

Doc 9958



Assembly Resolutions in Force

(as of 8 October 2010)

Published by authority of the Secretary General

International Civil Aviation Organization

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PREFACE

The present document contains the texts of all resolutions of the ICAO Assembly in force at the close of its 37th Session (September/October 2010).

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

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

- reservations which were recorded by some delegations to resolutions adopted by the Assembly (with effect from the 36th Session) (Appendix A);
- a list of resolutions resulting from consolidations, with an indication of their origin (Appendix B);
- a list of resolutions that have been consolidated, with an indication of the resulting resolution (Appendix C);
- a subject index of resolutions in force (Appendix D); and
- an index of resolutions in force (Appendix E).

Resolutions or parts thereof no longer in force are available at <http://www.icao.int/assembly37/docs/>.

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

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

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

TABLE OF CONTENTS

	<i>Page</i>
Part I — Constitutional and General Policy Matters	I-1
The Convention on International Civil Aviation	I-1
Membership of ICAO	I-13
The Organization and its bodies	I-15
Standing Rules of Procedure of the Assembly	I-25
Relations with Contracting States	I-35
Relations with international organizations and other bodies	I-44
General policy on special programmes	I-52
 Part II — Air Navigation.....	 II-1
Air Navigation Commission, its subsidiary bodies, technical meetings and participation by States.....	II-1
Technical Secretariat.....	II-2
Air navigation continuing policies and associated practices	II-2
Annexes, PANS and manuals	II-25
Regional plans.....	II-25
Implementation.....	II-25
Special programmes	II-28
Airworthiness and operation of aircraft	II-38
Personnel licensing and training.....	II-39
Aircraft accident investigation.....	II-45
Units of measurement	II-46
Ground facilities, services and personnel.....	II-46
Technical measures against acts of unlawful interference	II-46
 Part III — Air Transport	 III-1
Air transport continuing policies	III-1
 Part IV — Joint Financing	 IV-1
 Part V — Legal Matters	 V-1
 Part VI — Technical Cooperation	 VI-1
 Part VII — Unlawful Interference	 VII-1
General	VII-1
Continuing ICAO policy related to unlawful interference	VII-3
Other matters related to unlawful interference.....	VII-17
 Part VIII — Organization and Personnel	 VIII-1
Organizational matters	VIII-1
General personnel policy.....	VIII-1
Recruitment and staffing	VIII-3

	<i>Page</i>
Appointments and promotions.....	VIII-6
Miscellaneous.....	VIII-7
Part IX — Languages and Administrative Services.....	IX-1
Languages.....	IX-1
Administrative services.....	IX-5
Part X — Finance.....	X-1
Financial regulations	X-1
Assessments	X-2
Budgets	X-16
Working Capital Fund.....	X-20
Contributions in arrears	X-21
Accounts and audits	X-25
Miscellaneous.....	X-27
Appendix A	A-1
Reservations to resolutions adopted by the ICAO Assembly	A-1
Appendix B	B-1
List of resolutions resulting from consolidations, with an indication of their origin	
Appendix C	C-1
List of resolutions that have been consolidated, with an indication of the resulting resolution	
Appendix D	D-1
Subject index of resolutions in force	
Appendix E.....	E-1
Index of resolutions in force	

PART I. CONSTITUTIONAL AND GENERAL POLICY MATTERS

THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

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

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

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

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

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

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

The Assembly:

1. *Approves* the development by the Council of a programme of activities that will include a major conference/meeting at ICAO Headquarters on 7 December 1994 along with appropriate publications distributed;
2. *Urges* Member States to establish a national focal point and to launch a programme of activities at the national level, financed by local resources, to celebrate the anniversary in an appropriate way;
3. *Urges* Member States to cooperate with the Regional Offices of ICAO to develop a programme of activities for which funding could be found within the Region;
4. *Authorizes* the Council to work with the United Nations and its agencies to launch activities to highlight the role of civil aviation in their work; and
5. *Declares* 7 December each year, starting in 1994, as International Civil Aviation Day and instructs the Secretary General to inform the Secretary-General of the United Nations accordingly.

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

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

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

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

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

Be it therefore resolved:

1. That the Assembly concludes that an amendment of the Convention may be appropriate when either or both of the following tests is satisfied:
 - i) when it is proved necessary by experience;
 - ii) when it is demonstrably desirable or useful;
2. That no plans should be initiated in the near future for a general revision of the Convention;
3. That modification of the Convention should be accomplished by specific amendment only;
4. That Article 94 of the Convention should be maintained in its present form;
5. That no specific procedure to be incorporated in protocols of amendment should be adopted by this Assembly;
6. That this resolution does not affect the responsibility of the Council to consider, in accordance with the present resolution, any specific amendment arising from previous resolutions of the Assembly, or proposed by a Contracting State or by any body of the Organization, including the amendments (other than Article 94) submitted to the Council prior to the Fourth Session of the Assembly in pursuance of Assembly Resolution A2-5, and to make proposals to the Assembly thereon;
7. That the Council should not itself initiate any proposal for amendment to the Convention for submission to the Assembly unless in the opinion of the Council such amendment is urgent in character; and
8. That any Contracting State wishing to propose an amendment to the Convention should submit it in writing to the Council at least six months before the opening date of the Assembly to which it is to be presented. The Council shall consider any such proposal and transmit it to the Contracting States together with its comments or recommendations thereon at least three months before the opening date of the Assembly.

A1-3: New Article 93 bis**A8-1: Amendments to Articles 48(a), 49(e) and 61**

A8-4: Amendment to Article 45

A13-1: Amendment to Article 50(a)

A14-5: Amendment to Article 48(a)

A17A-1: Amendment to Article 50(a)

A18-2: Amendment to Article 56

A21-2: Amendment to Article 50(a)

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

A23-2: New Article 83 *bis*

A25-1: New Article 3 *bis*

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

A28-1: Amendment to Article 50(a)

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

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

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

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

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

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

The Assembly:

1. *Urges* all Contracting States to accept the Buenos Aires Protocol as soon as possible;
2. *Resolves* that the text of the Convention in the French and Spanish languages attached to the Buenos Aires Protocol be used henceforth by the Organization;
3. *Recommends* to Contracting States that, for reference purposes in their relations with the Organization or with other Contracting States, they use, in their communications in the French or Spanish language, only the text of the Convention in those languages which is attached to the Buenos Aires Protocol; and
4. *Rescinds* Resolution A3-2.

A22-2: Amendment of the Chicago Convention regarding the authentic Russian text of the Convention
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The Assembly of the International Civil Aviation Organization,

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

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

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

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

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

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

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

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

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

- a) The Protocol shall be signed by the President of the Assembly and its Secretary General.
- b) The Protocol shall be open to ratification by any State which has ratified or adhered to the said *Convention on International Civil Aviation*.
- c) The instruments of ratification shall be deposited with the International Civil Aviation Organization.
- d) The Protocol shall come into force in respect of the States which have ratified it on the date on which the 94th instrument of ratification is so deposited.
- e) The Secretary General shall immediately notify all Contracting States of the date of deposit of each ratification of the Protocol.
- f) The Secretary General shall immediately notify all States parties to the said Convention of the date on which the Protocol comes into force.
- g) With respect to any Contracting State ratifying the Protocol after the date aforesaid, the Protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

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

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

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

The Assembly:

1. *Recommends* to all Contracting States that they ratify the amendment to the Final Clause of the Convention as soon as possible;
2. *Directs* the Secretary General to bring this resolution immediately to the attention of Contracting States with the objective mentioned above.

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

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

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

The Assembly:

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

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

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

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

The Assembly:

1. *Recommends* to all Contracting States that they ratify the amendment to the Final Clause of the Convention as soon as possible;
2. *Directs* the Secretary General to bring this resolution immediately to the attention of Contracting States with the objective mentioned above.

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

The Assembly of the International Civil Aviation Organization,

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

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

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

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

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

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

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

- a) The Protocol shall be signed by the President of the Assembly and its Secretary General.
- b) The Protocol shall be open to ratification by any State which has ratified or adhered to the said *Convention on International Civil Aviation*.
- c) The instruments of ratification shall be deposited with the International Civil Aviation Organization.
- d) The Protocol shall come into force in respect of the States which have ratified it on the date on which the 124th instrument of ratification is so deposited.
- e) The Secretary General shall immediately notify all States parties to the said Convention of the date of deposit of each ratification of the Protocol.
- f) The Secretary General shall immediately notify all States parties to the said Convention of the date on which the Protocol comes into force.
- g) With respect to any Contracting State ratifying the Protocol after the date aforesaid, the Protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

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

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

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

The Assembly:

1. *Recommends* to all Contracting States that they ratify the amendment to the Final Clause of the Convention as soon as possible; and
2. *Directs* the Secretary General to bring this resolution immediately to the attention of Contracting States with the objective mentioned above.

