this Assembly. I wish also to extend a very warm welcome to our three distinguished guests:

*Ms. Valérie Plante, Mayor of Montréal;*

*Ms. Sylvie Barcelo, Deputy Minister of International Relations and La Francophonie du Québec; and*

*the Honourable Mélanie Joly, Minister of Foreign Affairs of the Government of Canada.*

“It is also my honour to welcome here today the representatives of the UN sister organizations, regional aviation commissions, aviation industry organizations, non-governmental organizations and of many other entities from around the world with a vested interest in our sector. It gives me, the Council, and the ICAO Secretariat, great pleasure to see so many of you participating today in person, notwithstanding the first-ever opportunity also to participate virtually in an ICAO Assembly.

“For almost 120 years, aviation has harnessed innovation and a bold spirit of adventure.

“And in its 78-year history, ICAO has played a fundamental role in promoting the safe, secure, and sustainable development of international air transport which, in turn, has been a driver of the social, economic, and cultural development of countries worldwide through mobility and connectivity.

“In the spirit of our mission, when we were confronted as a community with the global COVID-19 pandemic, ICAO reacted with steadfast determination and resolve in supporting international transport to face the toughest challenge in its history for a quick restart and resilient recovery. Each and every one of you in this hall is familiar with the role played by the ICAO Council’s Aviation Recovery Task Force (CART).

“Three separate phases of responses and recovery guidance were issued through a collaborative framework involving governments, industry, regional aviation bodies and sister UN agencies, such as the World Health and World Tourism Organizations.

“The results delivered by this process, coordinated, and monitored by the ICAO Secretariat and facilitated by its seven Regional Offices, have played a key part in bringing air transport back to the almost full capacity we are now seeing in many regions.

“It is therefore critical at this point that we continue to be guided by the many lessons learned throughout the past two and a half years, and to keep building on the outcomes of ICAO’s High-level Conference on COVID-19 as outlined by the Ministerial Declaration adopted by the Conference.

“This insight must inform the many decisions to be made here concerning the resilience of air transport in the coming decades. Just because this latest one is now waning, we cannot become complacent about the risk of future pandemics.

“While the restart of aviation has been abrupt in recent months, many of our current challenges are ultimately due to the stronger than anticipated demand.

“This illustrates that the pandemic has had little long-term impact on the desire of the world populations and businesses to travel and connect internationally. Greater success and prosperity are on the horizon as we continue to adapt and reconnect the world. Encouragingly, our latest analyses reveal that air transport recovery is fast-approaching the pre-pandemic levels.

“This makes clear that the outcomes of this Assembly will be crucial to augmenting the current efforts, in addition to assuring that ICAO itself is better positioned to play its part.

“As we work through the aftermath of COVID-19, we can all take pride in the fact that aviation played such a key role in how the world responded to the threat.

“From our perspective, the ICAO Council and the ICAO Secretariat have made every effort to ensure that the three pillars of our activities – Standard setting, oversight and implementation support – would continue without disruption, and that ICAO’s Strategic Objectives would be pursued successfully.

“Returning to aviation recovery, we must acknowledge the efforts which led to accident and incident levels remaining consistent throughout this past triennium. Just a few months ago, ICAO issued its latest safety report highlighting that the accident rate in 2021 fell just below 2 accidents per million departures.

“Strategic coordination and leadership certainly played a part in this success but ultimately it was due to the agility and the professionalism of thousands of dedicated men and women, to the monitoring adaptation of our safety and security audit programmes, and most of all, to that core willingness on behalf of all aviation stakeholders to work as a cohesive and effective team.

“As labour markets globally begin to stabilize, and government and operator capabilities become more fully restored, I have complete confidence that overall system capacity and convenience will quickly follow.

“At the same time, an even more urgent global challenge requires just as strong and unified a response from international aviation.

“I am speaking of course about climate change, and the need to quickly reduce and ultimately eliminate CO<sub>2</sub> and other greenhouses gas emissions produced by commercial and general aviation.

“Industry stakeholders have already answered this urgent call with a concrete commitment to net-zero air transport by 2050.

“This Assembly will be considering the adoption of a similar target. There is a clear proposal by the Council which reflects the excellent compromise reached after the High-level Meeting on a Long-term Aspirational Goal for International Aviation, held last July.

“I urge all States to come together and agree at this Assembly to a net-zero target so that industry can pursue the very spirit of innovation and adventure that has characterized aviation

throughout its long history. This is now more necessary than ever to achieve this ambitious goal, within a harmonized global legal and policy framework that is both supportive and dependable.

“As has been the case with aviation safety, security, and efficiency, ICAO has realized significant progress in the environmental domain over the last triennium, despite the pandemic and its impacts.

“As part of this work, we saw the adoption of the much-awaited criteria for sustainable aviation fuels, (SAF), which will be part of its global offsetting framework.

“That final destination, however, is still reliant on the separate progress being made in achieving sufficient supplies of renewable energy and new storage technologies that larger aircraft can safely operate with.

“Innovation in these areas is still accelerating, however, and at a remarkable and unprecedented pace.

“I am very confident that we will soon have the technologies and solutions we need to achieve net-zero aviation, and even sooner than the 2050 targets now under discussion.

“As highlighted by our recent High-level Meeting, which discussed the long-term emissions goal, States must also recognize through their decisions here that this ambitious objective must be supported by ambitious means for its implementation, including through required financing and investments.

“Member States and stakeholders need to work together on a robust capacity-building programme for CO<sub>2</sub> reduction measures, taking full advantage of the ICAO ACT-SAF programme for sustainable aviation fuels.

“Another priority is the need to assure we build aviation back better to be more resilient to future crises.

“This engages key security and facilitation objectives relating to a fully digitized and contactless passenger experience, and digital health proofs which are globally interoperable.

“Countries have come closer together in greatly improving the links between civil aviation and public health authorities.

“We must assure that we continue to build on this momentum.

“It’s also clear that in a complex and rapidly evolving aviation environment, the new normal will need a modernized ICAO.

“In this regard, I wish to highlight the incredible role played by the Council in performing insightful analysis and taking bold decisions towards a modernized Organization. Let me also recognize the tremendous efforts of the Secretariat despite the working constraints imposed by the pandemic.

“The Council and Secretary General Salazar have launched the transformation of this agency so that it becomes more efficient, agile and cost-effective.

“The specifics of this transformative vision are fully detailed and formalized in ICAO’s 2023-2025 Business Plan.

“As international Standards setters, we play a key role in enabling new technologies and in strategizing global collaboration and targets to realize evolutionary changes in civil aviation.

“The key importance of implementation support in everything we have accomplished, and are attempting to accomplish, in global aviation cannot be over emphasized.

“From the iPacks we innovated during the COVID-19, to achieving everything else now ahead of us, the principles enshrined in our *No Country Left Behind* objectives must continue to assure that all States advance together, and not just the most able.

“We have therefore taken recent and essential steps to rationalize ICAO’s Technical Cooperation and Assistance Programmes. The expected outcome is a needs-based capacity-building approach supported by increased digitization, data-based decision-making, intensified partnerships, and new approaches to how we design and deliver assistance to countries.

“Additional work by the Council and Secretariat has established a much more robust ethical foundation for this Organization and a comprehensive Enterprise Risk Management Framework.

“The Council has also reorganized its committee and governance approach, and has made its overall processes and working methods more engaging, transparent, and efficient. Council meetings are now accessible through streaming on ICAO-TV and Council decisions are publicly available on the ICAO website.

“In the same spirit of transparency, I would recommend that the Executive Committee at this Assembly hold its meetings openly and publicly.

*“Ladies and gentlemen,*

“This past triennium our aviation community was heavily shaken by the PS752 tragedy. Our thoughts go with the family of the victims who have suffered terrible losses. This accident has pushed Member States to double their efforts to enhance safety over and around conflict zones. In this regard, I wish to thank Canada for its leadership in launching and supporting the Safer Skies initiative.

“Finally, as I mentioned earlier, the Council that you elected three years ago will conclude its mandate with this Assembly. Without a doubt, it has been one of the most difficult trienniums in ICAO’s history, a triennium that in its final session saw the Council hold difficult and unprecedented discussions on the aviation-related consequences of the situation in Ukraine.

“In concluding, I wish to thank each Council Representative for the excellent cooperation during the triennium. Diplomacy and dedication have been exemplary. This Council has been a true example of multilateralism and, as its President, I stand before you both proud and appreciative of the level of commitment and dedication of each of its members.

“I wish you all productive and engaging discussions as we begin addressing aviation priorities at this 41st ICAO Assembly.

“May our deliberations be guided by the same spirit of consensus and cooperation that is enshrined in the Chicago Convention.”

***Address by Ms. Valérie Plante, Mayor of the City of Montréal***

2. “It is with great pleasure that I stand before you today. And to begin, let me reaffirm Montreal's deep commitment to ICAO. Our city has been ICAO’s host city since the creation of this prestigious international organization, and we are very proud of it.

“Very few cities have the privilege to be UN cities. Thanks to ICAO, the only official United Nations agency headquartered in Canada, Montréal has this privilege. We are also known around the world as the global capital of civil aviation.

“With 70 international organizations on its territory, including four UN offices, Montréal is the Number 3 city in the Americas for international organizations.

“Over the years, ICAO has not only contributed to the economic development of our city, but it has also helped Montréal become a pivotal location for international civil aviation. Air routes between Africa, Asia, Europe, Oceania and America all pass through Montréal.

“The difficulties of the pandemic have shown us just how key the sector is for maintaining the bonds that unite individuals, nations, and companies.

“These bonds have sometimes been sorely tested during the pandemic, so I would like to commend and underscore the work by the permanent representatives of the Member States of ICAO. I would like to thank them for their devotion, their commitment during this difficult period.

“Now after two years of pandemic, we all aspire and are working towards repairing these bonds and with this in mind the theme of this Assembly is most appropriate: “Reconnecting the world”.

“You know better than anyone the enormous challenges that the aviation community faced during the COVID-19 crisis, but you adapted. You also know that aviation now faces another, even greater challenge: the fight against climate change.

“Decarbonizing aviation is critical to helping us slow the impact of climate change while maintaining connections between the different regions of the world. I am pleased to see your strong commitment to this fight. ICAO's environmental actions, including sustainable aviation fuels are critical if we are to succeed in the green transition. Montréal will continue to play a strong leadership role in the fight against climate change.

“I would also like to point out that in December, Montréal will host the COP15 of the Convention on Biological Diversity, whose UN headquarters are also in Montréal. Given the increasing erosion of biodiversity worldwide, the objective of COP15 will be to establish a new ten-year framework for the protection, conservation, and development of biodiversity.

“But first things first. For now, the spotlight is on the world of civil aviation.

“Since 1944, ICAO has been ensuring the sustainable growth of the global aviation system.

“I am confident that this 41st Session of its triennial Assembly will reflect its remarkable journey over the past 78 years, a time of rich exchanges leading to green and sustainable solutions that reconnect the world.”

***Address by Ms. Sylvie Barcelo, Deputy Minister of International Relations and la Francophonie of Quebec***

3. “It is a great pleasure to be here today with you. Because there is an electoral campaign currently underway, the Premier of Québec is not able to be here, so I have the honour and the privilege to represent him today.

“The COVID-19 pandemic was a very hard hit to the entire international civil aviation system and to its aviation industry which has seen a significant decrease in operations over several months.

“I would like to highlight the resilience and agility demonstrated by all of the sector’s stakeholders – the airports, the airlines, international organizations, security agencies, support services, commercial and retail services and regulatory bodies. I would also like to recognize the commitment, the dedication and the energy invested in overcoming the challenges that we faced to respond to the needs of millions of customers.

“I suppose that like me, you appreciate being able to plan your travel and to be able to now hold discussions on important topics face-to-face and these will be important discussions for determining the future action.

“I would also like to underscore the remarkable and continuous work done by ICAO to provide harmonized orientations and guidelines to the industry, given the COVID-19 impacts and to relaunch the international sector in a coordinated manner.

“The effects of the pandemic of course have been felt in Montréal where the aviation industry and the aviation eco-system have very essential places in the Québec economy. ICAO has 193 members, so it is very important for this eco-system, and it has a very privileged position for the Government of Québec.

“The mission and the major objectives of the Organization, including innovation, environmental protection, fighting climate change, safety and economic development, correspond closely to many of our government’s priorities, and I note with pleasure that all these topics will be discussed over the next few days during the Assembly’s sessions.

“Montréal is recognized as the capital of international civil aviation, and this is primarily thanks to the presence of ICAO which established its Headquarters here over 75 years ago. Also, to underscore the importance of the international organizations regulating civil aviation in our territory, a few years ago Montréal inaugurated the International Civil Aviation Square which is near the headquarters of these organizations at the heart of downtown and the Square-Victoria-ICAO metro station.

“Also, we cannot leave unsaid that it is thanks to ICAO who got the ball rolling, that other international organizations came to Montréal and chose it as their base to manage the multiple aspects of aviation. These include IATA, ACI, IFATCA, and also ICCAIA. All of these organizations are part of the dynamic eco-system of Montréal.

“ICAO employs around 800 people in Montréal, and it also contributes to the vibrancy and influence of the Québec aviation sector. In 2021, the sector comprised over 200 companies which were responsible for around 35 000 jobs.

“The strength of this industry in Québec is based on the presence of major world class players such as the leaders Airbus, Bell Textron Canada, Bombardier, CAE, Mitsubishi Aircraft Corporation and Pratt & Whitney, to name just a few.

“Such a concentration of expertise is unmatched anywhere in the world. And this is why Montréal is one of the great international aviation centres along with Seattle and Toulouse.

“The Québec aviation sector is part of a broader eco-system of Québec expertise in the technological area. They are of international calibre, and these include artificial intelligence and quantum computing.

“I am also pleased to see the participation of the Montréal international centre of expertise in artificial intelligence and Centech, a global level incubator dedicated to high tech companies with strong global growth potential, here at the ICAO Innovation Fair which was held just over the last few days.

“ICAO is also one of the largest of the 81 international organizations, with offices in Québec, and beyond their significant economic benefits for Québec, these organizations contribute to making Québec a credible international player abroad. It makes it possible to build bridges with international networks and to promote the development of the unique expertise here in key areas.

“The Government of Québec is pleased that ICAO Headquarters remains in Montréal and in this regard, I am very pleased to mention the entry into force of the Understanding between the Government of Québec and ICAO regarding the exemptions, waivers and privileges granted to the Organization, to its civil servants, the Member States and the Permanent Representatives to the Organization.

“I am sure that the improvements found in this new agreement regarding conditions offered to ICAO will enable them to continue to develop in its natural home, Montréal, so that the States of the world can continue to work here and ensure the sustainable growth of the global civil aviation system.

“In conclusion, Québec’s policy for hosting international organizations is unique in North America. The aim is to offer the organizations the best possible conditions for their establishment in Québec. We can be proud of the results that we have had and in North America, Montréal is now the Number 3 city in terms of the number of international organizations here, after Washington and New York.

“I can assure you that the Government of Québec will continue to promote the development of partnerships with international organizations that have chosen to establish themselves here, and especially with ICAO, to ensure that they will all find it the ideal environment for conducting their operations and achieving fulfillment.

“Therefore, I wish you one and all, an inspiring Assembly and ambitious discussions that will meet your expectations.”

***Address by the Honourable Mélanie Joly, Minister of Foreign Affairs, representing the Government of Canada***

4. “What a pleasure to welcome you to the 41st Assembly of the International Civil Aviation Organization, and to the beautiful city of Montréal.

“Greater Montréal is renowned as one of the world capitals of aerospace and is home to a major cluster of industry. This gives the Canadian economy a real strategic edge and we are certainly proud of that.

“Canada is proud to be the Host State to ICAO.

