

## **ICAO Council President's Update to the Supplementary Report on activities of the Organization in the first half of 2022**

As a courtesy, the Office of the President of the ICAO Council has provided the following updates to certain topics covered in the [Supplementary Report on activities of the Organization in the first half of 2022](#). Current as of 23 September 2022, this text is presented in English only due to time constraints.

### **Business Planning**

During its 226th session the Council considered the draft ICAO Business Plan 2023-2024-2025 and endorsed the strategic narrative, as well as the Performance Monitoring Framework outcome indicators. The Business Plan 2023-2025 is underpinned by a results-based management approach and was welcomed as an accountability and management tool. The Council underscored that the ICAO Business Plan for 2023-2024-2025 is a living document and would need to be revised on a regular basis to reflect the outcomes and decisions arising from ICAO high-level meetings, such as the 41st Session of the Assembly, as well as new priorities and contingencies that may emerge over the course of the triennium. In this regard, the Secretary General will report on any such amendments to the Council, as well as to provide an annual report, during the Council's winter session, on the progress made to execute the Business Plan, using the Performance Monitoring Framework indicators.

### **Transformational Objective**

A new cross cutting Transformational Objective has been introduced in the ICAO Business Plan for the next triennium to orient ICAOs work towards bringing changes to address a number of corporate management and innovative initiatives within the Organization. The main driver for this is to provide an improved service to meet our Member States' needs resulting in an ICAO better fit for purpose.

This will be marked by enhancing the efficiencies and effectiveness of our internal operations, leveraging on technology, simplification of systems and procedures, and closer collaboration with States and other stakeholders. This supports the one-ICAO approach work and delivery. Work has already begun, specifically on the results—based planning, ethics framework implementation, digital transformation and the implementation of the information security roadmap, and other initiatives are currently being scoped with the structure, strategy and governance processes to ensure success.

### **Additional ICAO support for the recovery of air transport**

ICAO provided its latest analytical tools to States and Delegations on monitoring the development of air transport post pandemic. The multi-faceted and dynamic visualization on all aspects of air transport traffic and finances, covering all aviation stakeholders (airlines, airports, and ANSPs, etc.) facilitates the planning and implementation needs of States. New dashboards were added in advance of the Assembly on cancellations and delays, which can be viewed by "Origin State" and "Origin Airport."

As recommended by States in the recently concluded Statistics Division, progress continues on ICAO's ongoing activities on the development of methodological framework to measure the economic contribution to States from Civil Aviation, and Global Aviation Competitiveness Index.

### **ICAO High-level Meeting (HLM) on a Global Long-Term Aspirational Goal for CO2 emissions**

The ICAO High-level Meeting on LTAG (HLM-LTAG) was convened from 19 to 22 July 2022 in Montréal, Canada, in a hybrid format with in-person and virtual participation, including 428 delegates from 104 Member States and 58 delegates from 15 international organizations.

The full Report of the HLM-LTAG is available as [ICAO Doc 10178](#). During the HLM–LTAG, ICAO member States agreed to cooperate further toward the achievement of net-zero carbon emissions by 2050. This agreement will continue to serve as a cornerstone for States' deliberations during the 41st Session of the ICAO Assembly (A41).

## **Policy on ICAO Implementation Support Provided to States**

The ICAO Council approved, during its 225th Session, the Policy on ICAO Implementation Support provided to States, which serves to align the management of the Technical Cooperation and Technical Assistance programmes, projects, products, and services.

The main objective of the Policy is to strengthen the coordination and management of ICAO's implementation support activities to better serve the needs of the Member States. At its core, the policy considers the need to have an aligned, integrated, cooperative, results-based and harmonized method to provide Implementation Support as One-ICAO.

To support the development and implementation of this Policy, the Implementation Support Group has been created to review the implementation of the policy, develop related recommendations, strategies, plans and procedures, and provide advice on ICAO implementation support operational issues.

## **Settlement of differences between States**

### *Australia and the Kingdom of the Netherlands and the Russian Federation (2022)*

By Note Verbale dated 14 March 2022, delivered on the same date, the Delegation of Australia to the International Civil Aviation Organization (ICAO) and the Delegation of the Kingdom of the Netherlands to ICAO presented to the Organization a joint Application and its corresponding Memorial for the settlement of a disagreement. The Application was submitted under the terms of "Article 84 of the *Convention on International Civil Aviation* ('Chicago Convention'), related Annexes, and the *Rules for the Settlement of Differences* (Doc 7782/2) ('Rules')", and it names the Russian Federation as Respondent. The Application and its corresponding Memorial relate to the "interpretation and application of the Chicago Convention" following "the downing of Flight MH17 by a Buk-TELAR surface-to-air missile over the east of Ukraine on 17 July 2014", which the Applicants submit is "legally attributable to the Russian Federation and constitutes a breach of Article 3*bis* of the Chicago Convention". Acting under Article 28 (3) of the Rules, on 21 March 2022 the President of the Council decided to grant a twelve-week time-limit for the filing of a Counter-memorial by the Respondent (i.e., by 13 June 2022). Upon a request by the Respondent, on 1 June 2022, the Council (C-DEC 226/5) agreed to grant the Respondent a time period expiring on 2 August 2022 for the filing of its Counter-memorial, that is to say twelve weeks from 10 May 2022 being the date on which the Russian language versions of the Application and Memorial were provided to the Respondent.