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

The Assembly of the International Civil Aviation Organization,

Having met in its Twenty-third Session at Montreal on 6 October 1980,

Having noted Resolutions A21-22 and A22-28 on lease, charter and interchange of aircraft in international operations,

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

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

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

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

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

“Article 83 *bis*

Transfer of certain functions and duties

- a) Notwithstanding the provisions of Articles 12, 30, 31 and 32(a), when an aircraft registered in a contracting State is operated pursuant to an agreement for the lease, charter or interchange of the aircraft or any similar arrangement by an operator who has his principal place of business or, if he has no such place of business, his permanent residence in another contracting State, the State of registry may, by agreement with such other State, transfer to it all or part of its functions and duties as State of registry in respect of that aircraft under Articles 12, 30, 31 and 32(a). The State of registry shall be relieved of responsibility in respect of the functions and duties transferred.
 - b) The transfer shall not have effect in respect of other contracting States before either the agreement between States in which it is embodied has been registered with the Council and made public pursuant to Article 83 or the existence and scope of the agreement have been directly communicated to the authorities of the other contracting State or States concerned by a State party to the agreement.
 - c) The provisions of paragraphs (a) and (b) above shall also be applicable to cases covered by Article 77.”
2. *Specifies*, pursuant to the provisions of the said Article 94(a) of the said Convention, ninety-eight as the number of Contracting States upon whose ratification the proposed amendment aforesaid shall come into force, and
3. *Resolves* that the Secretary General of the International Civil Aviation Organization draw up a Protocol, in the English, French, Russian and Spanish languages, each of which shall be of equal authenticity, embodying the proposed amendment above-mentioned and the matter hereinafter appearing:
- a) The Protocol shall be signed by the President of the Assembly and its Secretary General.
 - b) The Protocol shall be open to ratification by any State which has ratified or adhered to the said *Convention on International Civil Aviation*.
 - c) The instruments of ratification shall be deposited with the International Civil Aviation Organization.
 - d) The Protocol shall come into force in respect of the States which have ratified it on the date on which the ninety-eighth instrument of ratification is so deposited.

- e) The Secretary General shall immediately notify all Contracting States of the date of deposit of each ratification of the Protocol.
- f) The Secretary General shall immediately notify all States parties to the said Convention of the date on which the Protocol comes into force.
- g) With respect to any Contracting State ratifying the Protocol after the date aforesaid, the Protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

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

The Assembly,

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

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

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

The Assembly of the International Civil Aviation Organization,

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

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

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

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

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

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

- recognize that every State has complete and exclusive sovereignty over the airspace above its territory,
- undertake, when issuing regulations for their state aircraft, that they will have due regard for the safety of navigation of civil aircraft, and
- agree not to use civil aviation for any purpose inconsistent with the aims of the Convention,

Having noted the resolve of the Contracting States to take appropriate measures designed to prevent the violation of other States' airspace and the use of civil aviation for purposes inconsistent with the aims of the Convention and to enhance further the safety of international civil aviation;

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

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

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

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

"Article 3 *bis*

- a) The contracting States recognize that every State must refrain from resorting to the use of weapons against civil aircraft in flight and that, in case of interception, the lives of persons on board and the safety of aircraft must not be endangered. This provision shall not be interpreted as modifying in any way the rights and obligations of States set forth in the Charter of the United Nations.
 - b) The contracting States recognize that every State, in the exercise of its sovereignty, is entitled to require the landing at some designated airport of a civil aircraft flying above its territory without authority or if there are reasonable grounds to conclude that it is being used for any purpose inconsistent with the aims of this Convention; it may also give such aircraft any other instructions to put an end to such violations. For this purpose, the contracting States may resort to any appropriate means consistent with relevant rules of international law, including the relevant provisions of this Convention, specifically paragraph (a) of this Article. Each contracting State agrees to publish its regulations in force regarding the interception of civil aircraft.
 - c) Every civil aircraft shall comply with an order given in conformity with paragraph (b) of this Article. To this end each contracting State shall establish all necessary provisions in its national laws or regulations to make such compliance mandatory for any civil aircraft registered in that State or operated by an operator who has his principal place of business or permanent residence in that State. Each contracting State shall make any violation of such applicable laws or regulations punishable by severe penalties and shall submit the case to its competent authorities in accordance with its laws or regulations.
 - d) Each contracting State shall take appropriate measures to prohibit the deliberate use of any civil aircraft registered in that State or operated by an operator who has his principal place of business or permanent residence in that State for any purpose inconsistent with the aims of this Convention. This provision shall not affect paragraph (a) or derogate from paragraphs (b) and (c) of this Article."
3. *Specifies*, pursuant to the provisions of the said Article 94(a) of the said Convention, one hundred and two as the number of Contracting States upon whose ratification the proposed amendment aforesaid shall come into force, and
4. *Resolves* that the Secretary General of the International Civil Aviation Organization draw up a Protocol, in the English, French, Russian and Spanish languages, each of which shall be of equal authenticity, embodying the proposed amendment above-mentioned and the matter hereinafter appearing:
- a) The Protocol shall be signed by the President of the Assembly and its Secretary General.
 - b) The Protocol shall be open to ratification by any State which has ratified or adhered to the said *Convention on International Civil Aviation*.

- c) The instruments of ratification shall be deposited with the International Civil Aviation Organization.
- d) The Protocol shall come into force in respect of the States which have ratified it on the date on which the one hundred and second instrument of ratification is so deposited.
- e) The Secretary General shall immediately notify all Contracting States of the date of deposit of each ratification of the Protocol.
- f) The Secretary General shall notify all States parties to the said Convention of the date on which the Protocol comes into force.
- g) With respect to any Contracting State ratifying the Protocol after the date aforesaid, the Protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

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

The Assembly at its 25th Session (Extraordinary)

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

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

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

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

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

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

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

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

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

The Assembly:

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

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

The Assembly:

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

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

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

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

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

1. *Calls upon* Contracting States:

- a) to cooperate to the fullest extent practicable in reducing the need for the interception of civil aircraft;
- b) to cooperate to the fullest extent practicable in improving coordination between military and civil communications systems and air traffic control agencies so as to enhance the safety of international civil aviation during the identification and interception of civil aircraft;
- c) to seek as far as practicable to harmonize procedures for the interception of civil aircraft when issuing regulations for their state aircraft;
- d) to seek as far as practicable adherence to uniform navigational and flight operational procedures by flight crew of civil aircraft;

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

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

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

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

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

The Assembly resolves:

1. that nothing in Article 30(b) of the Chicago Convention shall be taken to preclude the use by unlicensed persons of the radio transmitting apparatus installed upon an aircraft where that use is for non-safety-related air-ground radio transmissions;
2. that all Member States should ensure that such use of such apparatus shall not be prohibited in their air space; and
3. that such use of such apparatus shall be subject to the conditions set out in the Annex hereto.

ANNEX

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

- (i) compliance with the conditions of the licence for the installation and operation of that apparatus issued by the State of Registry (or State of the operator) of the aircraft;
- (ii) any person may use that apparatus for non-safety air-ground radio transmissions provided always that control of that apparatus shall be by an operator duly licensed by the State of Registry (or State of the operator) of the aircraft;
- (iii) compliance with the requirements of the International Telecommunication Convention and the Radio Regulations adopted thereunder as amended from time to time, including the applicable radio frequencies, the avoidance of harmful interference with other services and priority for aeronautical communications relating to distress, safety and regularity of flight; and
- (iv) compliance with any technical and operating conditions set forth in the applicable regulations of the Member State in or over whose territory the aircraft is operating.

MEMBERSHIP OF ICAO

A1-3: Amendment of the Convention (Article 93 <i>bis</i>)
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Whereas the General Assembly of the United Nations has recommended that the Franco Government of Spain be debarred from membership in specialized agencies established by or brought into relationship with the United Nations and from participation in conference or other activities which may be arranged by the United Nations or by these agencies until a new and acceptable government is formed in Spain; and

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

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

“Article 93 *bis*

- a) Notwithstanding the provisions of Articles 91, 92 and 93 above,
1. A State whose government the General Assembly of the United Nations has recommended be debarred from membership in international agencies established by or brought into relationship with the United Nations shall automatically cease to be a member of the International Civil Aviation Organization;
 2. A State which has been expelled from membership in the United Nations shall automatically cease to be a member of the International Civil Aviation Organization unless the General Assembly of the United Nations attaches to its act of expulsion a recommendation to the contrary.
- b) A State which ceases to be a member of the International Civil Aviation Organization as a result of the provisions of paragraph (a) above may, after approval by the General Assembly of the United Nations, be re-admitted to the International Civil Aviation Organization upon application and upon approval by a majority of the Council.
- c) Members of the Organization which are suspended from the exercise of the rights and privileges of membership in the United Nations shall, upon the request of the latter, be suspended from the rights and privileges of membership in this Organization.”