“This is a key part of the United Nations System and in fact, just yesterday I was attending the UN General Assembly in New York where I reiterated Canada’s bedrock commitment to the UN, and to organizations such as this one.

“As I said yesterday, the world is facing many challenges and it has put us at a critical juncture in history. We, the nations of the world have a choice: either we respect and defend the rules that we, collectively, have developed for generations; or we accept that rules can be broken by the

powerful, bringing us back to darker times of constant tensions and conflicts, with suffering and losses of human lives.

“For Canada, the choice is clear. We are convinced that we need more multilateralism, not less. We need more of the United Nations, not less. We need a UN that is effective, efficient, relevant, and accountable.

“ICAO is where nations upholding the UN Charter come together, from around the world, to work together and to solve complex aviation challenges. This is where we share technical expertise, and it is where we establish critical aviation norms and standards with real world impacts. This is where we work towards a safe and sustainable global civil aviation system.

“The rules-based international order needs our support today more than ever, and the best way to uphold it is for the UN to deliver results. As Member States, we must stand together to ensure that those who flout these rules are held to account.

“ICAO plays a key role in supporting a multilateral, rules-based order for global aviation. This is crucial due to the very nature of aviation. Aviation transcends borders and so does this Organization.

“The aviation industry is fundamentally about bringing our peoples closer together.

“We take this responsibility very seriously. We equally take the responsibility to keep up with the changing global demands of industry, for safety, innovation, and a meaningful response to climate change as another key pillar of our mission as the host of this important Assembly.

“Canada was there when both ICAO and the UN were created, and we are committed and engaged now more than ever before.

“Canada believes in this Organization. It is a force for good in the world, and we will continue to provide our support.

“It is hard to overstate how difficult the past three years have been for the global aviation network. From the onset of COVID-19 to the present day, aviation has faced many major challenges.

“At the same time, we have all been reminded of the important role aviation plays in peoples’ lives everywhere. The pandemic has also reminded us how interconnected we all are because of global aviation.

“The challenges facing aviation are ones that are shared by the entire international community. And this is why it has never been more important for us to work together to overcome them.

“Of course, the challenges before us today go beyond COVID-19. Indeed, our gathering here today is taking place in a time like no other.

“More people are being displaced by violence and conflict than ever before in human history. The rules-based international system is more strained than it ever has been since the creation of the United Nations. Irresponsible acts by certain countries and the problems related to supply chains are at the heart of the global crisis.

“Never have we been more in need of an inclusive and efficient global aviation sector to stay connected and overcome the supply chain crunches.

“I would like to thank this Assembly for your tremendous efforts to lessen the risks to passengers and crews, in particular risks related to airspace over or near conflict zones.

“That includes your support for the safer skies initiative that Canada launched in March 2020 after the tragedy of flight PS752. The initiative covers proposals that have been unanimously approved by the Council of ICAO. At a time of increasing conflicts around the world, your work helps to prevent future tragic air disasters.

“I also commend the important work that ICAO does to ensure that air accident investigations are more transparent and credible. This is essential to delivering safety recommendations that can prevent future tragedies.

“Finally, as regards the greatest challenge of our era, climate change, the aviation sector has a key role to play in reducing carbon emissions and helping the world achieve the ambitious climate goals.

“To conclude, I am convinced that in your discussions over the next two weeks these principles will be reaffirmed as well as our shared commitment to multilateralism.

“Canada, just like all of you I am sure, appreciates the tireless efforts of the Secretary General and the ICAO Secretariat in keeping the vital work of the Organization on track. We thank you.

“I wish you every success in your work at this Assembly.”

5. In acknowledging the kind words of the Canadian Minister of Foreign Affairs, the Deputy Minister of International Relations and la Francophonie of Québec, and the Mayor of Montréal, the President of the Council expressed the deep appreciation of ICAO for having kindly hosted the Organization for decades; and of the international community and the United Nations system for the steadfast commitment of Canada, Québec, and the city of Montréal to ICAO and to ICAO’s mandate to ensure the safe and orderly development of international civil aviation; and for the continued cordial relations and collaboration in support of the international civil aviation community.

***Pre-recorded video message from the Right Honourable Alok Sharma, President of the 26th Session of the Conference of the Parties (COP26) to the United Nations Framework Convention on Climate Change (UNFCCC)***

6. “As we enter the final sprint to COP27 in November and the final weeks of the United Kingdom’s COP26 presidency, I continue to have an extensive programme of travel before we hand over the presidency to Egypt for COP27 in Sharm El Sheikh.

“We are working to turn the promises of the historic Glasgow Climate Pact into action. And that has been the focus throughout our unapologetically high ambition presidency. Because yes, the commitments made in the Glasgow Pact, and outside the negotiating rooms as well, did allow us to say with some credibility, that we had kept alive the prospect of limiting global warming to 1.5 degrees above pre-industrial levels. That is of course, in line with the foundational Paris Agreement. But we will only achieve that outcome if we implement the Glasgow Climate Pact in full.

“To drive the necessary implementation, I have met with Prime Ministers, with Presidents and other key Ministers around the world with a particular focus on the major emitting countries. I continue to engage extensively with climate finance providers, with key businesses and civil society. And I am also working closely with key-emitting sectors and those with the potential to drive a green industrial revolution.

“International aviation is a vital example. Whilst aviation of course coordinates its climate action via ICAO, as a specialized agency, the sector remains incredibly consequential for implementing the Glasgow Climate Pact and achieving the Paris temperature goals and I am encouraged that you have already demonstrated your capacity for action.

“The adoption of CORSIA in 2016 as the first single sector global market-based measure showed the sector’s determination to cap its net emissions. In October last year, the global industry including airlines, manufacturers and airports committed to net zero by 2050 in support of the Paris Agreement. In the same month of COP26, ICAO adopted comprehensive sustainability Standards for sustainable aviation fuels for the first time and, of course, at COP26, we launched the international aviation climate ambition coalition to galvanize support for high climate ambition in the sector in support for ICAO’s programmes and priorities.

“Now I know that this coalition met yesterday and now has over 50 Member States from around the world, and I want to thank you all for the leadership that you have shown to date. But I also want to reiterate the job is far from done. This year has been a particularly challenging one for implementation. Countries around the world are facing perilous economic and geopolitical conditions and threats to energy security. Collectively, we are grappling with soaring inflation, rising debt and food insecurity. For many, climate has not been front of mind.

“Where climate has featured at the top of the international political agenda, I have been concerned by the tone and the substance of those conversations. Some countries have been trying to go back on commitments that they made in Glasgow and in Paris, so my message today is straight forward. This is a critical moment to redouble all our efforts, resist backsliding, and ultimately go further and faster. Governments and politicians have looked too many climate-vulnerable countries and communities in the eye and promised so much to step back now.

“This fortnight’s Assembly is, as you know, considering the adoption of a long-term emissions reduction goal, an LTAG. I cannot overstate just how consequential that commitment would be. Friends, in adopting an LTAG you would be aligning your sector’s ambition with the Paris temperature goals for the first time. And you would be creating a clear framework and providing a clear signal across your sector which would allow you to focus squarely on action and implementation.

“And I urge you to go further still. CORSIA was an important first step. It needs to be implemented, enforced, and strengthened by this and future Assemblies. In doing so, markers like CORSIA can play an important role to complement your primary effort of reducing emissions in sector, and you can also commit to engaging fully with the aviation industries with private finance and other institutions to support the innovative decarbonisation projects that will actually deliver that credible long-term goal. They are particularly important in developing countries. We only have to consider the last few months to understand the importance and urgency of reaching an ambitious outcome this week.

“The Paris temperature goals which we reinforced in Glasgow charter a course to bending the curve to global warming downwards and averting climate catastrophe. If we fall short in this decisive decade ahead, and friends, we have just eight years left to act, we will go beyond the limits of our ability to adapt.

“Around the world we have already seen what that future could look like, and that future is terrifying. In recent weeks, an area the size of the United Kingdom has been flooded in Pakistan. A monster monsoon bringing in its wake death, destruction, and displacement of millions of people. Hurricane Fiona has barreled through the Caribbean. This summer we have seen the United States experience its worst drought in over a thousand years. Europe has experienced its worst drought in 500 years and China, its worst ever drought as record temperatures have dried up key paths of the Yangtze River. I could go on.

“The increasing frequency of these extreme weather events is not a coincidence. The urgency is clear. The risks of inaction are catastrophic. At the same time, the opportunities presented by the transition to a net-zero future are vast. Environmentally, economically and in terms of energy security, it is clear now more than ever that we must urgently work to secure our zero-carbon future. We should need no further motivation. That is why the United Kingdom’s COP presidency remains fully committed to the implementation of the Glasgow Climate Pact, an ambitious climate action. And that is a challenge I am setting to you today.

“I hope that this Assembly, just 40 days from COP27, is a moment when ICAO rises to the challenge and once again, shows its capacity and willingness to lead.

“Thank you and good luck.”

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

7. It was recalled that the ICAO *Council President Certificates (CPCs)* had been established to enhance the *No Country Left Behind (NCLB)* initiative. The CPCs recognized States from each ICAO region that had made significant progress in resolving their safety and security deficiencies, and in 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 based on the results of the ICAO Universal Safety Oversight Audit Programme (USOAP) and the ICAO Universal Security Audit Programme (USAP) and continuous monitoring activities. While normally issued annually, the presentation of these certificates had been interrupted due to the COVID-19 pandemic.

8. The President of the Council had the pleasure to present the CPCs in Aviation Safety and in Aviation Security to the following seven selected Member States (in alphabetical order): Côte d’Ivoire (Safety and Security); Ethiopia (Safety); Fiji (Safety); Serbia (Security); Slovenia (Safety); Tunisia (Security); and Ukraine (Safety).

9. The President also took the opportunity to acknowledge one of the supporters of the *No Country Left Behind* initiative, the Honourable Minister of Civil Aviation of Nigeria, Hadi Sirika, for the highest levels of effective implementation of safety and security, and for his participation at the Assembly for the third consecutive time as Chief Delegate of Nigeria.

### **Agenda Item 2: Approval of the Agenda**

10. 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**

11. 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 President of the Council, as Temporary President of the Assembly, requested the Delegations of Equatorial Guinea, Greece, Peru, Republic of Korea and Saudi Arabia 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**

12. 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 28 to the Executive Committee; Items 29 to 33 to the Technical Commission; Items 34 to 39 to the Economic Commission; Items 40 to 43 to the Legal Commission; and Items 44 to 56 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***

13. 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, 1 October 2022, 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, 29 September 2022. 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, 1 October 2022, and ending at that time on Monday, 3 October 2022. The election to the Council in the third part would take place on Tuesday, 4 October 2022, at 1400 hours.

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

14. As recommended by the Council in WP/2 (with Corrigendum No. 1), 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.

15. The meeting adjourned at 1220 hours.



## **Minutes of the Second Meeting**

(Tuesday, 27 September 2022 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, Ambassador Estanislao Esono Anguesomo (Equatorial Guinea), presented the oral interim report of the Committee, which was composed of members from Greece, Peru, the Republic of Korea and Saudi Arabia, in addition to Equatorial Guinea. During the Committee's first meeting, which had taken place immediately after the First Plenary Meeting, Ambassador Esono Anguesomo had been elected as the Chairperson on a nomination by the member from Greece. He indicated that at the time of the meeting, original credentials in the proper form had been received from 169 Member States, while 186 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 48 observer delegations, of which 73 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 of the Assembly*, 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.

**Agenda Item 6: Election of the President of the Assembly**

4. The Delegate of Czechia, supported by the Delegates of India, Australia, Brazil and the Russian Federation, nominated Ms. Poppy Khoza (South Africa) as President of the 41st Session of the Assembly.

5. The nomination was approved by acclamation. In declaring Ms. Khoza elected and inviting her to take the chair in the capacity of President, the Temporary President of the Assembly underscored that she was the first woman in the 78-year history of the Organization to preside over the Assembly as its President.

6. The President expressed sincere appreciation for the honour to preside over the Assembly and recognised the vote of confidence demonstrated by the Delegates of Czechia, Australia, Brazil, India and the Russian Federation and many others who could not take the floor for proposing her nomination and she also thanked the entire Assembly for endorsing her presidency.

7. The President recognized her country, South Africa, and her principals, the Minister and the Deputy Minister of Transport, who had sponsored her participation and attendance at this meeting. She also thanked the Deputy Minister of Transport, Ms. Sindisiwe Chikunga, Chief Delegate of South Africa and the entire delegation for releasing her to perform the important task of facilitating the proceedings of the Assembly.

8. At this moment, she was reminded of the popular African proverb that “if you want to go fast, go alone, but if you want to go far, go together”. Aviation was bigger than everyone in the Assembly Hall and it would continue to exist long after all had left their current positions or roles and thus proposed to all to leave behind an industry that future generations will remember them by.

9. In the coming days, she intended to create a platform for balanced, respectful, and constructive discussions, creating a safe space for dialogue and was mindful that this would only be possible through the cooperation of all delegates, and thus relied upon and looked forward to a display of tolerance and a generosity of patience from all in order to ensure that the outcomes were arrived at that all commonly sought.

10. Realizing some discussions may be robust, which was inherent in such platforms, she nevertheless took solace in knowing that there were more issues that brought all together rather than separated them. She also knew that in the history of the Organization, delegates always somehow found each other even on difficult subjects and that they would engage in discussions to prioritize what was in the best interest of civil aviation, a sector that had demonstrated resilience, a sector that was dynamic and that continued to evolve even after devastating circumstances.

11. Delegates were meeting under different conditions from the last Assembly in 2019. States and the industry were steadily recovering from the effects of the COVID-19 pandemic but what would set States apart was how they emerged after this crisis. It was the reason why meetings such as the Assembly were important to allow all to engage, to collaborate, to reach compromise and agree on common views, to adjust viewpoints and to continue to communicate to ensure that all collectively worked towards a sustainable industry.

12. Borrowing again from the wisdom of her people in Africa, it was said that “many hands make light work”. Mindful of the long agenda before the Assembly, she once again thanked all for their trust in her and pleaded for their patience, where every voice counted, where compromise was not a sign of weakness but a friend of progress. She also reminded the Assembly that they were here to rebuild, to bring hope to the industry and the millions of colleagues looking to the Assembly to stimulate the growth of this once thriving industry to its former glory days; and not to miss the opportunity to make a positive difference.

13. To achieve this, delegates would need to listen to each other, to adjust positions when necessary and graciously allow reason to be the order of the day in the best interests of the civil aviation industry. The aviation industry contributed immensely to the socio-economic development of all countries and therefore the Assembly had to recognise the critical task ahead. The world would judge the delegates if they failed to ensure that the outcomes of this Assembly yielded the results that all could live with, that would ensure recovery and growth. She acknowledged that not all outcomes would be favourable to all, but she trusted that a middle ground could be found in the deliberations to reconnect the world and build back better.

14. Lastly, she expressed appreciation to the Council and the Secretariat for the preparations leading to the commencement of the Assembly, she also thanked in advance the delegations in-house and those following discussions and participating virtually for their cooperation, and she trusted that there would be fruitful deliberations.

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

15. The President invited nominations for the posts of Vice-President and the Delegate of the United Arab Emirates, seconded by the Delegates of Nigeria and Japan, proposed the following:

First Vice-President	Mr. Naif Bin Ali Bin Hamad Al Abri (Oman)
Second Vice-President	Ms. Rannia Leontaridi (United Kingdom)
Third Vice-President	Ms. Paola Tamburelli (Argentina)
Fourth Vice-President	Mr. Suttipong Kongpool (Thailand)

16. These nominations were accepted by acclamation.

17. In addition, as proposed by the Delegate of Mexico, and seconded by the Delegate of Singapore, the Assembly approved by acclamation the following nominations for Chairpersons of Commissions:

Technical Commission	Mr. Raúl Medina Caballero (Spain)
Economic Commission	Mr. Juliano Alcântara Noman (Brazil)
Legal Commission	Mr. Jonathan Aleck (Australia)
Administrative Commission	Mr. Haitham Misto (Jordan)

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

#### **Agenda Item 8: Statements by delegations of Member States**

19. The remainder of the meeting was devoted to Agenda Item 8 and general statements delivered by the Delegations of: the United States, China, Czechia, Germany, Qatar, the Russian Federation, the Netherlands, India, France, Saudi Arabia, Spain, Angola, Malaysia, Nigeria and Canada. A statement was also made by the Observer from the European Union (EU).