On 28 July 2022, the Respondent filed a Statement of preliminary objection questioning the jurisdiction of the Council to handle this matter. Subsequently, on 11 August 2022, the Council decided to fix a 6-week time-limit for the Applicants to submit written comments, if any, to the Respondent's Statement of preliminary objection, and that consistent with its previous decision in this matter (C-DEC 226/5, paragraph 6 d) refers), the 6-week time limit would only begin to run from the date on which an English translation of the preliminary objection was provided to the Applicants (C-DEC 226/17 refers).

### *Infractions of the Chicago Convention by the Republic of Belarus*

At the First Meeting of its 225th Session (31 January 2022), the Council, following consideration of the Report of the fact-finding investigation into the event involving Ryanair Flight FR4978 in Belarus airspace on 23 May 2021, highlighted that the bomb threat against Ryanair Flight FR4978 was deliberately false and had consequently endangered the safety of an aircraft in flight and the lives of the passengers and crew on board. Subsequently, during the Sixteenth Meeting of its 226th Session (18 July 2022), the Council considered an updated Report on the fact-finding investigation into the above-mentioned event and noted that a number of senior officials of the Government of Belarus had knowingly participated or were involved in providing information about a false bomb threat to the flight leading to its diversion to land at Minsk Airport. In this regard, the Council concluded with grave concern that the safety of Ryanair Flight FR4978 was endangered when a false bomb threat was communicated to the flight crew, on the instructions of senior government officials of Belarus. Further, the Council determined that these actions represented a flagrant

and serious violation by the Republic of Belarus of the Chicago Convention.

The Council decided to communicate the conclusion of the fact-finding investigative process and findings thereof to all Member States by means of a State letter (issued under SL LE 4/78 – 22/77 dated 4 August 2022), and by publishing the final report of the FFIT on the ICAO public website. The Council also decided, in accordance with Article 54 k) of the Chicago Convention, to submit this matter to the 41st Session of the ICAO Assembly for the consideration of Member States.

#### *Infractions of the Chicago Convention by the Russian Federation*

At the Fourth Meeting of its 225th Session (25 February 2022), the Council considered the item “Situation in Ukraine” and condemned the violation of the territorial integrity and sovereignty of a United Nations Member State, including its airspace, as being inconsistent with the principles of the Charter of the United Nations and Article 1 of the Convention and underscored the paramount importance of preserving the safety and security of international civil aviation and the related obligations of ICAO Member States.

At the Eighth Meeting of its 225th session (7 March 2022), during its consideration of the item “Registration of aircraft”, the Council considered was informed that the Russian Federation had requested its operators to register leased aircraft, already registered in third countries, on its own register. On this basis, the Council was further informed that the Russian Federation apparently intended to deliver new airworthiness certificates. The Council requested the Secretariat to clarify the situation with the Contracting States involved, to undertake the appropriate actions in the particular interest of air safety and to keep the Council informed. Accordingly, on 11 March 2022, an Electronic Bulletin (EB) was issued to remind Contracting States of their safety obligations under the Convention and its Annexes.

At the 14th Meeting of its 226th Session (22 June 2022), the Council considered C-WP/15425, Revision No. 1 presented by 19 ICAO Council Member States which, in addition to recalling the infraction of Article 1 of the Convention already acknowledged and condemned by the Council, outlined as infractions of Articles 18, 19, 29 and 31 of the Convention, the actions of the Russian Federation in passing Decree no. 411 and then proceeding with the re-registration/dual registration of aircraft, as well as permitting the operation of aircraft without valid certificates of airworthiness and licences. The 19 ICAO Council Member States requested the ICAO Council to take action accordingly.

By a majority decision, the Council called on the Russian Federation to immediately cease its infractions of the Convention, with a view to preserving the safety and security of civil aviation, while also urging the Russian Federation to urgently remedy these infractions. The Council requested the Secretary General to report these infractions of the Convention, if not urgently rectified, to all Contracting States, in accordance with Article 54 j) of the Convention (issued under SL LE 4/79 – 22/79 dated 3 August 2022), and decided, in accordance with Article 54 k) of the Chicago Convention, to submit this matter to the 41st Session of the ICAO Assembly for its consideration.