A1-9: Consideration of applications for membership in ICAO

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

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

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

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

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

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

Now therefore the Assembly resolves:

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

THE ORGANIZATION AND ITS BODIES

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

The Assembly,

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

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

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

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

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

“In article 50(a) of the Convention the expression ‘twenty-one’ shall be deleted and substituted by ‘twenty-seven’.”

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

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

- a) The protocol shall be signed by the President of the Assembly and its Secretary General.
- b) The protocol shall be open to ratification by any State which has ratified or adhered to the said *Convention on International Civil Aviation*.
- c) The instruments of ratification shall be deposited with the International Civil Aviation Organization.
- d) The protocol shall come into force in respect of the States which have ratified it on the date on which the fifty-sixth instrument of ratification is so deposited.
- e) The Secretary General shall immediately notify all Contracting States of the date of deposit of each ratification of the protocol.

- f) The Secretary General shall immediately notify all States parties or signatories to the said Convention of the date on which the protocol comes into force.
- g) With respect to any Contracting State ratifying the protocol after the date aforesaid, the protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

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

The Assembly,

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

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

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

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

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

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

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

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

- a) The protocol shall be signed by the President of the Assembly and its Secretary General.
- b) The protocol shall be open to ratification by any State which has ratified or adhered to the said *Convention on International Civil Aviation*.
- c) The instruments of ratification shall be deposited with the International Civil Aviation Organization.
- d) The protocol shall come into force in respect of the States which have ratified it on the date on which the eightieth instrument of ratification is so deposited.
- e) The Secretary General shall immediately notify all Contracting States of the date of deposit of each ratification of the protocol.
- f) The Secretary General shall immediately notify all States parties to the said Convention of the date on which the protocol comes into force.

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

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

The Assembly,

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

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

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

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

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

“In Article 50(a) of the Convention the second sentence shall be amended by replacing ‘thirty’ by ‘thirty-three’.”

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

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

- a) The protocol shall be signed by the President of the Assembly and its Secretary General.
- b) The protocol shall be open to ratification by any State which has ratified or adhered to the said *Convention on International Civil Aviation*.
- c) The instruments of ratification shall be deposited with the International Civil Aviation Organization.
- d) The protocol shall come into force in respect of the States which have ratified it on the date on which the 86th instrument of ratification is so deposited.
- e) The Secretary General shall immediately notify all Contracting States of the date of deposit of each ratification of the protocol.
- f) The Secretary General shall immediately notify all States parties to the said Convention of the date on which the protocol comes into force.

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

A28-1: Amendment to Article 50(a) of the <i>Convention on International Civil Aviation</i>
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Having met in its Twenty-eighth Session (Extraordinary) at Montreal on 25 October 1990;

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

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

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

The Assembly:

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

“In Article 50(a) of the Convention the second sentence shall be amended by replacing ‘thirty-three’ by ‘thirty-six’.”

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

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

- a) The Protocol shall be signed by the President of the Assembly and its Secretary General.
- b) The Protocol shall be open to ratification by any State which has ratified or adhered to the said *Convention on International Civil Aviation*.
- c) The instruments of ratification shall be deposited with the International Civil Aviation Organization.
- d) The Protocol shall come into force in respect of the States which have ratified it on the date on which the one hundred and eighth instrument of ratification is so deposited.
- e) The Secretary General shall immediately notify all Contracting States of the date of deposit of each ratification of the Protocol.
- f) The Secretary General shall immediately notify all States parties to the said Convention of the date on which the Protocol comes into force.

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

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

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

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

The Assembly:

1. *Recommends* to all Contracting States that they ratify urgently the Amendment to Article 50(a) of the Convention; and
2. *Directs* the Secretary General to bring this Resolution to the attention of Contracting States as soon as possible.

A4-1: Obligations of Council Member States

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

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

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

Now therefore this Assembly resolves:

1. That a Contracting State giving notice, in accordance with Rule 45* of the Rules of Procedure for this Assembly, of its desire to stand for election to the Council, is understood to have indicated its intention, if elected, to appoint and support full time representation at the Headquarters of the Organization to ensure the participation of Council Member States in the work of the Organization; and
2. That the Council be directed to report to each session of the Assembly any case of a Council Member State having failed to discharge, since the previous session, its responsibilities as set out in the foregoing paragraph.

* Now Rule 55.

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

The Assembly,

Having met in its Eighteenth Session at Vienna,

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

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

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

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

“In Article 56 of the Convention the expression ‘twelve members’ shall be replaced by ‘fifteen members’.”

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

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

- a) the protocol shall be signed by the President of the Assembly and its Secretary General;
- b) the protocol shall be open to ratification by any State which has ratified or adhered to the said *Convention on International Civil Aviation*;
- c) the instruments of ratification shall be deposited with the International Civil Aviation Organization;
- d) the protocol shall come into force in respect of the States that have ratified it on the date on which the eightieth instrument of ratification is deposited;
- e) the Secretary General shall immediately notify all Contracting States of the date of deposit of each ratification of the protocol;
- f) the Secretary General shall immediately notify all States parties to the said Convention of the date on which the protocol comes into force;
- g) with respect to any Contracting State ratifying the protocol after the date aforesaid, the protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

A22-4: Composition of the Air Navigation Commission and participation in its work

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

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

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

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

Whereas the Assembly has reviewed Resolutions A2-8 (part of Clause 3 and Clause 4), A4-4 and A10-9 and has decided that pursuant to A15-2 they should be consolidated and then cancelled;

The Assembly:

1. *Resolves* that the Council be directed to endeavour, each time that new appointments to the Air Navigation Commission are to be made, to secure from all Contracting States nominations from which the fifteen members of the Commission may be selected;
2. *Urges* all Contracting States, particularly those not represented on the Council, to make further efforts to nominate candidates for membership in the Commission;
3. *Recommends* that the Council not appoint more than one nominee from any one Contracting State and that it take full account of the fact that it is desirable for every region of the world to be represented;
4. *Recommends* that the Council take steps to provide for and encourage the fullest possible participation by every Contracting State in the work of the Commission;
5. *Declares* that this resolution supersedes Resolution A16-14.

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

The Assembly:

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

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

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

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

“In Article 56 of the Convention the expression fifteen members shall be replaced by nineteen members;”

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

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

- a) the protocol shall be signed by the President of the Assembly and its Secretary General;
- b) the protocol shall be open to ratification by any State which has ratified or adhered to the said *Convention on International Civil Aviation*;
- c) the instruments of ratification shall be deposited with the International Civil Aviation Organization;
- d) the protocol shall come into force in respect of the States that have ratified it on the date on which the 108th instrument of ratification is deposited;
- e) the Secretary General shall immediately notify all Contracting States of the date of deposit of each ratification of the protocol;
- f) the Secretary General shall immediately notify all States parties to the said Convention of the date on which the protocol comes into force;
- g) with respect to any Contracting State ratifying the protocol after the date aforesaid, the protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

A7-5: Revised Constitution of the Legal Committee
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The Assembly resolves:

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

Legal Committee — Constitution

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

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

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

- b) to study and make recommendations on such other matters relating to public international air law as may be referred to it by the Council or the Assembly;
 - c) by direction of the Assembly or the Council, or on the initiative of the Committee and subject to the prior approval of the Council, to study problems relating to private air law affecting international civil aviation, to prepare drafts of international air law conventions and to submit reports and recommendations thereon;
 - d) to make recommendations to the Council as to the representation at sessions of the Committee of non-contracting States and other international organizations, as to the coordination of the work of the Committee with that of other representative bodies of the Organization and of the Secretariat and also as to such other matters as will be conducive to the effective work of the Organization.
3. The Committee shall be composed of legal experts designated as representatives of and by Contracting States, and shall be open to participation by all Contracting States.
 4. Each Contracting State represented in meetings of the Committee shall have one vote.
 5. The Committee shall determine, subject to the approval of the Council, the general work programme of the Committee and the provisional agenda of each session, provided that the Committee may, during a session, modify the provisional agenda for the better conduct of its work consistently with the provisions of this Constitution. Sessions of the Committee shall be convened at such places and times as may be directed or approved by the Council.
 6. The Committee shall adopt rules of procedure. Such rules, and any amendment thereof which affects the relationship of the Committee with other bodies of the Organization or with States or other organizations, shall be subject to approval by the Council.
 7. The Committee shall elect its own officers.
 8. The Committee may appoint Subcommittees either to meet concurrently with the Committee or, subject to the approval of the Council, at other times and places as it may deem fit.”