20. The meeting adjourned at 1730 hours.



## **Minutes of the Third Meeting**

(Wednesday, 28 September 2022 at 0930 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 her capacity as Chairperson of the Executive Committee, presented the Committee's oral report on its examination of WP/30 Revision No. 1 (with Addendum No. 1). The paper dealt with the financial aspects of the question of contributions in arrears. Revision No. 1 to WP/30 provided the status of contributions in arrears and of Member States that had their voting rights deemed suspended as at 20 September 2022. Addendum No. 1 contained an updated Appendix C to the paper regarding Member States that had their voting rights deemed suspended as at 27 September 2022. It was important to note that the financial implications section of the Executive Summary of WP/30 Revision No. 1 indicated that "the delay in the receipt of contributions impacts the cash availability of resources required for 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, and the status of the special account for the incentive scheme for the settlement of long-outstanding arrears.

2. In the absence of comments, the Plenary approved the oral report of the Executive Committee and as recommended by the latter, took the action proposed in the Executive Summary of WP/30 Revision No. 1 and noted the progress made in the collection of long-outstanding arrears, and the status of the special account for the incentive scheme for the settlement 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, South Africa, Austria, Zambia, the United Kingdom, Nepal, Iceland, Mozambique, Sri Lanka, Uganda, Greece, Côte d'Ivoire, the Dominican Republic, Cuba, New Zealand, Nicaragua, Brazil, Italy, Ukraine, Togo, Liberia and Guyana.

4. The Plenary also noted the announcement by the Delegate of Papua New Guinea, on behalf of the 18 Member States of the Pacific Islands Forum, launching the Pacific Regional Aviation Strategy 2022-2032, as well as the remarks of the ICAO Secretary General regarding the Organization's ongoing commitment to working in the region to support Pacific Small Island Developing States.

5. The meeting adjourned at 1155 hours.



## **Minutes of the Fourth Meeting**

(Saturday, 1 October 2022 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

### **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. WP/2 (and Corrigendum No. 1) provided detailed background information regarding the election and 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. For the purposes of the vote and in accordance with Rule 43 of the Standing Rules of Procedure, each Contracting State represented by an accredited delegation would be entitled to one vote; and in accordance with Rule 60, to be elected a member of the Council, a Contracting State must receive the affirmative vote of a majority of the total number of Contracting States voting. The Assembly had decided at its First Plenary Meeting on 27 September 2022 that 11 Member States be elected under Part One and 12 Member States under Part Two.

2. The names of the Member States that had submitted their candidatures under the first two parts of the Council election were set forth in the Secretary General's memorandum dated 29 September 2022 and several information papers concerning candidatures had been submitted: WPs/279 presented by Singapore; /523 presented by the Arab Civil Aviation Organization (ACAO); and /621 presented by Uruguay on behalf of the 22 Member States of the Latin American Civil Aviation Commission (LACAC).

3. It was noted that following a request by the Council, the Secretariat had engaged an external service provider to conduct an independent review to certify the security, accuracy and confidentiality of the electronic voting system, and based on the preliminary audit of the process and the system, the external service provider had advised that the controls and processes were in place to ensure a secure and confidential voting session for the 41st Assembly; and that the audit reports generated by the electronic voting system for the above-mentioned first two parts of the Council election would be sent directly to the Auditors.

4. Before proceeding to the vote, the Chairperson of the Credentials Committee, Ambassador Estanislao Esono Anguesomo (Equatorial Guinea) presented an updated oral interim report

of the Committee indicating that, at the time of the Committee's third meeting that morning, original credentials in the proper form had been received from 177 Member States, which the Plenary noted without comment. The Chairperson also took the opportunity to express his sincere thanks for the work done by the Secretariat, especially the Legal Affairs and External Relations Bureau (LEB), to ensure that the credentials presented by States and Observers were in proper form.

5. After an overview of the election procedures to be followed for the first two parts of the Council election as well as a short video presentation given by the Secretariat of the electronic voting system, the following 170 Member States that were eligible to vote in Parts One and Two were then provided with the materials necessary to participate in the electronic vote:

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

6. At the close of the voting session for Part One, 170 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 86. The results of the electronic vote were as follows:

Australia	147 votes
Brazil	158 votes
Canada	144 votes
China	148 votes
France	148 votes
Germany	149 votes

Italy	151 votes
Japan	150 votes
Russian Federation	80 votes
United Kingdom	148 votes
United States	152 votes

and the President accordingly declared elected the following 10 States: Australia, Brazil, Canada, China, France, Germany, Italy, Japan, the United Kingdom and the United States.

7. While noting that only 10 out of the maximum number of 11 seats available in Part One of the election had been filled, the President proposed to proceed with Part Two of the election, in accordance with Rule 55 a) ii) of the Assembly's Standing Rules of Procedure, and that the matter of the vacant seat in Part One be addressed following completion of the election for Part Two.

8. In accordance with Rule 36 of the Standing Rules of Procedure, the Delegate of the Russian Federation raised a point of order on the President's proposal. He proposed instead that in keeping with Rule 60 of the Standing Rules, there was an immediate need for another ballot to fill the remaining seat in Part One of the election. The Delegate of China stated that she was also of the same understanding.

9. In response, the President indicated that her understanding of the point of order raised by the Delegate of the Russian Federation regarding Rule 60 did not apply under the present circumstances. Nevertheless, she undertook to seek legal guidance from the Secretariat in this regard.

10. While noting that the decision on how Rule 60 should be interpreted was ultimately determined by the Assembly, the Director of the Legal Affairs and External Relations Bureau (D/LEB) thought that the provisions of the Rule did not apply in this situation as it referred to the plural, "Contracting States" that were unsuccessful in obtaining the required majority to fill the remaining seats following a first round of voting, rather than the current single State which had been unsuccessful in winning sufficient votes to fill the one remaining seat. Given that the Assembly had set a maximum number of 11 seats in Part One of the election, the intention clearly was not to guarantee that all 11 States were elected, otherwise the term "minimum" would have been used; and he considered that the Assembly had decided on the list of candidates in relation to this one seat and the one candidate in question. He also noted that throughout the Standing Rules of Procedure of the Assembly (Doc 7600), the singular form, "Contracting State", was used when only one State was specifically concerned by the Rule in question while the plural, "Contracting States", was used when more than one State was specifically concerned.

11. The Delegate of the Russian Federation disagreed with D/LEB's interpretation of Rule 60. In his opinion, this rule could indeed be used in such a way that the plural "Contracting States" could refer to one single State. He therefore requested, on the basis of Rule 36 of the Assembly's Standing Rules of Procedure, that the Russian Federation's appeal against the President's ruling on the point of order be put to a vote.

12. The Delegate of Nicaragua stated that he was of the same view as the Russian Federation. He considered that D/LEB's interpretation was in contradiction with the spirit of Rule 60.

13. In seeking a way forward, the President proposed that in accordance with Rule 36, the appeal by the Russian Federation against her ruling on the point of order be put to a vote using States' nameplates on the question of: "Does the Assembly wish to overrule the President's ruling, that Rule 60 does not apply to the current situation?"; and as clarified by the Secretariat, by voting "yes" to the question, the Assembly would uphold the appeal by the Russian Federation, that Rule 60 applied, whereas those delegates who voted "no" would uphold the President's ruling. Prior to proceeding to the vote, the President afforded the opportunity to States to speak on the matter.

14. The Delegate of Namibia sought clarification as to whether there was a difference between an appeal and an objection, as it was his understanding that there was a clear difference between the two, and that the Russian Federation had made an objection rather than an appeal. In this regard, he queried which Rule would apply and if the procedures required a vote, whether it should be by secret ballot or a show of hands. He also sought clarification as to whether the maximum number of 11 seats to be elected in Part One of the election meant that all 11 seats should be filled.

15. The Delegate of South Africa cautioned against a vote on the President's ruling as the role of the President was to facilitate the discussion. It was evident that Rule 60 did not really address the current situation, which was never envisaged by the drafters of the Rules of Procedure. It was understood that there was a lacuna in the Assembly's Standing Rules of Procedure that required careful consideration, given the moot point raised by the Delegate of Namibia.

16. In concurrence with the preceding intervention, the Delegate of China thought it important that the Assembly abide by the Standing Rules of Procedure and have a common understanding of the Rules before proceeding to a vote.

17. The Delegate of Senegal, in full support of the Delegate of South Africa, agreed to proceed with a vote in this unprecedented situation, if feasible, and if not, queried whether the Assembly had the authority to make a ruling on the matter.

18. The Delegate of Venezuela observed that there was little time to deliberate on how to proceed in this matter and if the Assembly decided to put the President's ruling to a vote, that it should be conducted by secret ballot.

19. As the application of Rule 60 was being challenged by an appeal from the Russian Federation, the President thought it prudent to immediately proceed to a vote; nonetheless, she stood ready to be appropriately guided by the Assembly and asked for patience with the process in the discussion towards a solution. As pointed out by the Delegate of South Africa, the drafters of the Rules of Procedure did not anticipate such a situation, but through cooperation she expressed confidence that where there was a misunderstanding, a proper outcome could be achieved.

20. The Delegate of the Russian Federation reiterated his disagreement with D/LEB's interpretation of Rule 60 in which there appeared a certain intent. He states that the Assembly must abide by its Standing Rules of Procedure, and as stipulated in Rule 60, "there shall be another ballot, and, if necessary, additional ballots to fill the remaining places". In his view, it was not a question of how many seats had not been filled nor whether there should be a vote on that part of the Rule.

21. Noting this was a unique situation, the Delegate of Eritrea observed that the Assembly was intended to resolve, not complicate matters. He considered that D/LEB's interpretation of Rule 60 was skewed and should be put aside as a solution. Moreover, he considered that as a Member State, the Russian Federation had the legal and moral right to request a vote and that it should be conducted by secret ballot.

22. Understanding that the Delegate of the Russian Federation was appealing under Rule 36, which called for an immediate vote on the appeal, the Delegate of the United States fully supported the process proposed by the President for the reasons described by D/LEB, especially the point that the Assembly had already expressed its will on the candidates for Part One of the election.

23. In keeping with previous speaker, the Delegate of France was in favour of a constructive discussion to find a solution to this unprecedented problem as well as the need to adhere to the Standing Rules of Procedure. He observed that Rule 60 was designed for situations in which there was a competition amongst States that did not achieve a majority in the first round of votes thus requiring a runoff and that was the reason why the plural form was used. He thus supported D/LEB's

precise interpretation of the rule and the President's approach, and as pointed out by the Delegate of the United States, the Russian Federation had invoked Rule 36, whereby this matter should be settled immediately.

24. The Delegate of the United Kingdom observed that the Assembly decision to decline to support the Russian Federation's candidacy for the Council election should be respected. In keeping with the interventions by the Delegates of the United States and France, she fully supported the President and D/LEB's interpretation of Rule 60. She urged the Assembly to now close Part One and move immediately to Part Two of the election. Moreover, she also fully supported the President's interpretation of Rule 36 that allowed for an immediate decision by vote on an appeal that had been raised.

25. The Delegate of Canada was of the position that the ruling had been made; it was too late for debate. The only option for appeal lay in Rule 36 which the Russian Federation had invoked and that the Rule was quite clear in that there be an immediate vote if called for. Canada fully supported the advice given by D/LEB and the President's ruling.

26. Agreeing with all previous speakers, in that this was an unprecedented situation, the Delegate of Italy fully associated herself with the interventions by the Delegates of the United States, France, the United Kingdom and Canada in supporting the interpretation of Rule 60 by D/LEB which had been endorsed by the President in her ruling.

27. The Delegate of Albania likewise fully supported the President's interpretation.

28. While noting that all States had a right to appeal or make a valid objection, the Assembly Standing Rules of Procedure presently did not accommodate such situations, thus the Delegate of Guatemala suggested that in future, a legal task force undertake a review of the Standing Rules in this regard. He supported D/LEB's advice and the President's ruling and believed that the majority of the Assembly upheld the decision taken; hence, the order of business should now be proceeded with.

29. While acknowledging the importance of the preceding intervention by South Africa, the Delegate of Nicaragua underscored the need to reach a consensus on this matter and therefore appealed to the Assembly to uphold the spirit of the Rule so that it could emerge from the current legal impasse.

30. In summary, the President of the Assembly confirmed that in response to her ruling that Rule 60 did not apply to the current situation, as clarified by D/LEB, the Delegate of the Russian Federation had raised a point of order under Rule 36, which indicated that if a Contracting State appealed against a ruling of the presiding officer, that the appeal should be immediately put to a vote. Accordingly, she had then proceeded to call for a vote on the question of her ruling, however, several delegates had wished to express their views and opinions on the matter, and having listened to the interventions, the President concluded that the majority view supported her ruling.

31. Given the need to move forward, the Plenary then proceeded to a vote by raising State nameplates to the question "Does the Assembly wish to overrule the President's ruling, that Rule 60 does not apply to the current situation?" to which there was a clear majority of Member States who wished to uphold the President's ruling.

32. The Delegate of the Russian Federation stated that the Russian Federation, in accordance with Rule 56 c) of the Standing Rules of Procedure of the Assembly (Doc 7600), would not stand for election under Part Two. His State viewed the outcome of the vote as a purely political step that had nothing to do with the Russian Federation's position in the field of civil aviation, which was well known. He accepted the decision by western countries not to support the candidacy of the Russian

Federation at this election, but claimed that pressure had been exerted on other countries forcing them to act in the same fashion. Despite this outcome, he stated that the Russian Federation's doors were open, and he hoped that honest and direct dialogue with all countries and delegations would soon re-occur.

33. The Assembly then proceeded to Part Two of the Council election. At the close of the voting session, 171 Member States had cast votes electronically. Therefore, the minimum number of votes required for election was at least 86.

34. The results of the electronic ballot were:

Argentina	148 votes
Austria	140 votes
Egypt	156 votes
Iceland	131 votes
India	153 votes
Mexico	147 votes
Nigeria	149 votes
Saudi Arabia	156 votes
Singapore	162 votes
South Africa	151 votes
Spain	150 votes
Venezuela (Bolivarian Republic of)	131 votes

and the President accordingly declared elected the above 12 Member States.

35. On behalf of the Assembly, the President congratulated the newly elected Member States, expressing confidence that they would work in the best interest of both ICAO and the global aviation sector.

36. Observing the need to address the issue of the outstanding seat not filled in the election for Part One, and in order to avoid any further delay in the proceedings, the President proposed that the Assembly amend its decision establishing the maximum number of seats to be elected in Part Three of the Council election from 13 to 14 seats.

37. The Delegate of Trinidad and Tobago sought clarification as to the Rule under which the maximum number of seats for Part Three of the election could be increased to 14.

38. Similarly, the Delegate of Nicaragua questioned whether there was a precedent in changing the quotas established for Parts One, Two and Three of the election, given that they were based on certain criteria.

39. In response to the above interventions, the President indicated that the maximum number of Member States to be elected to the Council was based on the decision taken by the Assembly at its First Plenary Meeting; and given this unprecedented situation, and as a way forward, the Assembly was now being requested to review that decision to allow for the additional seat to be allocated to Part Three.