A8-1: Amendments to Articles 48(a), 49(e) and 61 of the Convention (Frequency of Assembly Sessions)
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Whereas Article 48(a) of the *Convention on International Civil Aviation*, signed at Chicago on 7 December 1944, provides that the Assembly shall meet annually; and

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

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

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

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

1. In Article 48(a), substitute for the word “annually” the expression “not less than once in three years”;
2. In Article 49(e), substitute for the expression “an annual budget” the expression “annual budgets”; and
3. In Article 61, substitute for the expressions “an annual budget” and “vote the budget” the expressions “annual budgets” and “vote the budgets”;

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

Resolves:

1. That the Secretary General of the International Civil Aviation Organization draw up a protocol embodying the amendments above-mentioned in the English, French and Spanish languages, each of which shall be of equal authenticity;
2. That the protocol shall be signed by the President of this Assembly and its Secretary General;
3. That the protocol shall be open to ratification by any State which has ratified or adhered to the said *Convention*;
4. That certified copies of the protocol shall be transmitted to all States parties or signatories to the said *Convention*;
5. That the instruments of ratification shall be deposited with the International Civil Aviation Organization;
6. That the protocol shall come into force among the States which have ratified it on the date on which the forty-second instrument of ratification is so deposited;
7. That the Secretary General shall immediately notify all Contracting States of each ratification of the protocol;
8. That the Secretary General shall immediately notify all States parties or signatories to the said *Convention* of the date on which the protocol comes into force;
9. That with respect to any Contracting State ratifying the protocol after the date aforesaid, the protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization;

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

A14-5: Protocol relating to the amendment of Article 48(a) of the <i>Convention on International Civil Aviation</i>
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The Assembly of the International Civil Aviation Organization,

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

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

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

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

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

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

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

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

Consequently, pursuant to the aforesaid action of the Assembly,

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

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

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

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

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

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

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

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

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

STANDING RULES OF PROCEDURE OF THE ASSEMBLY

— Resolutions A6-12, A12-4 and A14-1

- Decisions by the 12th, 16th, 18th, 21st, 22nd, 25th and 36th Sessions of the Assembly (see Reports of the Executive Committee of each of the sessions)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Now therefore the First Assembly resolves:

1. That pending further discussion and ultimate decision by the Organization as to the methods of dealing with international disputes in the field of civil aviation, the Council be authorized to act as an arbitral body on any differences arising among Contracting States relating to international civil aviation matters submitted to it, when expressly requested to do so by all parties to such differences; and
2. That the Council, on such occasions, be authorized to render an advisory report, or a decision binding upon the parties, if the parties expressly decide to obligate themselves in advance to accept the decision of the Council as binding; and
3. That the procedure to govern the arbitral procedures shall be determined in agreement between the Council and all the interested parties.

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

The Fifth Session of the Assembly resolves:

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

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

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

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

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

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

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

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

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

Resolves:

1. That the Secretary General of the International Civil Aviation Organization draw up a protocol embodying the amendment above-mentioned in the English, French and Spanish languages, each of which shall be of equal authenticity;
2. That the protocol shall be signed by the President of this Assembly and its Secretary General;
3. That the protocol shall be open to ratification by any State which has ratified or adhered to the said *Convention on International Civil Aviation*;
4. That certified copies of the protocol shall be transmitted to all States parties or signatories to the said Convention;
5. That the instruments of ratification shall be deposited with the International Civil Aviation Organization;
6. That the protocol shall come into force among the States which have ratified it on the date on which the forty-second instrument of ratification is so deposited;
7. That the Secretary General shall immediately notify all Contracting States of each ratification of the protocol;
8. That the Secretary General shall immediately notify all States parties or signatories to the said Convention of the date on which the protocol comes into force;
9. That with respect to any Contracting State ratifying the protocol after the date aforesaid, the protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization;

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

A8-5: Consideration of proposals to move the permanent seat
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Whereas an amendment to Article 45 of the Convention has been adopted by this session of the Assembly pursuant to which, after it has been duly ratified, it will be possible to move the permanent seat of the Organization on a decision to be taken by the Assembly, such decision to be taken by the number of votes specified by the Assembly. The number of votes so specified will not be less than three-fifths of the total number of Contracting States; and

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

The Assembly resolves:

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

A31-2: Increasing the effectiveness of ICAO

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

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

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

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

The Assembly:

1. *Expresses appreciation* to the Council and the Secretary General for the progress made in developing a Strategic Action Plan for the Organization;
2. *Endorses* the decisions already taken by the Council to continue to develop the Strategic Action Plan and to establish an oversight mechanism which includes an annual review of progress;
3. *Directs* the Council and the Secretary General, within their respective competencies, to:
 - a) intensify efforts to develop the Strategic Action Plan on a continuing basis in association with a systematic planning process which improves effectiveness, transparency and accountability and which drives the evolution of the Programme Budget; and
 - b) make the Strategic Action Plan available to Contracting States and present the current version, along with a progress report on implementation during the triennium concerned, to each ordinary session of the Assembly;
4. *Directs* the Council to:
 - a) streamline the working methods and procedures of the Assembly with a view to increased transparency and efficiency, and reduced duration of Assembly Sessions, for effect commencing with the next ordinary session;
 - b) undertake an intensive review of the decision-making processes, working methods and procedures of the Council and its subsidiary bodies with a view to streamlining, delegating authority and improving the cost-effectiveness of the Organization; and

- c) ensure the effectiveness of the oversight mechanism, with independent reporting procedure to the Council, to provide programme effectiveness, transparency and accountability;
5. *Invites* the Secretary General, within his or her competence, to continue to take initiatives for improving the effectiveness and efficiency of the Organization through procedural, managerial and administrative reforms, and to report thereon to the Council;
6. *Invites* the Council and the Secretary General, in implementing Clauses 3 through 5 above, to take due account of the non-exhaustive list of considerations in the **Appendix** to this resolution; and
7. *Invites* the Council to inform States of progress on implementation of Clauses 3 through 5 of this resolution by 1 May 1997, and to provide a full report to the next ordinary session of the Assembly.

APPENDIX

List of considerations for achieving a more effective ICAO

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

- a) establish a direct and transparent linkage between the Strategic Action Plan and the Programme Budget;
- b) establish procedures for the development of the Programme Budget which focus on the allocation of resources at a strategic level rather than on administrative detail (“top down” rather than “bottom up”);
- c) establish procedures for setting objectives, expected results, priorities and targets, together with the application of performance indicators;
- d) develop, within the framework of the Strategic Action Plan, more specific plans by the relevant subsidiary bodies (for example by adapting the Technical Work Programme in the air navigation field) and by the various offices of the Secretariat;
- e) undertake reviews of progress on implementation of the Strategic Action Plan on an ongoing basis within the Secretariat and on a periodic basis by the Council and subsidiary bodies; and
- f) update and roll forward the Strategic Action Plan itself at least triennially.

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

- a) simplify the Agenda and reduce documentation, with focus on matters of strategy and high-level policy, main areas of priority and allocation of resources;
- b) respect deadlines set for preparing and distributing documentation;
- c) provide more extensive briefing to elected officers;
- d) streamline reporting procedures, in particular avoiding non-essential duplication of presentation and consideration of the same documents in different bodies;
- e) eliminate the requirement for minutes of meetings of Commissions (as with suspension in the present Session);

- f) improve the procedures for presenting general statements and the observance of indicated meeting hours; and
- g) introduce more modern and efficient voting procedures, especially for the election of the Council.

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

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

The review should have as its central themes:

- a) the concept of the Council continuing to discharge its functions and mandate in accordance with the Chicago Convention, and focusing particularly on high policy issues; and
- b) the Secretary General carrying out his or her responsibilities in taking managerial actions and decisions as chief executive officer of the Organization in accordance with Article 54(h) of the Chicago Convention.

Oversight mechanism (Clause 4 c) of the resolution)

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

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

- a) introduce procedures for more timely development or amendment as required of instruments of air law, ICAO Standards and Recommended Practices, and Regional Air Navigation Plans;
- b) increase emphasis on encouraging national ratification of instruments of air law and implementation of ICAO Standards and Recommended Practices to the greatest extent possible worldwide;
- c) improve and speed up communications with Contracting States, particularly as they relate to Standards and Recommended Practices, including more widespread use of electronic transmission;
- d) strengthen the degree of autonomy given to the regional planning process and the associated authority and resources given to the ICAO Regional Offices, while ensuring adequate coordination at the global level;
- e) examine the relationship between ICAO and other bodies (aviation and relevant non-aviation, global and regional) with a view to defining respective areas of responsibility, eliminating overlap and establishing joint programmes where relevant;
- f) provide for adequate participation in ICAO activities by all interested parties in the aviation community, including service providers and industry;
- g) streamline the scheduling and documentation, and reduce the duration, of ICAO meetings in general; and
- h) consider the advisability and feasibility of calling on external expertise as required to assist in any of the above.

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

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

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

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

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

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

The Assembly:

1. *Expresses appreciation* to the Council and the Secretary General for the progress made in implementing Resolution A31-2, Increasing the effectiveness of ICAO;
2. *Endorses* the decisions already taken by the Council in this regard;
3. *Directs* the Council and the Secretary General, within their respective competencies and the limits of the budget approved by the Assembly, and without weakening the Organization or having adverse effects on its functioning, to:
 - a) continue the work that will ensure that ICAO is effective in meeting the challenges of a rapidly changing aviation sector and promoting safety and security worldwide;
 - b) ensure that high priority programmes which affect the safety of the travelling public are fully funded and staffed;
 - c) ensure that the Office for Programmes Evaluation, Audit and Management Review (EAO) functions as it has been designed, i.e., to improve programme management, transparency and accountability;
 - d) examine ICAO programmes critically to determine priorities and contemporary validity, and eliminate or downsize those programme activities which are no longer priorities for the work of ICAO, or which could be accomplished by other organizations, or by contracting out;
 - e) streamline the Panels and consolidate their work where possible; and
 - f) focus their efforts on:
 - 1) improvement of the process of developing and adopting SARPs giving special regard to global, functional, and operational requirements;
 - 2) evaluating on a regular basis the results of technical cooperation programmes in order to identify their impact on the improvement of SARPs implementation;
4. *Directs* the Council to:

- a) continue streamlining the Assembly process by focussing on policy guidance and work programme developments, and eliminating redundancies in its agenda;
 - b) in accordance with Articles 54 and 55 of the Convention, lay greater emphasis in its work programme on policy decisions of ICAO, in such areas as the carrying out of decisions of the Assembly, administration of finances, adoption of SARPs, reports of infractions to the Assembly and preparation of Diplomatic Conferences within the framework of ICAO;
 - c) continue the evaluation of the character, working methods and procedures of ICAO, especially of its governing bodies, including a comparison with other similar UN organizations, taking the assistance of an outside body, if necessary and appropriate, for example from the Joint Inspection Unit of the United Nations;
 - d) consider whether a reduction in the number of meetings of the Council and its subsidiary bodies could realize gains in the effectiveness of Council oversight of the Organization as well as reduce the cost of servicing the Council; and
 - e) identify possible cost savings in the Secretariat.
5. *Invites* the Council and the Secretary General, within their respective jurisdictions, to:
- a) continue the work flowing from Assembly Resolution A31-2;
 - b) expand that work to encompass an examination of ways of removing impediments to greater efficiency within the Secretariat; and
 - c) examine, after identifying what, in ICAO, constitutes administrative costs and programme support costs, the scope of reducing administrative costs substantially of the regular programme budget over the next two triennial budget cycles, keeping in view the ongoing exercise in the United Nations and other agencies.
6. *Invites* the Secretary General to:
- a) consider whether it is convenient and cost-effective to implement a programme of staff awards and incentives;
 - b) enhance the performance of the Regional Offices; and
 - c) consider the possibility of consolidating Regional Offices and functions to improve programme delivery. This procedure should be considered in the light of new technologies and new approaches to the problems of the various regions.
7. *Invites* the Council to inform States of progress on implementation of clauses 3 through 6 of this resolution by 1 May 2000, and to provide a full report to the next ordinary session of the Assembly.

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

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

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

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

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

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

The Assembly:

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

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

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

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

A31-1: Official emblem and seal of ICAO

The Assembly:

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

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

Declares that this resolution supersedes Resolution A21-4.

Official Emblem



Official Seal



RELATIONS WITH CONTRACTING STATES**A1-14: Improvement of liaison with Contracting States**

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

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

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

Now therefore the First Assembly Recommends:

1. That the Contracting States furnish complete information on the steps taken to date to provide liaison facilities with the Organization;
2. That Contracting States within their respective national administrations designate an official or officials with the specific responsibility for establishing, where necessary, and for coordinating facilities for liaison with the Organization;
3. That the Contracting States provide the Organization, at such intervals as may be decided by the Council, with reports on the progress made in implementing Standards, Practices and Procedures adopted by the Organization or the reasons for non-implementation;
4. That the Contracting States provide the Organization with information, documents and publications requested by the Organization, in accordance with the Convention, without undue delay; and
5. That Contracting States by arrangement with the Organization second employees of their national administrations to Headquarters or to Regional Offices of the Organization for training and experience in the Organization's activities.

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

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

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

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

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

The Assembly:

1. *Approves* as the final text of the Annex relating to ICAO the text recommended by the Second General Assembly of the United Nations, which appears as Annex III to the said general Convention;
2. *Accepts* the “standard clauses” of the said general *Convention on Privileges and Immunities of Specialized Agencies* as modified by the said Annex;
3. *Undertakes* to give effect to Sections 8, 18, 22, 23, 24, 31, 32, 42 and 45 and to Section 2(iii) of the said Annex;
4. *Directs* the Secretary General that
 - a) the text of the annex approved pursuant to the above paragraph 1, be transmitted to the Secretary-General of the United Nations,
 - b) the Secretary-General of the United Nations be informed that
 - the Organization accepts the “standard clauses” as modified by the annex, and
 - the Organization undertakes to give effect to Sections 8, 18, 22, 23, 24, 31, 32, 42 and 45 and to Section 2(iii) of the Annex; and
5. *Directs* the Secretary General that, pursuant to Section 42 of the “standard clauses”, the text of the general Convention together with the Annex relating to ICAO be communicated to the Contracting States, which are not members of United Nations and that these States be invited to accede thereto in respect of ICAO by depositing an instrument of accession to the Convention in respect thereof either with the Secretary-General of the United Nations or with the Secretary General of ICAO.

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

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

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

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

The Assembly,

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

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

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

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

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

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

The Assembly:

1. *Urges* all Contracting States which have not done so to take steps to become parties to the *Convention on the Privileges and Immunities of the Specialized Agencies*;
2. *Urges* all Contracting States to take such measures as are within their powers to apply the principles of the said Convention;
3. *Requests* the Secretary General to bring this resolution to the attention of all Contracting States; and
4. *Requests* the Council to report to the next ordinary session of the Assembly on the implementation of this resolution.

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

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

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

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

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

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

The Assembly:

1. *Decides* that ICAO should formally confirm the *Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations* (1986);
2. *Authorizes* the President of the Council to sign an act of formal confirmation of the said Convention for deposit on behalf of ICAO; and
3. *Urges* States which have not yet done so to ratify the Convention so that it would enter into force as soon as possible.

A1-15: Public information policy in ICAO

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

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

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

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

Now therefore the Assembly resolves:

- a) That the public information policy of the Organization should be directed primarily toward ensuring that individuals and groups directly concerned with international civil aviation are kept informed of the activities and aims of the Organization; and secondarily toward the general public of Contracting States as a whole, within the limitations of the budget and as far as practicable in cooperation with the public relations organization of the United Nations, with a view to obtaining the widest publicity for the Organization's activities;
- b) That the Regional Offices should participate in the information programme to the extent practicable without interference with the performance of their primary duties connected with air navigation matters and without augmentation of their staffs;

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

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

The Assembly,

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

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

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

1. *Directs* the Council to instruct the Secretary General to institute an investigation in order to undertake fact findings and to report to the Council at the earliest date;
2. *Calls upon* all parties involved to cooperate fully in the investigation.

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

The Assembly

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

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

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

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

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

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

2. *Urgently calls* upon Israel to desist from committing acts of unlawful interference with international civil air transport and airports and other facilities serving such transport;
3. *Solemnly warns* Israel that if it continues committing such acts the Assembly will take further measures against Israel to protect international civil aviation.

A24-5: Extraordinary Session of the Council
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The Assembly

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

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

Urges all Member States to cooperate fully in their implementation.