40. The Secretariat further clarified that the allocation of the seats for the three parts of the Council election was a decision of the Assembly at its First Plenary Meeting on 27 September 2022. It was further clarified that the President was now proposing an amendment to that decision in order to increase the maximum number of States to be elected in Part Three and, as the Delegate from Nicaragua had rightly pointed out, there was a procedure that set out the criteria for each of the three parts, which for Part Three, was to ensure geographical representation.

41. The Delegate of France observed that it was a prerogative of the Assembly to amend its decision without legal impediments and it would be only logical to transfer the seat from Part One to Part Three as the election had yet to be held and it would increase the geographical representation on the Council. Although this decision was unprecedented, it would not create a precedent itself, and as the President had pointed out, this was an extraordinary situation.

42. The Delegate of the United States supported the proposal, that it preserved a healthy diversity of representation that would provide for a comparative process and allow the Assembly to move forward efficiently to conclude the election; and he also noted that this allocation would only apply to this triennium.

43. Conversely, the Delegate of Nicaragua recommended a cautious approach as it was an unprecedented situation, and even though it was an attractive proposal for Part Three of the Council election, he suggested a committee or group be established to review the matter to ensure adherence to the rules and criteria.

44. Like previous speakers, the Delegate of Germany fully agreed with the President's proposal, that it was without any legal impediments, and in keeping with the Delegate of the United States, the proposal, while perfect for the present situation, did not necessarily set a precedent for future Assemblies.

45. The Delegate of Finland also voiced support for the President's proposal as did the Delegates of Georgia, Colombia, Hungary, Eswatini, Japan, Argentina and Guatemala, who believed that the majority supported this decision, and the Delegate of Uruguay, who recognized all the courageous efforts by the Assembly during this meeting and noted that the decision to be taken by the Assembly on the President's proposal would be for this triennium only.

46. Echoing support for the President's proposal to move the seat to Part Three, where it could form part of the competitive slate and allow the Assembly to move forward in a sensible manner, the Delegate of the United Kingdom noted that the Assembly had been compelled to interpret the procedures in a way that met the unprecedented situation, and like other speakers, agreed that this decision would apply to the next triennium only.

47. The Delegate of Spain highlighted two concepts that supported the President's proposal. Firstly, there would be no sense in having a vacancy on the Council for three years; and secondly, the Assembly decisions were sovereign, thus the measures taken today would not be extended to future Assemblies.

48. The Delegate of South Africa pointed out that the Standing Rules of Procedure needed to be reviewed without delay to address the omissions as detected in the present scenario, and that a decision to that effect be taken. The Delegate of Nicaragua supported these comments.

49. The President of the Assembly concluded that there was support for her proposal to reallocate the vacant seat from Part One to Part Three of the Council election; and that it would apply only to this session of the Assembly. In noting the comments by several delegates, she also proposed that the Council be requested to undertake a review of the Standing Rules of Procedure as soon as possible.

50. To that end, given the unprecedented circumstances encountered during this meeting, the Assembly requested the Council to undertake a review of the Standing Rules of Procedure of the Assembly (Doc 7600) for subsequent consideration at the next Assembly. Furthermore, in noting that one additional seat remained vacant following the election in Part One, the Assembly decided to amend the decision taken during the first Plenary Meeting on the maximum number of candidates to be elected

in each part (WP/2 refers), such that the vacant seat in Part One would be reallocated to Part Three; and therefore, agreed that up to 14 candidates could now be elected to the Council under Part Three.

51. In response to a clarification requested by the Delegate of Namibia on the application of Rule 66, the President indicated that under Rule 66, the Rules may be amended, or the Assembly may suspend any portion of the Rules at any time. The request therefore had been that the Council review the Standing Rules of Procedure and report back to the next Assembly; and that the decision to move the vacant seat to Part Three had been taken on the basis of the agreement reached by the Assembly and not on the basis of the Rule.

52. The Delegate of South Africa added that the number of Member States to be elected to the Council by the Assembly was specified in the Convention, and that every triennium the Council would make a recommendation to the Assembly on the allocation of the number of seats for each part of the election. Thus, the change being introduced did not affect any Rule whatsoever and there was no need to specify that it applied only to this triennium.

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

53. The President announced that Part Three of the election to the Council would be held at the Sixth Plenary Meeting on Tuesday, 4 October 2022, 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 1200 hours on Monday, 3 October 2022.

54. The meeting adjourned at 1200 hours.



## **Minutes of the Fifth Meeting**

(Saturday, 1 October 2022 at 1400 hours)

### **SUBJECTS DISCUSSED**

1. Agenda Item 8: Statements by delegations of Member States

### **SUMMARY OF DISCUSSIONS**

#### **Agenda Item 8: Statements by delegations of Member States**

1. The Fifth Plenary Meeting was devoted to general statements under Agenda Item 8 delivered by the Delegations of: the Republic of Korea, Egypt, Ghana, Chile, Lebanon, Zimbabwe, Oman, the United Republic of Tanzania, Bahrain, Ethiopia, the United Arab Emirates, Cameroon, Niger, Jamaica, Georgia and Bangladesh. A statement was also made by the Observer from the African Union (AU).

2. The meeting adjourned at 1550 hours.



## **Minutes of the Sixth Meeting**

(Tuesday, 4 October 2022 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 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 announced that the meeting had been called for the purpose of holding the third part of the Council election. She highlighted WP/2 (and Corrigendum No. 1), which provided detailed background information regarding the election, as well as the Secretary General's memorandum dated 3 October 2022, which presented the 14 Member States that had submitted their candidatures for the 14 available seats in Part Three of the election to the Council. She also recalled that as decided by the Assembly at its Fourth Plenary Meeting on 1 October 2022, the vacant seat on the Council under Part One had been reallocated to be elected under Part Three.

2. Before proceeding to the vote, the Chairperson of the Credentials Committee, Ambassador Estanislao Esono Anguesomo (Equatorial Guinea), presented an updated oral interim report of the Committee, indicating that, at the time of the Committee's fifth meeting that afternoon, original credentials in the proper form had been received from 180 Member States which the Plenary noted without comment.

3. After an overview of the election procedures to be followed for Part Three of the Council election as well as a short video presentation on the electronic voting system given by the Secretariat, the following 175 Member States that were eligible to vote in Part Three were then provided with the materials necessary to participate in the electronic vote:

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

4. At the close of the voting session for Part Three, 175 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 88. The results of the electronic vote were as follows:

Bolivia (Plurinational State of)	138 votes
Chile	146 votes
El Salvador	132 votes
Equatorial Guinea	145 votes
Ethiopia	154 votes
Ghana	150 votes
Jamaica	149 votes
Malaysia	136 votes

Mauritania	143 votes
Qatar	160 votes
Republic of Korea	151 votes
Romania	138 votes
United Arab Emirates	161 votes
Zimbabwe	148 votes

and the President accordingly declared elected all 14 Member States. The significant milestone in the 78-year history of ICAO was noted in that it was the first time that Mauritania, Qatar and Zimbabwe had been elected to the Council.

5. On behalf of the Assembly, the President congratulated the newly elected Member States, expressing confidence that they would work in the best interest of both ICAO and the global aviation sector. In addition, she also voiced appreciation for the Secretariat's assistance in, and facilitation of, the conduct of the elections.

**Agenda Item 8: Statements by delegations of Member States**

6. The remainder of the meeting was devoted to general statements delivered by the Delegations of: Thailand, Mauritania, Bolivia (Plurinational State of), Burundi, Namibia, Seychelles, Democratic Republic of the Congo, Belize, Eswatini, Samoa, Maldives, Tuvalu, Pakistan, Iraq, Indonesia, Nauru and Eritrea. The World Health Organization (WHO), an Observer, also delivered a statement to the Assembly, which was followed by a brief intervention by the Delegation of China in response to the general statements delivered by the Delegations of Belize, Eswatini and Tuvalu.

7. The meeting adjourned at 1645 hours.



## **Minutes of the Seventh Meeting**

(Thursday, 6 October 2022 at 1545 hours)

### **SUBJECTS DISCUSSED**

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

- Approval of Report from the Administrative Commission on the General Section and Agenda Items 44 to 56
- Approval of Report from the Legal Commission on the General Section and Agenda Items 40 to 43
- Approval of Reports from the Technical Commission on the General Section and Agenda Items 29 to 33

### **SUMMARY OF DISCUSSIONS**

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

***Approval of Report from the Administrative Commission on the General Section and Agenda Items 44 to 56***

1. The Chairperson of the Administrative Commission, Mr. Haitham Misto (Jordan), presented the Commission's Report (WP/650) for approval by the Plenary. He noted that the Administrative Commission had completed its work in two meetings with the participation of at least 94 States; and presented a single report to the Plenary on its proceedings, which reflected the considerable amount of preparatory work carried out by the Council and the Secretariat prior to the Assembly. He placed on record his appreciation for the cooperation extended to him by the Secretariat and all Members of the Commission in conducting their business in an efficient and effective manner.

2. Under Agenda Item 44, the Administrative Commission had noted the content and presentation of the section entitled "Finances" and "Human Resources Management and Gender Equity" of the Annual Reports of the Council to the Assembly for 2019, 2020 and 2021, as well as the supplementary report for the first six months of 2022, and recommended their approval by the Plenary.

3. With regard to Agenda Item 45: *Budgets for 2023, 2024 and 2025*, the Administrative Commission supported the draft Budget and recommended that the Plenary note the Council's message to adopt the 2023-2024-2025 Budget; approve retention of the Operational Reserve as one of the funding sources for the 2023-2024-2025 triennium; and adopt draft Resolution 45/1 relating to the Regular Budget of the Organization for 2023-2024-2025 and the Indicative Budget Estimates of the Administrative and Operational Services Costs (AOSC) of the Technical Cooperation Programme. The Commission also recommended that any additional financial requirements identified during the Assembly, particularly those for the Long-term Aspirational Goal (LTAG), should be referred to the

Council for further consideration taking into account existing priorities, funded through the 2023-2024-2025 Budget.

4. With respect to the Report on Agenda Item 46: *Confirmation of Council action in assessing the contributions to the General Fund and determining advances to the Working Capital Fund of States which have adhered to the Convention*, the Administrative Commission had noted that no new State adhered to the Convention and consequently, there had been no new Member State of ICAO subsequent to the 40th Session of the Assembly, thus no action was required on this item.

5. Under Agenda Item 47: *Contributions in arrears*, the Administrative Commission had considered WP/30 Revision No. 1 and Addendum No. 1 to Appendix C regarding the financial aspects of contributions in arrears, including States with voting rights deemed suspended, and had noted the progress made in the collection of long-outstanding arrears as well as the status of the Incentive Scheme Account, and transfer of the residual surplus of CAD 0.2 million funds to finance the Regular Budget for 2023, 2024 and 2025.

6. Regarding Agenda Item 48: *Assessments to the General Fund for 2023, 2024 and 2025*, the Administrative Commission, in recommending the adoption of the Scales of Assessment outlined in Resolution 48/1, invited the Plenary to note that no change had been proposed in the methodology of assessment, as previously approved by the Assembly in Resolution A36-31, and that the existing assessment principles would be maintained in the next triennium.

7. Under Agenda Item 49: *Report on the Working Capital Fund*, the Administrative Commission reported to the Plenary that the level of the Working Capital Fund (WCF) had been maintained at USD 8.0 million and recommended the adoption of related Resolution 49/1.

8. With reference to Agenda Item 50: *Disposition of cash surplus/deficit*, the Administrative Commission had noted the financial results for the year ended 31 December 2021 and had confirmed that there was no need for Member States to finance the deficit at the present time.

9. Under Agenda Item 51: *Amendment of the Financial Regulations*, the Administrative Commission had noted the comprehensive review and proposed amendments to the Financial Regulations as presented in Appendix B to WP/34. The Commission had confirmed the amendments and recommended to the Plenary adoption of related Resolution 51/1.

10. Regarding Agenda Item 52: *Review of expenditures, approval of accounts and examination of Audit Reports for the financial years 2019, 2020 and 2021*, the Administrative Commission had noted the Auditor's Reports for 2019, 2020 and 2021, recommended the approval of the audited accounts of the Organization for the financial years 2019, 2020 and 2021 and the adoption of the consolidated draft Resolution 52/4.

11. In relation to Agenda Item 53: *Appointment of External Auditor*, the Administrative Commission recommended that the Plenary confirm the reappointment of the President of the Swiss Federal Audit Office (SFAO) as ICAO's External Auditor for the financial years 2023, 2024 and 2025 by adopting Resolution 53/1.

12. With reference to Agenda Item 54: *Status of ICAO Workforce and Human Resources Management*, the Administrative Commission had considered the ongoing initiatives and future actions to approve the human resources management of the Organization and invited the Plenary to note the reforms undertaken and achievements made by the Organization to enhance the management of its human resources as well as the priority initiatives and future actions identified for human resources management for the next triennium. With regard to the status of the ICAO workforce, the Administrative Commission had reviewed the status of equitable geographical representation (EGR) and gender equality and recommended that the Plenary endorse future actions to enhance outreach efforts and actively seek new ways to improve both within the ICAO Secretariat. The Administrative

Commission had also considered WP/491, presented by the Russian Federation, but in this regard had not supported the proposal for additional resources to support aviation security in the European and North Atlantic Regional Office.

13. Under Agenda item 55: *Developments regarding the ICAO Ethics Framework and Establishment of Rules of Procedures regarding the Secretary General and the President of the Council*, the Administrative Commission invited the Plenary to take note of the progress made on the implementation of the revised ICAO Framework on Ethics and the implementation of Appendices G, H and I to the *Rules of Procedure for the Council* (Doc 7599).

14. No other issues or items required consideration by the Administrative Commission under Agenda Item 56: *Other issues to be considered by the Administrative Commission*.

15. In the absence of comments, the President of the Assembly declared the following Report of the Administrative Commission approved and Resolutions as indicated adopted:

- WP/650 — General Section
- Agenda Item 44: *Annual Reports of the Council to the Assembly for 2019, 2020 and 2021*
  - Agenda Item 45: *Budgets for 2023, 2024 and 2025*  
(Resolution 45/1)
  - Agenda Item 46: *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*
  - Agenda Item 47: *Contributions in arrears*
  - Agenda Item 48: *Assessments to the General Fund for 2023, 2024 and 2025*  
(Resolution 48/1)
  - Agenda Item 49: *Report on the Working Capital Fund*  
(Resolution 49/1)
  - Agenda Item 50: *Disposition of cash surplus/deficit*
  - Agenda Item 51: *Amendment of the Financial Regulations*  
(Resolution 51/1)
  - Agenda Item 52: *Review of expenditures, approval of accounts and examination of Audit Reports for the financial years 2019, 2020 and 2021*  
(Resolution 52/4)
  - Agenda Item 53: *Appointment of External Auditor*  
(Resolution 53/1)
  - Agenda Item 54: *Status of ICAO Workforce and Human Resources Management*
  - Agenda Item 55: *Developments regarding the ICAO Ethics Framework and Establishment of Rules of Procedures regarding the Secretary General and the President of the Council*

— Agenda Item 56: *Other issues to be considered by the Administrative Commission*

***Approval of Report from the Legal Commission on the General Section and Agenda Items 40 to 43***

16. In presenting the Legal Commission's Report (WP/649) for approval by the Plenary, the Chairperson, Mr. Jonathan Aleck (Australia), noted that the Commission had held three meetings between 29 September and 4 October 2022 with the participation of 114 States. He had had the privilege to chair the meetings. At its First Meeting, the Commission had elected Ms. Susanna Metsälampi (Finland) and Mr. Peter Amaleboba (Ghana) as its First and Second Vice-Chairpersons, respectively.

17. Under Agenda Item 40, the Legal Commission had noted the chapters of the Annual Reports of the Council to the Assembly for 2019, 2020 and 2021, as well as the supplementary report for the first six months of 2022, which had been referred to it by the Plenary.

18. In relation to Agenda Item 41, the Legal 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 and had supported the Work Programme of the Legal Committee as set out in paragraph 4.3 of WP/53.

19. Under Agenda Item 42, the Legal Commission recommended the adoption of Resolution 42/1: *Consolidated statement of continuing ICAO policies in the Legal Field*, which proposed editorial amendments, particularly to Appendix C on the ratification of ICAO international instruments (the addition of adoption dates of the protocols of amendment to the Chicago Convention related to the Arabic and Chinese texts), Appendix D, on the teaching of air law (a broadening of the scope relating to the teaching of air law to provide for the promotion of teaching and dissemination of knowledge of the subject around the world), and Appendix F, to reflect the current title and priority of the item "Study of international legal issues relating to global satellite systems and services supporting international air navigation services", on the General Work Programme of the Legal Committee.

20. As regards Agenda Item 43 on other issues to be considered by the Legal Commission, the Commission strongly supported the competency framework for civil aviation legal advisers presented by Singapore and co-sponsored by 72 States including Member States of the African Civil Aviation Commission in WP/106. The Commission also welcomed WP/105 presented by Singapore and co-sponsored by 42 States and one observer which marked the 75th anniversary of the establishment of the ICAO Legal Committee this year and highlighted the contributions and important role of the Committee over those 75 years. With respect to the preparation of draft texts of international air law instruments in the fields of aviation safety and security, there was strong support for Resolution 43/1, along with the recognition of the contribution of the Legal Affairs and External Relations Bureau to the Legal Committee's work.

21. Concluding his presentation, the Chairperson of the Legal Commission submitted the Legal Commission's Report (WP/649) to the Plenary for approval, with recommendation that Resolutions 42/1 and 43/1 be adopted.

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

WP/649 — General Section

— Agenda Item 40: *Annual Reports of the Council to the Assembly for 2019, 2020 and 2021*

- Agenda Item 41: *Work programme of the Organization in the Legal Field*
- Agenda Item 42: *Consolidated statement of continuing ICAO policies in the Legal Field*  
(Resolution 42/1)
- Agenda Item 43: *Other issues to be considered by the Legal Commission*  
(Resolution 43/1)

***Approval of Reports from the Technical Commission on the General Section and Agenda Items 29 to 33***

23. Prior to presenting the Technical Commission's four Reports (WPs/651 to /655) the First Vice-Chairperson of the Technical Commission, Mr. Sulaiman Almuhaimeedi (Saudi Arabia), on behalf of the Chairperson, Mr. Raul Medina Caballero (Spain), congratulated the President of the Assembly on her excellent handling of the 41st Session. In also congratulating the President of the Council, the entire Council, and the Air Navigation Commission (ANC) on their preparation of A41 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.

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

25. Additionally, the First Vice-Chairperson thanked the Chairperson for the trust he had placed in him and the Second Vice-Chairperson, Mr. Luiz Ricardo de Souza Nascimento (Brazil), for their readiness to step in during consideration of the very heavy work programme. He also thanked all 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.

26. In then presenting the Technical Commissions Reports on Agenda Items 29 to 33 (WPs/651 to /655 respectively), the First Vice-Chairperson noted that the Technical Commission had held four meetings between 29 September 2022 and 4 October 2022 and had addressed 219 working papers, as well as five draft reports to the Plenary. Representatives from some 184 Member States and 56 Observer Delegations had attended one or more meetings of the Commission.

27. Under Agenda Item 29 (WP/651), the Technical Commission had reviewed the Annual Reports of the Council for 2019, 2020 and 2021, and the supplementary report covering the first six months of 2022, and had noted the work accomplished in the safety and air navigation fields during the past three years.

28. Under Agenda Item 30 (WP/652), the Commission had reviewed both the fourth edition of the *Global Aviation Safety Plan* (GASP, Doc 10004) and the seventh edition of the *Global Air Navigation Plan* (GANP, Doc 9750).

29. The Commission had also reviewed the outcomes of the High-level Conference on COVID-19 (HLCC 2021), Safety Stream and had agreed on the need to urge States to take action on recommendations addressed to them. The Commission had recognized that convening divisional-type meetings ahead of Assembly sessions was an efficient means to recommend additional technical work for ICAO in due time for budgetary preparation for the following triennium and to allow the Technical Commission to focus on the global plans and policy decisions thereby improving the efficiency of the

Assembly. Lastly, the Commission reviewed the Conference's outcomes on radio frequency spectrum matters and agreed to submit to the Plenary for adoption Resolution 30/2: *Support of the ICAO policy and radio frequency spectrum matters*.

30. Rather than presenting each agenda item report in detail, in line with the intention of the Technical Commission to focus on global plans and policy decisions so as to improve the efficiency of the Assemblies, the First Vice-Chairperson highlighted the following Resolutions that the Technical Commission had submitted to the Plenary for adoption, namely: Resolution 31/1: *Consolidated statement of continuing ICAO policies and practices related to a global air traffic management (ATM) system and communications, navigation and surveillance/air traffic management (CNS/ATM) systems*; Resolution 31/2: *New Entrants*; and Resolution 33/1: *Consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation*.

31. Concluding his presentation, he indicated that should there be any questions from the floor, he would be most happy to answer them.

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

- WP/651 — General Section
  - Agenda Item 29: *Annual Reports of the Council to the Assembly for 2019, 2020 and 2021*
- WP/652 — Agenda Item 30: *Aviation Safety and Air Navigation Policy*  
(Resolutions 30/1 and 30/2)
- WP/653 — Agenda Item 31: *Aviation Safety and Air Navigation Standardization*  
(Resolutions 31/1 and 31/2)
- WP/654 — Agenda Item 32: *Aviation Safety and Air Navigation Regional Implementation Coordination Mechanisms*
- WP/655 — Agenda Item 33: *Other issues to be considered by the Technical Commission*  
(Resolution 33/1)

33. The meeting adjourned at 1615 hours.

## **Minutes of the Eighth Meeting**

(Friday, 7 October 2022 at 0900 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 the General Section and Agenda Items 11, 12, 14 to 25 and 27

### **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 the General Section and Agenda Items 11, 12, 14 to 25 and 27***

1. The President, speaking as the Chairperson of the Executive Committee, presented a series of sixteen Reports (WPs/630 Revision No. 1 to /634, /656 to /659, /661, /664 to /666, /668, /669 and /674) for approval by the Plenary. It was noted that the Executive Committee's Reports on Agenda Items 13, 26 and 28 would be reviewed at the Plenary's next meeting.

2. In response to a request by the President, the Secretariat then provided information on the procedure for notifying a reservation to an Assembly Resolution, explaining that, on the basis of past practice, a reservation should first be expressed by States in the Plenary, with it being indicated whether it applied to the Resolution as a whole or to certain provisions which were duly specified. Thereafter, the reservation would have to be confirmed in writing to the Secretary General within one month of the conclusion of the Assembly. In the present case, written confirmation of any reservation, whether to Resolution 17/1, Resolution 18/1 or any other Resolution, was expected to be received by the Secretary General by 7 November 2022.

3. The Delegate of Venezuela (Bolivarian Republic of) indicated that his State would file reservations on Resolution 17/1 regarding climate change and Resolution 18/1 regarding CORSIA. The following reservations were later conveyed in writing to the Secretary General:

“The Venezuelan State wishes to submit a formal reservation to the annex to Resolution A41-21: “Consolidated statement of continuing ICAO policies and practices related to environmental protection - Climate change”, and to paragraphs 4, 5, 6, 9 (g), 10, 11, 18 and 19 (f) of resolution A41-22: “Consolidated statement of continuing ICAO policies and practices related to environmental protection – Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA)”, given that they relate to actions associated with the use of market-based measures (MBMs) and various forms of sustainable fuels.

“The Venezuelan State also reiterates its reservations in respect of ICAO Resolutions A39-2, A39-3, A40-18 and A40-19 relating to the implementation of Annex 16 – *Environmental*

*Protection*, Volume IV – *Carbon Offsetting and Reduction Scheme for International Aviation (CORSA)*, of the Convention on International Civil Aviation.

“It is important to note that the Bolivarian Republic of Venezuela is committed to the protection of the environment and contributes to global efforts to combat the threats posed by climate change by implementing actions and programmes based on the environmental rights enshrined in the Constitution.

“The Venezuelan State wishes to take this opportunity to reaffirm its commitment and responsibility to preserve the environment for future generations, through the implementation of strategies based on the principle of “common but differentiated responsibilities and respective capabilities” and of initiatives consistent with the existing multilateral regime, namely the Framework Convention and the Paris Agreement, in order to reduce CO<sub>2</sub> emissions in international aviation.”

4. The Delegate of China expressed her State’s reservations regarding Resolution 17/1 and Resolution 18/1 which were later conveyed in writing to the Secretary General as follows:

“The Chinese Delegation came to Montréal with the greatest sincerity, hoping to bridge differences and build consensus with all parties through communication and negotiation with a view to forming balanced and feasible Assembly Resolutions. Regrettably, no full negotiation and consultation were conducted on the two resolutions on climate change and CORSIA at this Assembly. The two resolutions just adopted remain controversial. In view of this, this Delegation would like to make the following statement:

“The Delegation of China commends the President of the Assembly for the extraordinary leadership and coordination demonstrated during this ICAO Assembly. We thank and salute you for adhering to a Party-driven, balanced, transparent and independent approach to conducting the meetings. This delegation equally appreciates the efforts made by the President of the Council, the Secretary General and the Secretariat staff in facilitating the deliberations on climate change topics.

“China is the largest developing country and has made sustainable development its basic national policy. Guided and driven by the vision and national goal of carbon peaking and carbon neutral growth, China’s civil aviation sector has implemented comprehensive measures that effectively reduce its carbon footprint while meeting people’s needs for air travel, resulting in cumulative reduction of 400 million tons of carbon dioxide emission since the beginning of this century. The green ambition of China’s civil aviation lies in its actions. We have developed a green, low-carbon circular development goal by 2035, and have identified ten priority action areas including technology, operation, market, and clean energy. With these concrete actions, China aims to make new and greater contributions to the sustainable development of global civil aviation.

“The Chinese Delegation always believes that emission reduction in international aviation is an integral part of global climate governance; as such it should follow the basic principles of global climate governance, in particular those established by the United Nations Framework Convention on Climate Change (UNFCCC) and its Paris Agreement, the principles of common but differentiated responsibilities, equity and respective capabilities. We should go along with the consensus of the international community on global climate governance modality, allowing States to choose independently their own mid-term and long-term goals and implementation paths that best suit their national circumstances.

“Unfortunately, the tasks clearly mandated by the last Assembly, such as the feasibility study on mid-term and long-term goals and strengthening assistance to developing countries, not only did not fully materialize, but are even in risk of being weakened or rendered void. Such an unconstructive approach is not conducive to maintaining the seriousness of Assembly Resolutions.

“This Assembly adopted the two resolutions on climate change and CORSIA without adequate consultation and negotiation, forcing a goal of carbon neutral growth from 2020, rushing a global goal of net-zero carbon emission by 2050 for international aviation, and by way of CORSIA implementation, attributes the above goals to States, placing extremely unfair emission reduction responsibilities on developing countries, while not giving full regard to the legitimate concerns of developing countries on issues of assistance in technology, funding and capacity-building. The two resolutions lack fairness, scientific evidence and operability, and are inconsistent with the basic principles of global climate governance and the principles and purpose of the Convention on International Civil Aviation. This is not conducive to maintaining the credibility of ICAO and the unity among member States, nor to ensuring the effective fulfilment of the mandate of the ICAO Assembly and the Council on matters of international aviation and climate change.

“During this Assembly, with a view to promoting win-win cooperation and strengthening the implementation of the goals, the Chinese delegation put forward constructive amendments to improve the said resolutions. However, our reasonable inputs were not adequately reflected in the Assembly Resolutions. In order to maintain the status of the UNFCCC as the main forum for global climate governance, and to uphold the principles and purposes of the Convention on International Civil Aviation, the Chinese delegation is left with no choice but to express its reservation on parts of the two resolutions related to the global goal of carbon neutral growth from 2020 for international aviation, the global goal of net-zero carbon emission by 2050 for international aviation as well as the emission reduction scheme based on the abovementioned goals, specifically operative paragraphs 6, 7, 9 and 17 of the Resolution on Climate Change and the full text of the Resolution on CORSIA. Our statement of reservation will be submitted in writing to the Secretariat after the meeting. Depending on the progress in the feasibility study on the above-mentioned goals, the progress in properly resolving the CORSIA equity issue, and the progress in building assistance mechanism for developing countries, China will decide whether and when to withdraw its reservation.

“Meanwhile we must make it clear that China's determination in promoting green aviation development is sincere and unwavering; its actions are strong and consistent. We are not opposed to emission reduction itself; what we are opposed to is an unfair, rhetoric-style emission reduction scheme without feasibility study. We reiterate that, on the basis of mutual respect and mutual benefit, China will continue to deepen our cooperation on the ground with all parties on energy saving and emission reduction in the civil aviation sector.

“Finally, this Delegation thanks the interpreters for servicing the meeting!”

5. The Delegate of Eritrea objected to the unfair way the issues of climate change and CORSIA would be implemented, as developing countries would be at risk despite being in full support of the mitigation of climate change and of CORSIA; and thus, he lent full support to the implementation issues addressed by the Delegate of China.

6. The Delegate of the Russian Federation expressed his State's reservation with regard to resolving clauses 7, 9 and 17 bis a) of Resolution 17/1; and that his State was prepared, without reservation, to accede to the text of an alternative resolution presented by China in the Attachment to the Report on Agenda Item 17 (WP/658). In regard to Resolution 18/1, his State would not take part in the experimental stage of CORSIA given the current conditions and unilateral sanctions. The following statement regarding the Russian Federation's reservations with Resolution 17/1 and Resolution 18/1 was later conveyed in writing to the Secretary General:

“With regard to the Resolution A41-21, the Russian Federation expresses its reservations to the following paragraphs:

1. the resolving clause 7 – in view of the absence of the LTAG implementation scenario approved by the ICAO Assembly, which, inter alia, explicitly specifies the sources of funding for all LTAG activities, both globally and regionally;
2. the resolving clause 9 – in view of the absence of a "basket of measures to achieve the objectives of LTAG" approved by the ICAO Assembly;
3. the resolving clause 17 bis a) – in view of the imminent risks of “financial colonization” of developing countries in the implementation of LTAG scenarios.

“With regards to Resolution A41-22, the Russian Federation states that, in the face of unprecedented unilateral restrictions on international civil aviation imposed by a number of ICAO Member States, any offsetting measures for the international civil aviation lose any sense. In this regard, the Russian Federation does not consider itself bound by the provisions of the abovementioned ICAO Assembly Resolution.”