A21-7: The airport of Jerusalem
--

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

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

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

A23-5: The airport of Jerusalem
--

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

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

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

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

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

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

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

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

Whereas Israel persists in challenging and defying ICAO resolutions;

The Assembly

1. *Reaffirms* its Resolution A21-7 (1974) and the Council decision taken at its 86th Session, on 17 December 1975.
2. *Considers* the alteration of geographic, demographic and historic character and status of Jerusalem null and void.
3. *Deeply deplores* the action of Israel in formally annexing Jerusalem including its airport.
4. *Urges* Israel to rescind such measures and abide by the ICAO Assembly resolutions.
5. *Directs* the Council to take the necessary measures to implement Assembly Resolution A21-7 and Council decision taken at its 86th Session on 17 December 1975.

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

The Assembly,

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

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

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

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

2. *Urges* the States which are in a position to do so to prosecute and punish with the greatest severity those criminals who committed this deed, so that the penalty may correspond to the magnitude of the crime and constitute a deterrent for the future.
3. *Extends* its deepest sympathy and condolences to the families of the victims of this tragic disaster and of all other disasters caused by criminal acts against civil aviation.

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

The Assembly:

Recalling that the *Convention on International Civil Aviation* is based on the belief that the future development of international civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world, yet its abuse can become a threat to the general security; and that it is desirable to avoid friction and to promote that cooperation between nations and peoples upon which the peace of the world depends;

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

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

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

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

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

1. *Condemns* the violation of the sovereignty of the airspace of Kuwait and the plunder of Kuwait International Airport by Iraqi armed forces including the seizure and removal to Iraq of 15 aircraft of Kuwait Airways and their purported registration by Iraq;
2. *Calls upon* Iraq to facilitate the early recovery by their owners of foreign registered aircraft stranded at Kuwait International Airport;
3. *Declares* that the unilateral registration of aircraft of Kuwait Airways by Iraqi aircraft is null and void and calls upon the Iraqi government to return the Kuwaiti aircraft to the legitimate Government of Kuwait;
4. *Requests* all States in whose territory any of these aircraft are found to hand them over to the legitimate Government of Kuwait;
5. *Requests* all States not to supply Iraq, its companies or nationals, whether directly or indirectly, with any spare parts, equipment or supplies or services to enable Iraq to use the aircraft;
6. *Requests* the Council to follow up this matter with Contracting States with respect to the steps to be taken for the implementation of this Resolution so that the matter may be kept under continuing review.

A32-6: Safety of navigation

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

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

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

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

The Assembly:

1. *Urges* all Contracting States to reaffirm that air traffic safety is of paramount importance for the sound development of international civil aviation;
2. *Urges* all Contracting States to strictly comply with the provisions of the *Convention on International Civil Aviation*, its Annexes and its related procedures, in order to prevent a recurrence of such potentially hazardous activities; and
3. *Instructs* the Secretary General to immediately draw the attention of all Contracting States to this resolution.

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

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

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

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

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

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

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

The Assembly:

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

2. *Extends* its deepest sympathy and condolences to the families of those who perished as a result of these acts of terrorism;
3. *Urges* Contracting States to cooperate actively in holding to account and punishing severely those responsible for aiding, supporting or harbouring those who perpetrated these attacks, as well as those who organized and sponsored them; and
4. *Calls upon* Contracting States to study the ways and means to reinforce the prevention of terrorist attacks by means of explosives, in particular by enhancing international cooperation and information exchange in developing technical means of detection of explosives, giving increased attention to the detection of explosive devices on the human body.

A37-17: Consolidated statement on the continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference

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

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

RELATIONS WITH INTERNATIONAL ORGANIZATIONS AND OTHER BODIES

A1-10: Relations with public international organizations

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

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

Now therefore, this Assembly:

1. *Authorizes* the Council to make appropriate arrangements with public international organizations whose activities affect international civil aviation, particularly with regard to technical collaboration, exchange of information and documents, attendance at meetings, and such other matters as may promote effective cooperation, provided that such arrangements can be implemented without any increase in the approved budget of the year in question;
2. *Suggests* that such arrangements may, with advantage, be established through informal working arrangements rather than formal agreements wherever practicable;
3. *Requests* the Council to report to the next Assembly on the nature and scope of each arrangement entered into pursuant to this resolution.

A1-11: Relations with private international organizations

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

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

Now therefore this Assembly:

A. *Resolves*

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

- a) which have a wide and well-established international representation and possess a governing international body having a permanent character and authorized representatives;
- b) whose aims and objectives are not in conflict with the general principles laid down in the *Convention on International Civil Aviation*;

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

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

- a) exchange of information and documentation;
- b) reciprocal representation and participation in the work of technical meetings, committees or working groups;

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

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

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

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

Whereas the Interim Council of PICA0 has negotiated a draft agreement of relationship between ICAO and the United Nations in accordance with Resolution XXI of the Interim Assembly of PICA0 and has submitted this agreement to the Assembly of ICAO for approval; and

Whereas it is the wish of the Assembly of ICAO to enter into an agreement with the United Nations in the terms submitted by the Interim Council of PICA0;

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

- a) to authorize the Council to enter into such supplementary arrangements with the Secretary General of the United Nations for the implementation of the agreement, in accordance with Article XIX thereof, as may be found desirable in the light of the operating experience of the two organizations;
- b) to authorize the Council to enter into negotiations with the United Nations for the conclusion of further appropriate arrangements between ICAO and the United Nations with respect to air matters within the competence of ICAO, as provided for in Article XX. Such arrangements, however, shall be subject to final approval by the Assembly;
- c) to authorize the President of the Council to sign with the appropriate official of the United Nations a protocol bringing the agreement of relationship between the United Nations and ICAO into force;
- d) to authorize the Council to enter into negotiations with the United Nations for revising the agreement of relationship, as provided for in Article XXI thereof. Revisions negotiated by the Council shall be subject to the final approval of the Assembly.

A2-24: Relations with the United Nations

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

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

The Assembly:

1. *Agrees* with the reported actions taken by the Council consequent upon the recommendations of the United Nations, and with the view of the Council regarding the feasibility of consolidating at present ICAO's budget with the budget of the United Nations;
2. *Approves* of the manner in which the Agreement between ICAO and the United Nations has thus far been implemented; and
3. *Directs* the Council to continue to maintain close and cooperative relationship with the United Nations to fulfil the objectives set forth in the agreement with that organization.

A2-25: Supplementary Agreement covering the use of the United Nations laissez-passers by ICAO officials
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Whereas the Agreement between the United Nations and the International Civil Aviation Organization dated May 13, 1947, contains no provision for the use by ICAO officials of the United Nations "laissez-passers"; and

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

The Assembly:

1. Approves the Supplementary Agreement to the Agreement between the United Nations and the International Civil Aviation Organization, dated May 13, 1947, the said Supplementary Agreement covering the use of the United Nations "laissez-passer" by ICAO officials; and
2. Authorizes the President of the Council subsequent to the approval of the said Supplementary Agreement by the General Assembly of the United Nations, to sign with the appropriate official of the United Nations a protocol bringing the Supplementary Agreement into force.

<p>A5-5: Coordination of activities between the United Nations and ICAO relating to emergency action to assist in the maintenance of international peace and security</p>
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The Assembly,

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

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

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

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

Therefore declares:

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

A9-16: Tenth Anniversary of the United Nations

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

1. *Expresses* its deep appreciation of the contribution to world peace and welfare made by the United Nations; and
2. *Reaffirms* the intention of the International Civil Aviation Organization to cooperate fully with the United Nations in accordance with the spirit of the *Convention on International Civil Aviation* and of the Charter of the United Nations and with the terms of the Agreement establishing the relationship between the two organizations.

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

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

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

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

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

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

The Assembly:

1. *Resolves* that:
 - a) the Organization supports the work and activities of any existing or future regional civil aviation bodies wherever such support is requested by the regional body concerned and duly approved, taking into account the resources of ICAO and the implementation of its Work Programme;
 - b) any financial support to regional civil aviation bodies by the Organization, such as in continued provision of Secretariat services, should be approved by the Assembly as part of the Organization's Regular Programme budgets and identified in the Budget as support for regional bodies.
2. *Directs* the Council:

- a) to conclude with each regional civil aviation body appropriate working arrangements that reflect the above principles and ensure a close working relationship, including cooperation and coordination, harmonization of Work Programmes to avoid unnecessary duplication and attendance at certain of each others' meetings, as agreed;
 - b) to incorporate in such working arrangements, wherever practicable and so agreed, provision for cost sharing of common facilities and services to Member States; and
 - c) to give sympathetic consideration to requests by regional bodies for assistance in air transport matters of regional interest.
3. *Invites* regional civil aviation bodies, pursuant to their rules of procedure, to give sympathetic consideration to the possibility of inviting ICAO Contracting States not members of the regional body in question to participate as observers in its meetings.
4. *Declares* that the present resolution supersedes Resolution A10-5, Resolving Clause 1 a) of Resolution A18-21 and Resolution A21-8.