7. In the absence of further comments, the President of the Assembly declared the following Report of the Executive Committee approved and Resolutions indicated adopted, subject to the aforementioned reservations:

- WP/668 — General Section
- WP/669 — Agenda Item 11: *Annual Reports of the Council to the Assembly for 2019, 2020 and 2021*
- WP/666 — Agenda Item 12: *Outcomes of the High-level Conference on COVID-19*  
(Resolutions 12/1, 12/2 and 12/3)
- WP/661 — Agenda Item 14: *Aviation Security — Policy*  
(Resolutions 14/1 and 14/2)
- WP/665 — Agenda Item 15: *Audit Programmes – Continuous Monitoring Approach*
- WP/657 — Agenda Item 16: *Environmental Protection – General provisions, Aircraft Noise and Local Air Quality*  
(Resolution 16/1)
- WP/658 — Agenda Item 17: *Environmental Protection – International Aviation and Climate Change*  
(Resolution 17/1)
- WP/659 — Agenda Item 18: *Environmental Protection – Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA)*  
(Resolution 18/1)
- WP/664 — Agenda Item 19: *Multilingualism at ICAO*
- WP/630 — Agenda Item 20: *Increasing the efficiency and effectiveness of ICAO Rev. No. 1*  
(English only)
- WP/631 — Agenda Item 21: *United Nations 2030 Agenda – Sustainable Developments Goals (SDGs)*
- WP/632 — Agenda Item 22: *Resource Mobilization and Voluntary Funds*

- WP/633 — Agenda Item 23: *Innovation in Aviation*
- WP/656 — Agenda Item 24: *Technical Assistance Programme*
- WP/674 — Agenda Item 25: *Technical Cooperation – Policy and Activities*  
(Resolution 25/1)
- WP/634 — Agenda Item 27: *Measures towards Gender Equality at ICAO and the Global Aviation Sector by 2030*

8. Now that ICAO had given itself a remarkable long-term aspirational goal of net-zero CO<sub>2</sub> emissions by 2050, the Delegate of Switzerland expressed sincere thanks, firstly to the hundreds of experts contributing to the CAEP report which had served as the main basis for discussions on the definition of the goal; to the Secretariat who had supported this work by organizing Stocktaking Seminars and Global Aviation Dialogues on the matter and to the process as needed; to the participants of the High-level Meeting on LTAG, which had paved the way towards decisions taken; and lastly, to the Council for drafting the well-balanced text now adopted. He and his State looked forward to contributing to the achievement of this goal in the years ahead.

9. Likewise, the Delegate of the United States conveyed thanks for the extensive analytical work undertaken by the CAEP experts; for the intensive discussions amongst delegations in the ICAO meetings specifically convened on these issues, but also in the Council; and to the President, the Secretary General and the Secretariat for their extraordinary work in coordinating and ensuring that the wide range of analytical materials would be circulated and reviewed appropriately in accordance with the procedures. The United States looked forward to working with its ICAO partners from every region to bring aviation forward into the challenge of the 21st century to meet the long-term aspirational goal and the newer term obligations of CORSIA.

10. The Delegate of Colombia highlighted the honour it had been over the last year to be the Chairperson of the Climate and Environment Committee of the ICAO Council and expressed his deep recognition for the work of the Committee members, the members of the Council, Secretariat and CAEP, whose panel of experts had provided guidance and support to the Council. He also expressed hearty thanks to States and especially China, the Russian Federation, and others for engaging in discussions to help reach this conclusion, and even to those who were not entirely in agreement with what had been approved as it meant that it was a well-balanced and delicate agreement. Lastly, he thanked the President of the Assembly for her leadership in these discussions.

11. Like previous speakers, the Delegate of France welcomed the historic decision taken that would put ICAO on track for a sustainable transition, and as repeated throughout the very intensive discussions, it was also the starting point of a lot of work to be done, including in the Council, and his delegation would engage enthusiastically. He hoped that this work would serve to dispel the concerns of certain delegations, including China, and he hailed the spirit of compromise in today's discussions, that all could be proud of this decision; and he thanked the President for effectively leading the Assembly's work to this ambitious strong outcome.

12. The Delegate of Egypt reiterated his full support for all States to work together under ICAO so as to reach an agreement on LTAG in CORSIA. Based on the outcomes of the High-level Meeting on LTAG, it was necessary that all States be included; that assistance be provided to developing countries in the implementation of the mechanisms, as highlighted by AFCAC and the Arab States. Work needed to continue under the *No Country Left Behind* initiative through the voluntary transfer of technology as the credibility of Resolution 17/1 depended on it. CORSIA needed to have a clear review mechanism adopted by the Council, thus he once again appealed to all stakeholders to be open-minded in keeping with the resolution's message. While fully understanding the concerns expressed by certain States and thanking them for their consideration, he supported the adoption of the two resolutions

without modification and noted this historic moment in that they had been adopted by consensus. Both resolutions represented the minimum that could be accepted by ICAO and its Member States, thus sending a clear message to the international community on the necessity of technical discussions based on mutual respect; and he hoped that the resolutions would be implemented so as to ensure the future of subsequent generations. He commended the President on her wise management of all the meetings and he also thanked the interpreters.

13. The Delegate of the United Kingdom highlighted the importance of this moment that ICAO, for the first time, had agreed on a long-term aspirational goal to achieve net-zero CO<sub>2</sub> emissions by 2050. At the same time, it had put CORSIA on a stronger footing as it played a crucial role in achieving carbon-neutral growth in the coming years; and that this complementary package of significant environmental measures, LTAG and CORSIA, would have a substantial effect in building the momentum needed to make this transformational change. Importantly, it sent a clear signal of intent to industry to drive forward investment in a new greener technology, and to international finance to help States fund the required new infrastructure. It would also send a clear message to the rest of the world that ICAO was committed to supporting the global temperature goal of the Paris Agreement and would help secure a sustainable and prosperous future for aviation. It was a moment to acknowledge with pride, that ICAO was rising to the challenge of truly fighting climate change. The Delegate of the United Kingdom extended thanks to the President of the Assembly for her resilience and perseverance, the Secretariat team for their hard work, the President of the Council, the Secretary General of ICAO, but especially, to all colleagues for the constructive discussions that led to this moment.

14. The Delegate of Brazil expressed sincere appreciation to all Member States that had shown remarkable flexibility and willingness to compromise on very difficult issues in order to reach an agreement on LTAG and CORSIA. He especially associated himself with the intervention by the Delegate of Colombia and thanked those delegations who had expressed reservations with Resolution 17/1 for their willingness to work with everyone, and he reiterated that many of the concerns and interests expressed were understood and shared by the Delegation of Brazil, and they would be taken into consideration by the Council, as instructed by the Assembly. Lastly, on behalf of his delegation, he thanked the President for her leadership in this Assembly.

15. The Delegate of the United Arab Emirates expressed thanks to the President for her efforts and patience during the Assembly that had brought it to this historical moment; to the ICAO Secretariat, CAEP and the LTAG experts for their endless support and hard work; and for the high-level meeting in July which brought the Assembly to this important moment. In lending full support to engage with the global community to assure that LTAG and aviation net-zero was well achieved by 2050, the Delegate of the United Arab Emirates highlighted that his government had also officially finalized the SAF roadmap for its implementation. Congratulating the Assembly on the endorsement of Resolutions 17/1 and 18/1, he noted their importance to continue the hard work within the international community to show how this could be achieved. This was a very important global message; the aviation sector was fully committed to net zero as well as the other elements of CORSIA, and he joined previous speakers in reiterating his thanks to all in achieving this milestone.

16. The Delegate of India joined others in supporting Resolutions 17/1 and 18/1, which were very important landmark decisions by this Assembly. Difficult compromises had resulted in a collaborative approach based on mutual understanding and respect for different circumstances and capabilities. She also expressed agreement with the proposal of a long-term aspirational goal of net zero by 2050 while respecting States' different capabilities, special circumstances and national timeframes. The Delegate of India expressed thanks to all colleagues present at this Assembly, to the experts who had taken part in the HLM-LTAG, to the team of experts led by the Secretariat and to CAEP experts in creating the groundwork enabling the Assembly to reach this decision. She also thanked the President of the Assembly for her leadership and panache. While a few delegations had expressed reservations with the two Assembly resolutions, many of their concerns were recognized by many delegations, and through the spirit of compromise and proactive contribution, they were willing to work in making these two resolutions related to LTAG and CORSIA possible.

17. Referring to the intervention by the Delegate of Switzerland on the many experts and discussions on these matters, the Delegate of Spain highlighted the magic of ICAO in reaching this outcome that had focussed on major issues for aviation and had achieved a consolidated position for the aviation industry. As was stated by the Delegate of the United Kingdom, this was sending an extraordinary message to the world that was going to drive sustainable development in the coming years, but to get to 2050, and despite the reservations raised, there was a constructive spirit and that was what he appealed for in order to get through the work ahead. If all cooperated and collaborated, the desired results could be achieved.

18. Echoing previous speakers, the Delegate of Mexico believed this was a historic set of resolutions that were mutually reinforcing and the result of lengthy work, not just by experts but also by international cooperation, through sacrificed interests and concerns set aside to reach common ground to pursue the goal of combatting climate change, which was in line with the spirit of the Assembly. The resolutions needed to be strictly implemented so as to ensure there was no negative impact on the aviation sector; were also of benefit to all citizens; and rose to the challenge of climate change and achieved decarbonisation. The Delegate of Mexico congratulated the President of the Assembly on her great leadership and willingness to listen to everyone, which had brought the 41st Session of the Assembly to this point so deftly.

19. The Delegate of South Africa indicated that his State's view had been coordinated with the other African States and consistently included throughout the negotiations; and that the compromise reached at the HLM-LTAG meeting with continued dialogue up to the Assembly had led to today's decision being endorsed by the great majority of Member States. South Africa accepted the results of the Assembly as being balanced and on the understanding that talks would continue with partners to see how concerns expressed could be accommodated. He expressed thanks to the President of the Assembly for the way she had steered the Assembly through the difficult environment issues and to all delegates for their contribution. There was massive work ahead and he hoped that the spirit of these talks would continue with special needs accommodated when implementing the resolutions.

20. The Delegate of Australia was pleased that an LTAG, as the jewel in the crown of this Assembly, now existed. Australia believed that the outcome was good not only for Member States and industry colleagues but for the global community.

21. The Delegate of Côte d'Ivoire congratulated the masterful way in which the President had led the Assembly, and as highlighted in the statement by his State's Ambassador, believed that environmental matters were particularly important, especially to Cote d'Ivoire. In this respect, his State welcomed the outcome achieved at this Assembly, which was a result of consensus and hard work by the Council, the High-level meeting, the Secretariat, CAEP members and many others. In keeping with several delegations, he had no doubt, that the Council, in the spirit of collaboration, would address the reservations expressed by certain delegations; and he voiced support for the interventions by the Delegates of Brazil, Egypt, France, Colombia, the United States, South Africa, and many others.

22. The Delegate of Singapore congratulated all Member States, the Secretariat, the Secretary General, Council President and the President of the Assembly for her patience and guidance in helping the Assembly reach this agreement. As many had said, a lot of work had gone into Resolutions 17/1 and 18/1 which provided a good and significant compromise that signalled the commitment to climate change by ICAO and the aviation community. She emphasized the need for inclusivity in implementation and with the work of the Council in this respect to ensure all countries would progress and give confidence to those who had reservations so that they could also agree to this way forward for climate change.

23. The Delegate of Saudi Arabia believed this was a very important moment in the history of ICAO and, on behalf of his delegation, expressed heartiest thanks to the President of the Assembly and to everyone who had contributed to this balanced outcome; from the work done over the past few years by the Council, CAEP, the High-level meeting, and the Assembly itself. He thought this

agreement could be successful if the specific circumstances and respective capabilities of States were taken into consideration. Realizing that carbon neutrality differed in each country, these goals could be achieved by working together with ICAO and that other key stakeholders by exploring the use of different technologies and energy sources so as to achieve the global goals in an equitable way; and that implementation required States to be collaborative and understanding to ensure that No Country was Left Behind.

24. The Delegate of New Zealand thanked the President of the Assembly for her leadership over the past two weeks. New Zealand, as a small island State in the Pacific, was coming away from this Assembly pleased with the collectively agreed LTAG and ambitious CORSIA. As the Delegate of Australia had noted, it was very important for the world to know that the aviation sector would do its part and that with every step taken, moved towards a point where it could make a credible change and ensure that all States had an equal opportunity to continue to exist. She thanked the tireless translators and the Secretariat who had supported the Assembly through this process and extended a huge thanks to the work done by CAEP and many other organizations to ensure the Assembly had sufficient material to make those decisions.

25. The Observer from the Air Transport Action Group (ATAG), in representing the air transport industry, ACI, CANSO, IATA, IBAC, ICCAIA, expressed congratulations and thanks from the industry as well as concerned citizens around the world including the young aviation professionals calling for net-zero flights. Industry had made the important decision to adopt a net-zero goal exactly one year ago, and to have this goal also taken up by ICAO was a milestone day for the aviation sector. Air transport had always been able to work together to solve complex challenges and climate change was no different. The spirit of global cooperation had been displayed with the climate change file at ICAO over the last year with governance making the most of the benefits of multilateralism, and this was how the UN was supposed to operate; with diplomats reaching an understanding of differences and coming together in common interests. He acknowledged however that setting a goal was one thing, while making it a reality was where the hard work really began and the efficiency improvements and energy transition that were already under way across the industry, needed to continue and accelerate. Although it was a significant challenge, it was fully achievable by working together across industry, government, the energy sector, and finance communities. The industry was committed to working with all States over the coming years as they evolved their own policy environments to complement the new global goal and to ensure that all were moving in the same direction. He thanked the President of the Assembly for her committed leadership in this challenging Assembly, as well as the Secretariat, dedicated Council members and all colleagues around the world who had played a constructive role in helping the Assembly achieve this historic agreement.

26. The Delegate of Mozambique had expressed concerns about climate change, the environment and causes of flooding and devastation in the countries of Africa, so to witness the Assembly adoption of the two Resolutions related to LTAG and CORSIA gave great hope to the people of the Republic of Mozambique, and he would be proud to convey the historical moment achieved at this Assembly to his government. He thanked the President of the Assembly for her wisdom and patience and for everything done for his community, especially for the countries of Africa and members of AFCAC.

27. The Delegate of Argentina joined in the congratulations on this historic agreement of a long-term aspirational goal, which clearly from the discussions, was the main and hardest item to address at this Assembly. ICAO remained the prime forum for these discussions as shown by the joint commitment and respect for all stakeholders' concerns and this would help States cooperate and share technologies, knowledge, and best practices with other stakeholders such as governments and industry, and all those who would play an essential role in implementing what had been agreed upon, which was a source of pride. Lastly, she thanked the President of the Assembly for her wise management and patience throughout the discussions.

28. On behalf of his delegation, the Delegate of Nigeria thanked and congratulated the President of the Assembly for her great work and wisdom during this session; and also aligned with other delegations to thank the Secretariat, CAEP, other stakeholders, and those that had participated in the HLM-LTAG meeting for their contributions to reach this historic moment through coordination and cooperation.

29. Thanking the President of the Assembly for all the efforts that had made this result possible, the Delegate of Qatar indicated that his State welcomed the historical international compromise for the benefit of a more sustainable civil aviation industry and also believed that this was a step that had to be followed by continuous discussions so as to enable all States to reach carbon neutrality in civil aviation without hampering the right for development and growth.

30. Echoing previous speakers, the Delegate of Italy offered her congratulations on achieving this ground-breaking and historical agreement for the good of all people and future generations; and she thanked the President in her double capacity as Chairperson of the Executive Committee and President of the Assembly; and as she had said, they had walked together, and they had walked very far.

31. Like many others, the Delegate of Jamaica expressed congratulations to the President of the Assembly, colleagues, and the Secretariat on this historical outcome for the LTAG.

32. The Observer from the International Coalition for Sustainable Aviation (ICSA) added his support for the setting of a net-zero goal and also recognized the efforts made over the last three years by CAEP, the Secretariat, the HLM-LTAG meeting, as well as the leadership of the President of the Assembly and the work of States to build support for a successful outcome; and like others, he noted that there was now much work to do to deliver on that goal. While noting the compromise in this agreement and recognizing the sentiments expressed by other States about misrepresenting a minimum level of ambition, a view shared by ICSA, which would have preferred it had gone further on both the detail of the LTAG and especially on CORSIA, nevertheless, looked ahead to working together to strengthen the collective efforts.

33. The Delegate of Tunisia thanked the President for leading so masterfully the work of the Assembly over the last two weeks to ensure that the efforts of the international community not just in civil aviation but elsewhere, was aware of the work to counter climate change. She emphasized that aviation was not just a source of pollution but was also an option for the international community to be a solution in fighting climate change. There were alternative aeronautical activities, not just air transport, for clean transport in the sector. Aviation could be a policy option for States, not just concerning LTAG, but there could also be other strategic objectives for the international community.

34. The meeting adjourned at 1200 hours.



## **Minutes of the Ninth Meeting**

(Friday, 7 October 2022 at 1230 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 34 to 39
  - Approval of the Final Report of the Credentials Committee
  - Approval of Reports from the Executive Committee on Agenda Items 13, 26 and 28
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**

1. Before opening the discussion on the meeting's agenda items, the President invited the Secretary General to address the Plenary.
2. The Secretary General congratulated and thanked the Assembly for the historic steps that had been taken with the adoption of Assembly Resolutions 17/1 and 18/1 at the Eighth Meeting of the Plenary that morning. It was truly a moment of joy and commitment for the Council, Secretariat and experts, who had been working many years towards this achievement; and he reassured the Assembly of the renewed energy that the Organization would have to continue to work on the mandate that had now been received from this Assembly. Ending on a very positive note, the Secretary General announced that the Solomon Islands had just joined CORSIA as the 118th State to do so; and that 42 States and 11 organizations had joined the ACT-SAF programme, and he thanked all for their support in this regard.

#### **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 34 to 39***

3. The Chairperson of the Economic Commission, Mr. Juliano Alcântara Noman (Brazil), presented four Reports by the Commission (WPs/670 to /673) for approval by the Plenary. He noted that the Commission had held three meetings to complete its work under Agenda Items 34 to 39. WP/670 covered the General Section of the Commission's Report, as well as its Report on Agenda Item 34: *Annual Reports of the Council to the Assembly for 2019, 2020 and 2021*, which also covered the supplementary report for the first six months of 2022, and Agenda Item 35: *Economic Regulation of International Air Transport – Policy*.

4. The Chairperson highlighted that, under Agenda Item 35, the Economic Commission reported on the economic and financial measures and experience of States in addressing the impact of the COVID-19 pandemic, the ongoing work of the Air Transport Regulation Panel (ATRP), the examination of whether to develop a specific international agreement in the liberalization of air cargo services as well as guidance material on the economic regulation of international operations of unmanned aircraft systems. The Commission had endorsed the proposed work programme of the Organization for advancing the liberalization of international air transport, as outlined by the ICAO Council.

5. WP/673 reported the Commission's deliberations on Agenda Item 36: *Economics of Airports and Air Navigation Services – Policy*. The Commission expressed support for the ongoing work of the Airport Economics Panel (AEP) and the Air Navigation Services Economics Panel (ANSEP) and endorsed the Organization's work in this field during the next triennium, as well as guidance to assist States in addressing their infrastructure funding and financing needs.

6. With respect to Agenda Item 37: *Aviation Data – Monitoring and Analysis*, the Commission had reviewed the work on the updated single set of long-term traffic forecasts in planning the activities of the Multi-disciplinary Working Group on Long-term Traffic Forecasts (MDWG-LTF) related to big data analysis. The Commission also had reviewed the progress on the development of the aviation satellite account methodological framework; and as summarized in WP/672, the Commission had endorsed the work programme in the field of aviation data for the upcoming triennium.

7. Regarding Agenda Item 38: *Economic Development of Air Transport*, the Commission had reviewed Resolution 38/1: *Consolidated statement of continuing ICAO policies in the air transport field* with some proposed amendments and had recommended that the Plenary adopt the Resolution, as presented in WP/671. In the same working paper, the Commission also reported on discussions under Agenda Item 39: *Other issues to be considered by the Economic Commission*.

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:

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| WP/670 | — General Section  |
|        | — Agenda Item 34: <i>Annual Reports of the Council to the Assembly for 2019, 2020 and 2021</i> |
|        | — Agenda Item 35: <i>Economic Regulation of International Air Transport – Policy</i>           |
| WP/673 | — Agenda Item 36: <i>Economics of Airports and Air Navigation Services – Policy</i>            |
| WP/672 | — Agenda Item 37: <i>Aviation Data – Monitoring and Analysis</i>                               |
| WP/671 | — Agenda Item 38: <i>Economic Development of Air Transport</i><br>(Resolution 38/1)            |
|        | — Agenda Item 39: <i>Other issues to be considered by the Economic Commission</i>              |

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

9. In presenting the Final Report of the Credentials Committee (WP/660) on behalf of the Chairperson, Ambassador Estanislao Esono Anguesomo (Equatorial Guinea), Committee Member, Ambassador Augusto Carlos Wilfredo Freyre Layzequilla (Peru) recalled that, at the First Plenary Meeting held on 26 September 2022, the Assembly had agreed to the establishment of the Credentials

Committee and that the Delegations of Equatorial Guinea, Greece, Peru, the Republic of Korea and Saudi Arabia had been invited to nominate Members.

10. The first meeting of the Credentials Committee was held on 27 September 2022. It was composed as follows: Ambassador Estanislao Esono Anguesomo (Equatorial Guinea), Ambassador Maria Saranti (Greece), Ambassador Augusto Carlos Wilfredo Freyre Layzequilla (Peru), Ambassador Sangdo Kim (Republic of Korea), and Dr. Bader Bin Saleh Bin Hamed Al-Sagri (Saudi Arabia). Ambassador Estanislao Esono Anguesomo had had the honour of being unanimously elected by the Committee as its Chairperson.

11. At the Second Meeting of the Plenary on 27 September 2022, the Chairperson had presented an oral interim report to the Assembly and informed that, as of 1500 hours on that day, credentials in proper form had been received from 169 Member States and 48 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 Sixth Meeting on 6 October 2022, the Credentials Committee had found that the credentials submitted by 181 Member States and 58 observers had been presented in due and proper form.

14. In the absence of comments, the President of the Assembly declared the Final Report of the Credentials Committee set forth in WP/660 approved.

#### ***Approval of Reports from the Executive Committee on Agenda Items 13 and 26***

15. The President of the Assembly, in her capacity as the Chairperson of the Executive Committee, introduced the Reports on Agenda Items 13 and 26 (WPs/667 and /675) for approval by the Plenary while awaiting publication of the Report on Agenda Item 28.

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

WP/667 — Agenda Item 13: *Facilitation Programmes*  
(Resolutions 13/1, 13/2, 13/3 and 13/4)

WP/675 — Agenda Item 26: *ICAO Civil Aviation Training and Capacity Building*

17. The Observer from AFCAC took the opportunity, on behalf of AFCAC and the fifty-four African States, to commend and congratulate the President of the Assembly, on the excellent way in which she had handled the proceedings of this Assembly and of the Executive Committee.

18. AFCAC was delighted to have been a part of this great Assembly of ICAO Member States at a time when the industry was recovering from the ravaging effects of the COVID-19 pandemic. It was such an opportune time that the leading minds in aviation had gathered to deliberate on crucial agenda items to chart the policy direction for the aviation industry in the next triennium. It was also an opportune time for the Observer from AFCAC to be a part of this Assembly, having recently resumed the role of this position on 1 September 2022. The world was facing climate change and its effects, and this had obviously become a major concern, not only for the current generation, but of course, for future ones. The Resolutions that had been made today and throughout this Assembly across all domains of aviation were crucial, and their subsequent implementation and actions would determine the Assembly's legacy for the next generations.

19. AFCAC was committed to work with ICAO, Member States, and all stakeholders to move forward towards rebuilding a more resilient and vibrant post-COVID-19 aviation air transport system. The Resolutions from this Assembly would, in many ways, build the aviation industry for the present and future generations and, of course, for Africa. AFCAC, through the African Union Flagship Projects, was committed to re-energize through collaborative arrangements with its African Member States, and all other like-minded organizations and stakeholders, to move African aviation forward. It was important for all participants of this Assembly to remember the reality, as in all times, of the need to continue to listen objectively to one another and to reach common positions that promoted the principle of *No Country Left Behind*.

20. Drawing attention to the Report on Agenda Item 28: *Other high-level policy issues to be considered by the Executive Committee* (WP/676), the Delegate of the Russian Federation highlighted the serious concerns of his delegation as to the unprecedented politicization of the discussions that had occurred under this item, which he thought rather disconcerting. The politicization of ICAO's work was subject to double standards, and this was hindering the historic achievements and the entire system of international civil aviation. ICAO's authority was now under threat, including in the area of environment. The Russian Federation, despite the challenges, had done everything that it could to keep ICAO as a forum for strengthening friendship and mutual respect amongst the peoples and nations of the world. In the spirit of cooperation, the Delegate of the Russian Federation proposed a short roll-call vote on the draft resolution on the incompatibility of the unilateral measures affecting international civil aviation activities with the provisions of the *Convention on International Civil Aviation*, appended to WP/456 presented by the Russian Federation. He had hoped that the Executive Committee would have unanimously approved the draft resolution as it respected the Chicago Convention and the Universal Declaration of Human Rights that was approved by the UN General Assembly, and while not insisting, now called upon the Assembly to show goodwill and vote in support of this draft resolution.

21. The Delegate of France pointed out that the draft resolution had already been discussed at the 12th Meeting of the Executive Committee on 5 October 2022, the result of which was that the resolution had been set aside through a vote, thus it did not need to be considered other than in the context of the review by the Plenary of the Report on Agenda Item 28.

22. Responding to the substance and procedure raised by the Delegate of the Russian Federation, the Delegate of the United States indicated that it was clear that the Russian Federation was merely attempting to distract the Assembly and forego the issues at hand, which were the Russian Federation's unprovoked and premeditated act of aggression against Ukraine and its continued violations of various Articles of the Chicago Convention and the UN Charter.

23. In concurrence, the Delegate of the United Kingdom stated that given the unlawful dual registration and operation of aircraft without certificates of airworthiness and the Russian Federation's serious threat to the safety of international civil aviation, ICAO had been forced to respond in view of its mandate to preserve the safety and security of international aviation and to protect the travelling public. On the specific procedure invoked by the Russian Federation, it was the view of the Delegate of the United Kingdom that this was out of order since the Executive Committee had already decided not to support the actions contained in WP/456 nor the adoption of the draft resolution contained therein. Thus, it would be inappropriate to now raise this matter in the Plenary.

24. Of the same view, the Delegate of Germany sought clarification from the President of the Assembly as to whether the request by the Delegate of the Russian Federation was even permissible under the Rules of Procedure of the Assembly given the item had already been dealt with by the Executive Committee.

25. The Delegate of Spain was of the view that the current discussion in the Plenary was out of order since the Report on Agenda Item 28 had not yet been published. In any case, he recalled quite clearly that paragraph 28.17 of the draft text for the Report on Agenda Item 28 (WP/662), had indicated that a clear majority of the Committee had decided against supporting the actions contained

in WP/456. Likewise there had been no support for the adoption of the draft resolution proposed by the Russian Federation in the appendix to that paper. This outcome was likewise contained in the final report.

26. The Delegate of the United States fully endorsed the position of the Delegates of the United Kingdom and Germany and the views of the Delegate of Spain. He reiterated that the will of the Assembly had already been expressed through the earlier vote in the Executive Committee and so it was now entirely inappropriate for this matter to be raised again in the Plenary, especially without having the report at hand.

#### ***Approval of Report from the Executive Committee on Agenda Item 28***

27. Attention then turned to WP/676 setting forth the Report of the Executive Committee on Agenda Item 28: *Other high-level policy issues to be considered by the Executive Committee.*

28. Referring to the second line in paragraph 28.24, the Delegate of the Democratic People's Republic of Korea requested that "2019" be amended to read "2017" instead. Moreover, he requested that the following text be included in draft Resolution 28/3, paragraph 28.25: "The Assembly requests the ICAO Secretariat to encourage communication with the Member States and stakeholders concerned regarding the issue of technical activities of the Democratic People's Republic of Korea in line with the ICAO mission."

29. In regard to the proposed modification to draft Resolution 28/3, the President of the Assembly indicated that the last sentence of paragraph 28.20 as worded, already covered the matter in that ICAO was requested to continue to engage with the Democratic People's Republic of Korea to try to resolve this issue with the expectation that ICAO would report back to the next Assembly in response to this request. In the circumstances, she did not consider that the additional text being requested was warranted. Further, she pointed out that it would be difficult now to introduce text in the report just as it was being reviewed by the Plenary since this might call into question the accuracy of the contents and might also reopen discussions that had already been closed.

30. The Delegate of the Democratic People's Republic of Korea responded that due to technical connection issues at the time in the meeting of the Executive Committee, he had been unable to properly participate in the discussions on Agenda Item 28. Accordingly, he was seeking to introduce the proposed additional text at this late stage, but in doing so, he observed that the additional text was in keeping with interventions of Member States during the Executive Committee, including those of the Delegates of China, the Russian Federation, and Nicaragua.

31. The Delegate of France indicated that the request by the Delegate of the Democratic People's Republic of Korea should not be accepted since it ran counter to the discussions in the Executive Committee. He considered that the Executive Committee on this item had already taken the substantive decision and therefore, this request from the Democratic People's Republic of Korea could not be accepted at this late stage.

32. Agreeing with the previous intervention, the Delegate of the United Kingdom added that the request to amend the draft resolution extended beyond the mandate of the Assembly at this point of time, to which the Delegate of Colombia concurred, as did the Delegate of Mexico. The latter also pointed out that the Executive Committee had discussed this question at length and the modification being proposed would completely reverse the intention of draft Resolution 28/3 in that cooperation with the Democratic People's Republic of Korea had been suspended until there was a cessation in the launching of unannounced missile launches from that country.

33. The Delegate of the Russian Federation recalled that during his intervention in the Executive Committee meeting on this item, he had proposed that the Council continue to work on this matter on the basis of respect for the sovereign rights of States. In his opinion, the implementation of sanctions would be harmful to the safety of the civil aircraft of the Democratic People's Republic of

Korea. Nonetheless, given the concerns expressed on amending the Final Report on Agenda Item 28 at this late stage, the Delegate of the Russian Federation suggested that the proposals from the Democratic People's Republic of Korea be instead reflected in the minutes of this plenary meeting.

34. The Delegate of Eritrea took the opportunity to express his deep appreciation for a job well done by the President of the Assembly, and the Secretariat and delegates to this august Assembly. As to the preceding point on the sovereign rights of Member States, he considered that first and foremost was the safety and security of their sovereignty in the context of civil aviation. In his opinion, the request by the Delegate of the Democratic People's Republic of Korea had been raised as a Member State of ICAO and it should have been given due consideration, as had been proposed by the Delegate of the Russian Federation.

35. The President of the Assembly confirmed that there would no difficulty to reflect the interventions by the Democratic People's Republic of Korea's in the minutes to this meeting, including their request for a proposed modification to draft Resolution A28/3, but beyond that, there clearly was no support at this point to reopen discussions on the wording of the draft Assembly Resolution itself.

36. The Delegate of Spain voiced support for the proposed solution outlined to reflect this discussion in the minutes to this meeting. He considered that this would be the most appropriate way to respond to the request from the Democratic People's Republic of Korea. The Delegates of Japan and Peru agreed with this view, the latter whom also associated himself with the intervention by the Delegate of Mexico. He observed that in future discussions it should be borne in mind that beyond Article 1 of the Convention pertaining to the sovereign rights of a State, there were also certain duties pursuant to the Convention vis-à-vis humanity as a whole.

37. In response to a question by the Delegate of the Democratic People's Republic of Korea as to what was meant by the avoidance of technical activity with his State and whether it included the COSCAP-NA, which he thought had already been handled by the Panel of Experts of the UN 1718 DPRK Sanctions Committee, the President of the Assembly expressed scepticism as to the value of now re-opening this aspect of the discussion. She reiterated that the issue had already been discussed at length in the Executive Committee and therefore, the best course of action at this point would be to reflect all comments in the minutes accordingly. She urged all delegates to cooperate with the proceedings in this regard.