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

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

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

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

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

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

The Assembly:

1. *Endorses* ICAO's Policy and Framework on Regional Cooperation;
2. *Encourages* regional organizations and regional civil aviation bodies to enter into suitable arrangements with ICAO, in accordance with ICAO's Policy and Framework on Regional Cooperation;
3. *Urges* States to support their regional organizations and regional civil aviation bodies in entering into suitable arrangements with ICAO;
4. *Encourages* States to implement Standards and Recommended Practices of the Annexes to the *Convention on International Civil Aviation* both individually and through regional cooperation;

5. *Encourages* States which do not have a regional body to endeavour to form one;
6. *Directs* the Council to ensure, through cooperative arrangements, that both ICAO and the regional civil aviation bodies encourage States to harmonize operational regulations, requirements and procedures based on Standards and Recommended Practices;
7. *Requests* the Secretary General to implement the Action Plan approved by the Council to improve cooperation with regional organizations and regional civil aviation bodies;
8. *Requests* the Secretary General to establish a synergy between ICAO and each regional civil aviation body in accordance with arrangements as reflected by Memoranda of Cooperation concluded by them, thereby obviating duplication of work;
9. *Requests* the Secretary General to organize periodic meetings between ICAO and the regional civil aviation bodies and periodic examination of progress; and
10. *Requests* that the Council deliver to the next ordinary session of the Assembly a report on the overall implementation of ICAO's Policy on Regional Cooperation and progress made.

A22-7: Statute of the Joint Inspection Unit
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Having considered Resolution 31/192 of the General Assembly of the United Nations;

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

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

The Assembly resolves:

1. to accept the Statute of the Joint Inspection Unit, which will continue to be responsible to the Council insofar as the activities of the Unit relating to ICAO are concerned;
2. that the competence of the Unit shall continue to extend over the functions of the Secretary General, but not over those of the Assembly, the Council and its subordinate bodies;
3. to authorize the Secretary General to transmit this resolution to the Secretary-General of the United Nations.

A21-12: International Civil Service Commission

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

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

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

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

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

A37-18: Consolidated statement of continuing ICAO policies and practices related to environmental protection — General provisions, noise and local air quality

A37-19: Consolidated statement of continuing ICAO policies and practices related to environmental protection — Climate change

A37-17, Appendix H: International and regional cooperation in the field of aviation security

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

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

A36-25: Support of the ICAO policy on radio frequency spectrum matters

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

The Assembly,

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

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

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

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

- a) In the sessions and the work of the ICAO Assembly and other international conferences convened under the auspices of ICAO; and
- b) In the regional meetings dealing with matters related to its territories;

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

GENERAL POLICY ON SPECIAL PROGRAMMES

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

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

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

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

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

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

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

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

The Assembly:

1. *Instructs* the Council to develop a Code of Conduct for the Sharing and Use of Safety Information based on the following principles, among others:
 - a) Member States will collect and share relevant and appropriate safety information to ensure that they can effectively discharge their individual and collective responsibilities for the safety of international civil aviation;
 - b) Member States will utilize safety information to assist in ensuring that operations under their oversight are conducted in full compliance with applicable SARPs and other regulations;
 - c) Member States, aviation industry and aviation organizations will ensure that shared safety information is used in an appropriate, fair and consistent manner, solely to improve aviation safety;
 - d) Member States, aviation industry and aviation organizations will use caution in disclosing information, keeping in mind equally the need for transparency and the possibility that such disclosure may inhibit the future provision of such information; and
 - e) Member States receiving safety information from another State, will agree to provide levels of confidentiality and uphold principles for disclosure equivalent to those provided by the State generating the information.

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

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

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

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

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

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

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

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

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

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

The Assembly:

1. *Resolves* that ICAO continue to be responsible for:
 - a) stating the position of international civil aviation on all related outer space matters; and
 - b) monitoring and coordinating the work performed by States on regional and global planning on these matters in order that the introduction of the future ICAO CNS/ATM systems takes place in an orderly and efficient manner globally and in a balanced way taking due account of safety as well as economic considerations;
2. *Requests* the Council to continue its work to determine the operational, technical, financial, managerial and legal institutional requirements for global satellite systems for civil aviation purposes, taking due account of the provisions of Resolution A27-10, Appendix J, regarding the coordination of aeronautical systems and subsystems;
3. *Urges* that Contracting States continue keeping the Organization informed regarding the programmes and the progress achieved in the exploration and use of outer space that are of interest to international civil aviation;
4. *Requests* the Secretary General to ensure that the international civil aviation positions and requirements are made known to all organizations dealing with relevant space activities and to continue to arrange for the Organization to be represented at appropriate conferences and meetings connected with or affecting the particular interests of international civil aviation in this field;
5. *Declares* that Resolution A22-20 is superseded by this resolution.

A37-18: Consolidated statement of continuing ICAO policies and practices related to environmental protection — General provisions, noise and local air quality

Whereas in Resolution A36-22 the Assembly resolved to continue to adopt at each ordinary Session a consolidated statement of continuing ICAO policies and practices related to environmental protection;

Whereas Resolution A36-22 consists of an introductory text and a number of Appendices concerning specific but interrelated subjects;

Considering the need to reflect developments that have taken place since the 36th Session of the Assembly in the field of aircraft noise and engine emissions; and

Considering the need to define a specific ICAO policy to address aviation's impact on global climate (A37-19: Consolidated statement of continuing ICAO policies and practices related to environmental protection — Climate change, the increasing concern on aviation and climate change and as part of ICAO's policies and practices related to environmental protection);

The Assembly:

1. *Resolves* that the Appendices attached to this Resolution and listed below, together with A37-19: *Consolidated statement of continuing ICAO policies and practices related to environmental protection - Climate change*, constitute the consolidated statement of continuing ICAO policies and practices related to environmental protection, as these policies exist at the close of the 37th Session of the Assembly:

Appendix A — General

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

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

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

Appendix E — Local noise-related operating restrictions at airports

Appendix F — Land-use planning and management

Appendix G — Supersonic aircraft — The problem of sonic boom

Appendix H — Aviation impact on local air quality

2. *Requests* the Council to submit the ICAO policies and practices related to environmental protection for review at each ordinary session of the Assembly; and

3. *Declares* that this resolution, together with A37-19 *Consolidated statement of continuing ICAO policies and practices related to environmental protection — Climate change*, supersedes Resolution A36-22.

APPENDIX A

General

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

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

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

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

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

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

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

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

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

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

The Assembly:

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

8. *Invites* States and international organizations to provide the necessary scientific information and data to enable ICAO to substantiate its work in this field;
9. *Encourages* the Council to continue to cooperate closely with international organizations and other UN bodies on the understanding of aviation impacts on the environment and on the establishment of policies to address such impacts; and
10. *Urges* States to refrain from environmental measures that would adversely affect the orderly and sustainable development of international civil aviation.

APPENDIX B

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

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

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

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

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

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

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

Whereas the Council has initiated work on the development and adoption of an aircraft CO₂ Standard and has notified Contracting States of this action;

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

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

The Assembly:

1. *Welcomes* the continuing benefits of the more stringent aircraft noise Standard in Annex 16, Volume I, Chapter 4 that took effect on 1 January 2006 and the work initiated in 2010 on assessing scenarios for more stringent noise Standards;

2. *Welcomes* the consideration by the Council in May 2010 of the new, more stringent Standards for emissions of NO_x proposed to be implemented on 31 December 2013 as well as consideration of a production cut-off for aircraft engines not meeting the current Standards for emissions of NO_x proposed to be implemented on 31 December 2012;
3. *Welcomes* the plan approved by the Council in May 2010 for development of an aircraft CO₂ Standard;
4. *Requests* the Council, with the assistance and cooperation of other bodies of the Organization and of other international organizations, to continue with vigour the work related to the development of Standards, Recommended Practices and Procedures and/or guidance material dealing with the impact of aviation on the environment;
5. *Welcomes* the adoption by the Council in May 2010 of the medium- and long-term technology goals for reducing aircraft noise and engine emissions of NO_x;
6. *Requests* the Council, with the assistance and cooperation of other bodies of the Organization and of other international organizations, to establish medium- and long-term technology and operational goals related to aircraft fuel burn, in addition to the recent development of NO_x and noise reduction goals;
7. *Requests* the Council to ensure that its Committee on Aviation Environmental Protection (CAEP) pursues its work programme in the noise and emissions fields expeditiously in order that appropriate solutions can be developed as quickly as possible, and that the necessary resources are made available to do so;
8. *Urges* Contracting States from regions of the world that are currently under-represented in CAEP to participate in the Committee's work;
9. *Requests* the Council to provide States and International Organizations information on available measures to reduce the impact of aviation operations on the environment so that action can be taken using the appropriate measures;
10. *Urges* Contracting States to follow, where appropriate, the ICAO provisions developed pursuant to Clause 4 of this Appendix; and
11. *Requests* the Council to continue the work on developing and employing scenarios for assessing the future environmental impact of aviation emissions and to cooperate with other international organizations in this area.