38. Fully understanding the situation, the Delegate of the Democratic People's Republic of Korea then expressed his heartfelt thanks to the President of the Assembly for her leadership during this Assembly and he also extended his best regards to the President of the ICAO Council and the Secretary General for their contributions to this successful Assembly meeting. Nonetheless, as Chief Delegate, he indicated that it was his obligation to firmly oppose and reject draft Resolution 28/3 regarding his State's missile launches, which he considered to represent a political provocation by the United States and its allies. The Democratic People's Republic of Korea also expressed its regret that ICAO had adopted a Resolution that avoided all technical cooperation activities with a Contracting State for the first time in its history of over 78 years. He concluded by nonetheless giving reassurances that the Democratic People's Republic of Korea stood ready to fulfil its obligations as an ICAO Member State.

39. The Delegate of Namibia extended sincere appreciation for the leadership of the President of the Assembly and her team in guiding the Assembly to its logical conclusion. Turning to the issue of the work undertaken by the ICAO Fact-Finding Investigation Team (FFIT) into the incident involving Ryanair flight FR 4978, which was referred to in the Report on Agenda Item 28, he wondered whether this was in keeping with the functions of the Assembly enshrined in the Convention under Article 49 c). In particular, his interpretation of Annex 13 — *Aircraft Accident and Incident Investigation*, Appendix 2, was that reports into such incidents should avoid apportioning blame or liability. However, the wording in operative clause 2 of Resolution 28/1, indicated that the Assembly condemned the actions of a State, which he considered was an apportionment of blame. If the incident involving Ryanair flight FR 4978 fell within this meaning of Annex 13, then this would have meant that the Council had not acted appropriately, but rather that the Council had erred in its responsibilities.

When the Council established the FFIT, the latter proceeded to apportion blame to a Member State, which went against the intent of Article 55 e) of the Convention. Accordingly, he challenged the authority under which the FFIT had conducted its work. He claimed that these points were valid, because they underscored the need for the Assembly to be mindful of the precise wording incorporated into the Resolutions to be adopted, especially if they might be in contravention with the provisions of the Chicago Convention.

40. In response to the preceding intervention, the Director of the Legal Affairs and External Relations Bureau (D/LEB) clarified that the establishment of the Fact-Finding Investigation Team (FFIT) into the incident involving Ryanair flight FR 4978 clearly fell within the mandatory functions of the Council as set out in Article 54 of the Convention. In this connection, the Council at the time had specified the FFIT mandate and its terms of reference. This particular matter had not been reported as an accident and therefore it had not fallen within the remit of Annex 13 to the Convention, which rather related to the investigation of aircraft accidents or incidents.

41. The Delegate of France agreed with the interpretation provided by the Secretariat. He stated that the investigation into the incident involving Ryanair flight FR 4978 was based clearly on Article 55 e) of the Convention and not on Annex 13, which pertained to safety investigations in the case of an accident.

42. The President of the Council further clarified that this issue had been discussed at length in the Council and that the investigation undertaken by the FFIT had not been conducted in accordance with Annex 13, because the matter did not involve an incident or accident within the meaning of that Annex. For this reason, the Council had developed specific terms of reference for the FFIT that had guided the investigation team. In accordance with Article 55 e) of the Convention, the Council had proceeded with the establishment of the FFIT since at the time, it had received a request from a State to determine what had happened in this particular case. The President furthermore reminded the Assembly that ICAO did not conduct aircraft incident or accident investigations as these were the sole responsibility of States, as prescribed in Annex 13.

43. The Delegate of the Russian Federation thanked the Delegate of Namibia for his intervention, which he considered contained useful aspects that warranted further analysis by the Council. Turning back to the contents of the Report on Agenda item 28, he thanked the Secretariat for the huge amount of work carried out in a very short time to finalize the report. However, in recalling the discussion that had occurred at the Executive Committee, he considered that the report had not properly represented the discussion that had taken place vis-à-vis WPs/455 and /456. In his view, these two papers had never been properly discussed. Rather, they had been put on hold and contrary to what was indicated in paragraphs 28.16 and 28.17 of the report, a total number of 16 delegations had made interventions on this item, including what he considered to be a strong case being articulated by the Delegate of South Africa.

44. There being no further comments on the contents of the Final Report, the President of the Assembly thanked all delegates for their patience and cooperation. She indicated that it was now her pleasure to declare the Report of the Executive Committee contained in WP/676, subject to the amendment of paragraph 28.24 as reflected in paragraph 28 above, approved and Resolutions 28/1, 28/2 and 28/3 adopted.

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

45. The Plenary delegated to the President authority to approve, on its behalf, the minutes of the 41st Session of the Assembly.

#### ***Vote of Thanks***

46. On behalf of all delegates and observers, the Delegate of Australia thanked the President of the Assembly, noting she would henceforth be afforded the highest honour of being an

ICAO legend. He also extended thanks to the Secretariat for a great job, and also to the interpreters and translators, and to his fellow delegates. He noted that they had all gone through one of the toughest periods in international aviation history due to COVID-19 and it was wonderful to see participants from all around the world in the room together and he looked forward to working closely with all in the future. He also thanked the President and Secretary General for their magnificent work and lastly, he wished everybody a safe flight home.

47. Speaking on behalf of all the staff of the Secretariat, the Chief, Assembly and Council Secretariat (C/ACS) expressed appreciation for all that the President of the Assembly had accomplished over the past two weeks and that it had been an honour for the staff to have served and supported her and her Presidency. He indicated that she had done a sterling job and that throughout the Assembly session, the staff had admired her style and panache. For his part, it had been a real pleasure to work with her and to help her deliver a successful outcome to the Assembly. In closing, he assured the President that she would always be part of the ICAO staff community and he concluded by presenting the President of the Assembly with a small gift of appreciation on behalf of the staff.

#### ***Closing remarks by the Secretary General***

48. The Secretary General began by thanking the President of the 41st Assembly, Ms. Poppy Khoza (South Africa) for her outstanding management and for the historic and extraordinary outcomes of this Assembly. He also expressed appreciation to 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, and the Innovation Fair which preceded it.

49. It had been his great honour to serve as Secretary General for this 41st Session of the ICAO Assembly. In the last two weeks, this Assembly had completed the formal consideration of over 650 working papers, which set a new efficiency record for the Organization and immensely testified to the successful and greatly appreciated efforts of the Assembly President, Vice-Presidents, Committee and Commission Chairpersons and Vice-Chairpersons.

50. This Assembly had been the first ever to be held in a hybrid in-person and virtual format, and this increased flexibility had permitted the participation of more than 2500 delegates from 184 Member States, non-Member States, and 56 observer delegations, despite the continued presence of the pandemic. However, it had also increased the complexity, work, and cost of preparing for, and conducting the Assembly. Many lessons learned and innovative approaches had been retained that would assist in planning and preparing for the next Assembly and other events.

51. It had been both an incredible honour, and deeply humbling, to be leading these efforts for the first time as Secretary General, and he asked that a moment now be taken to applaud the important contributions of everyone towards the significant accomplishments for the benefit of international civil aviation, all ICAO Member States and the air transport industry. Some tremendous and very important progress had been achieved at this Assembly and on topics of crucial importance to the future sustainability of the planet and the resilience of the air transport system, which served and connected its populations. The Resolutions and decisions that had been adopted had mandated a great deal of new requirements and responsibility on ICAO's shoulders. To support the Organization to effectively deliver this workload, and become a more adaptive, agile, innovative, and sustainable Organization, the Assembly had also approved ICAO's budget, including a special appropriation for transforming and modernizing the Organization as detailed in the new Business Plan. This transformation was absolutely critical at this time if ICAO were to realize the new objectives and targets, and he extended to all States his solemn commitment and assurance that, together with the Secretariat, he would work very closely and effectively with the Council to lead these changes in the Secretariat and make ICAO's transformational objective a reality.

52. Going forward, ICAO would continue to rely on States for their support and contributions in order to successfully provide the necessary capacity-building activities that States needed and expected. ICAO also relied on States' continued and active engagement with the ICAO

Regional Offices, whether to promote State information and best practices, stay abreast of latest developments and priorities amongst their neighbouring States, or to assure that their positions and perspectives were being listened to and appreciated in relevant regional groups.

53. The Secretary General was leaving this event both energized and inspired, and he was sure that many delegates would do so as well. Until the good fortune to meet again, whether in Montréal or States and regions, he wished all a safe and healthy journey back home, and continued success in all of the challenges they were addressing together in support of 21st century air mobility and sustainability.

***Closing remarks by the President of the Council***

54. The President of the Council extended deep appreciation to the President of the 41st Session of the Assembly, Ms. Poppy Khoza of South Africa, the first female presiding over the Assembly in 78 years, and he joined the Secretary General in his thanks to the Vice-Presidents, Chairpersons and Vice-Chairpersons of the Committees and Commissions who had supported the work of the Assembly.

55. ICAO had been very encouraged to see such a high level of engagement from Member States and industry in the priorities addressed over the last two weeks. The combined results had achieved important progress in driving increased innovation and resilience in air transport, and perhaps most importantly of all, by establishing an international consensus on net-zero international operations by 2050. The adoption by States of this new long-term goal for decarbonisation of air transport, following the similar commitments from industry groups, would contribute importantly to the green innovation and implementation momentum that must be accelerated over the coming decades to ultimately achieve emissions-free powered flight. The Assembly had also made progress in defining how to achieve this critical environmental objective, by promoting accelerated innovation in the technologies, operations, fuels, and coalitions that would be necessary for ICAO to reach this goal. The ACT-SAF agreements signed during this Assembly were a testimony to States' current resolve, and the agreement on CORSIA was another crucial step.

56. In the areas of aviation safety and air navigation capacity and efficiency, the Assembly had endorsed the latest editions of ICAO's GASP and GANP Global Plans, bringing the aviation community together around common targets and pathways to achieve an agile, safe, secure, sustainable, high-performing, and interoperable global air transport system. ICAO was also encouraged that the Assembly had agreed to include the cyber resilience of safety critical systems as a key priority in the next edition of the GANP and had also fully endorsed the Safety Stream recommendations from ICAO's High-level Conference on COVID-19. The outcomes of the High-level Conference also factored into the Assembly's agreements in the area of air transport facilitation, and notably in terms of its recommendations on the need for a contactless digital passenger experience to be achieved, supported by new public health-related ICAO provisions. Other notable outcomes in these areas included the support for the revision of ICAO's Global Aviation Security Plan, and the Assembly's strong emphasis on the need to strengthen the cybersecurity and cyber resilience of the civil aviation sector.

57. With respect to the economic development of air transport, the Assembly had strongly promoted the recognition of aviation as a powerful enabler of recovery, the need for increasing liberalization of air services, and the role of air cargo operations in keeping the world supplied and connected in times of crisis. In addition, the Assembly agreed to improve funding access for the modernization of aviation infrastructure and air navigation services worldwide, while urging the ICAO Air Transport Regulation Panel (ATRP) to advance its work on the draft *Convention on Foreign Investment in Airlines*. Along with these developments relating to ICAO's core Strategic Objectives, the President was pleased to see the Assembly's endorsement to apply the new Council-approved ICAO Implementation Support Policy.

58. The Assembly had also underscored the intrinsic value of ICAO's technical cooperation and assistance efforts for effective global capacity building, and of its portfolio of products

and services to support the recovery, resilience, and sustainable development of international aviation. Similarly, numerous governments of Member States had underscored the value of the assistance provided through ICAO's global aviation training activities and programmes, while agreeing that a new ICAO conference should be convened soon to fully assess current and future human resource skills requirements and training needs for global aviation.

59. The President further observed that decisions taken at this Assembly would also be critical in advancing ICAO's work in the legal domain and in promoting the alignment of ICAO's priorities and programmes with the associated needs of States and regions as they pursued the attainment of the United Nations 2030 Agenda for Sustainable Development. Indeed, many of the social and economic objectives of the Assembly agenda had been advanced, including in relation to gender equality, an issue that he considered required more ambitious action from the aviation sector.

60. He expressed his profound thanks to all delegates and observers who had contributed to the Assembly's impressive outcomes, particularly for their unwavering dedication to multilateral consensus in the face of some intense diplomatic deliberations and difficult discussions. It was that very spirit of global cooperation that would continue to guide and enable all to carry out the work set by this 41st Assembly.

61. Before closing, the President added his congratulations and appreciation to the work of the Secretariat and for the efforts by the interpreters and translators, who worked behind the scenes producing documents overnight. With this, he thanked all participants very much, and with the Secretary General, presented the President of the Assembly with a small token as a memory of this event.

#### ***Closing remarks by the President of the Assembly***

62. Thanking the Delegate of Australia, the President of the Council, the Secretary General and C/ACS for their kind remarks, the President of the Assembly also thanked all those who had participated at the Assembly.

63. A little over ten days ago the Assembly had commenced and as President of the Assembly she had undertaken to create a safe space for collaborative deliberations and she sincerely hoped that she had lived up to those undertakings as participants navigated through the agenda before them. It was not an easy task, but with the understanding and cooperation of all, there had been a safe and final landing. She had witnessed a collective of professionals and aviation experts bringing their individual and national expertise and contributions to the betterment of the civil aviation industry and she was eternally grateful for the decorum that was displayed during the past ten days and even more grateful for the cooperation that led to the outcomes of this Assembly.

64. She acknowledged that the discussions had been quite robust and indeed difficult at times, but what mattered the most was that the spirit of cooperation, understanding and friendship still permeated amongst all. The challenge would now be how to ensure the successful implementation of the outcomes that emanated from the different Committees and Commissions. Although wishing all a well-deserved break, she however noted that the reality was that the work of rebuilding and reconnecting the world had just begun. What had been achieved in the past ten days was indeed a formidable foundation upon which to continue building and to deliver on those ambitious plans, in collaboration with the Council and Secretariat in the next three years.

65. She therefore called upon all participants to reflect on the importance of civil aviation, as well as the mandate that each State had entrusted upon them to move civil aviation forward, to protect the interests of this industry and to ensure its continued development. She noted that in three years from now, everyone would converge again in this forum, but the question at that future time would be as to whether the intentions that had been set in the past ten days had been achieved.

66. In the past two weeks, the Assembly had also re-elected a new Council. In this regard, the President congratulated each country that had successfully contested for a seat on the Council. In order to realize the success and impact of the deliberations and outcomes of these past two weeks, these States in particular would have to remain focused and diligent and avoid being side-tracked by issues on the periphery. Indeed, the onus for all Member States was to rally behind the Council and ensure that the past two weeks were not wasted. The many brilliant contributions shared in the different Commissions, Committees should now be brought to life. She also urged the President of the Council, and the Secretariat to take into consideration the valuable lessons learned from this gathering in preparation for the next Assembly.

67. In conclusion, she thanked all for the trust placed in her with this delicate and important task. She also thanked the four Vice-Presidents, the Chairpersons and Vice-Chairpersons of the Committees and Commissions whose support had made this task more manageable. She was grateful to the President of the Council, the Council Members, the Secretariat, and the interpreters for the planning that went into this Assembly, as well as the camaraderie that prevailed during the past ten days, under testing circumstances at times. The President also thanked all delegates representing various Member States, the industry organizations and observers for their cooperation and support and those who had followed the deliberations virtually. She also thanked her government for allowing her to be here and confirmed that she had learned many lessons during the entire process. At the same time, she underscored that her experience as the President of the Assembly was now an unforgettable experience that she would not trade for anything.

68. Lastly, the President of the Assembly wished all delegates safe travels back home.

69. The President of the Assembly then declared the 41st Session of the Assembly of ICAO closed. The meeting adjourned at 1550 hours.

— END —





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