APPENDIX C

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Assembly:

1. *Calls upon* all ICAO Contracting States and international organizations to recognize the leading role of ICAO in dealing with the problems of aircraft noise;
2. *Urges* States to:
 - a) adopt a balanced approach to noise management, taking full account of ICAO guidance (Doc 9829), relevant legal obligations, existing agreements, current laws and established policies, when addressing noise problems at their international airports;
 - b) institute or oversee a transparent process when considering measures to alleviate noise, including:
 - 1) assessment of the noise problem at the airport concerned based on objective, measurable criteria and other relevant factors;
 - 2) evaluation of the likely costs and benefits of the various measures available and, based on that evaluation, selection of measures with the goal to achieve maximum environmental benefit most cost-effectively; and

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

APPENDIX D

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

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

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

Whereas the Committee on Aviation Environmental Protection has concluded that a general phase-out of Chapter 3 aircraft operations by all the countries which imposed a phase-out on operations of Chapter 2 aircraft is not supported on cost-benefit grounds;

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

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

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

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

The Assembly:

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

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

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

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

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

- a) alleviating the noise burden on communities around airports without imposing severe economic hardship on aircraft operators; and
 - b) taking into account the problems of operators of developing countries with regard to Chapter 2 aircraft presently on their register, where they cannot be replaced before the end of the phase-out period, provided that there is proof of a purchase order or leasing contract placed for a replacement Chapter 3 compliant aircraft and the first date of delivery of the aircraft has been accepted;
4. *Urges* States not to introduce measures to phase out aircraft which comply, through original certification or recertification, with the noise certification standards in Volume I, Chapters 3 or 4 of Annex 16;
5. *Urges* States not to impose any operating restrictions on Chapter 3 compliant aircraft, except as part of the balanced approach to noise management developed by ICAO and in accordance with Appendices C and E to this Resolution; and
6. *Urges* States to assist aircraft operators in their efforts to accelerate fleet modernization and thereby prevent obstacles and permit all States to have access to lease or purchase aircraft compliant with Chapter 3, including the provision of multilateral technical assistance where appropriate.

APPENDIX E

Local noise-related operating restrictions at airports

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

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

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

Whereas the scope for further reductions in noise at source is limited in that past improvements in noise reduction technology are being gradually assimilated into the fleet but no significant breakthroughs in technology are anticipated in the foreseeable future;

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

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

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

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

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

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

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

Recognizing that the noise standards in Annex 16 were not intended to introduce operating restrictions on aircraft and, specifically, that the new standard contained in Annex 16, Volume I, Chapter 4 is based on the understanding that it is for certification purposes only; and

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

The Assembly:

1. *Urges* States to ensure, wherever possible, that any operating restrictions be adopted only where such action is supported by a prior assessment of anticipated benefits and of possible adverse impacts;
2. *Urges* States not to introduce any operating restrictions at any airport on aircraft which comply with Volume I, Chapter 3 of Annex 16 before:
 - a) completing the phase-out of aircraft which exceed the noise levels in Volume I, Chapter 3 of Annex 16, at the airport concerned; and
 - b) fully assessing available measures to address the noise problem at the airport concerned in accordance with the balanced approach described in Appendix C;
3. *Urges* States which, despite the considerations in Resolving Clause 2 above, permit the introduction of restrictions at an airport on the operations of aircraft which comply, either through original certification or recertification, with Volume I, Chapter 3 of Annex 16:
 - a) to base such restrictions on the noise performance of the aircraft, as determined by the certification procedure conducted consistent with Annex 16, Volume I;
 - b) to tailor such restrictions to the noise problem of the airport concerned in accordance with the balanced approach;
 - c) to limit such restrictions to those of a partial nature wherever possible, rather than the complete withdrawal of operations at an airport;
 - d) to take into account possible consequences for air transport services for which there are no suitable alternatives (for example, long-haul services);
 - e) to consider the special circumstances of operators from developing countries, in order to avoid undue hardship for such operators, by granting exemptions;
 - f) to introduce such restrictions gradually over time, where possible, in order to take into account the economic impact on operators of the affected aircraft;
 - g) to give operators a reasonable period of advance notice;

- h) to take account of the economic and environmental impact on civil aviation; and
 - i) to inform ICAO, as well as the other States concerned, of all such restrictions imposed; and
4. *Further urges* States not to permit the introduction of any operating restrictions aimed at the withdrawal of aircraft that comply, through either original certification or recertification, with the noise standards in Volume I, Chapter 4 of Annex 16.

APPENDIX F

Land-use planning and management

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

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

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

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

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

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

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

Whereas guidance material on appropriate land-use planning and noise mitigation measures is included in the *Airport Planning Manual* (Doc 9184), Part 2 — *Land Use and Environmental Control*, which has recently been updated;

The Assembly:

1. *Urges* States that have phased out operations of Chapter 2 aircraft at their airports as provided for in Appendix D to this Resolution, whilst preserving the benefits for local communities to the greatest extent practicable, to avoid inappropriate land use or encroachment whenever possible in areas where reductions in noise levels have been achieved;
2. *Urges* States to ensure that the potential reductions in noise levels to be gained from the introduction of quieter aircraft, particularly those complying with the new Chapter 4 standard, are also not avoidably compromised by inappropriate land use or encroachment;

3. *Urges* States, where the opportunity still exists to minimize aircraft noise problems through preventive measures, to:
- a) locate new airports at an appropriate place, such as away from noise-sensitive areas;
 - b) take the appropriate measures so that land-use planning is taken fully into account at the initial stage of any new airport or of development at an existing airport;
 - c) define zones around airports associated with different noise levels taking into account population levels and growth as well as forecasts of traffic growth and establish criteria for the appropriate use of such land, taking account of ICAO guidance;
 - d) enact legislation, establish guidance or other appropriate means to achieve compliance with those criteria for land use; and
 - e) ensure that reader-friendly information on aircraft operations and their environmental effects is available to communities near airports; and
4. *Requests* the Council to:
- a) ensure that the guidance on land use in Doc 9184 is current and responsive to the requirements of States; and
 - b) consider what steps might be taken to promote land-use management, particularly in those parts of the world where the opportunity may exist to avoid aircraft noise problems in the future.

APPENDIX G

Supersonic aircraft — The problem of sonic boom

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

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

The Assembly:

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

APPENDIX H**Aviation impact on local air quality**

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

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

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

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

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

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

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

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

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

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

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

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

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

Whereas the ICAO Council had adopted on 9 December 1996 a policy statement of an interim nature on emissions-related charges and taxes in the form of a resolution wherein the Council strongly recommends that any such levies be in the form of charges rather than taxes, and that the funds collected should be applied in the first instance to mitigating the environmental impact of aircraft engine emissions;

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

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

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

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

The Assembly:

1. *Requests* the Council to monitor and develop its knowledge of, in cooperation with other relevant international organizations such as WHO, the effects of aviation emissions of PM, NO_x and other gases on human welfare and health, and to disseminate information in this regard;
2. *Requests* the Council to continue its work to develop technologically feasible, environmentally beneficial and economically reasonable standards to further reduce the impact of local air pollution from aircraft;
3. *Requests* the Council to develop certification requirements for non-volatile PM emissions while continuing to monitor progress in scientific and technical understanding of volatile and non-volatile components of PM emissions;
4. *Requests* the Council to ensure that the interdependencies between measures to reduce aircraft noise and engine emissions that affect local air quality as well as global climate are given due consideration;
5. *Requests* the Council to continue its work to develop long-term technology and operational goals with respect to aviation environmental issues, including NO_x emissions from aircraft;
6. *Requests* the Council to continue to foster operational and air traffic improvements that reduce the impact of local air pollution from aircraft;
7. *Encourages* action by Contracting States, and other parties involved, to limit or reduce international aviation emissions affecting local air quality through voluntary measures and to keep ICAO informed;
8. *Welcomes* the development and promotion of guidance material on issues related to the assessment of airport-related air quality and requests the Council to actively pursue this activity, aiming for the completion of the Airport Air Quality guidance in 2011;
9. *Requests* the Council to work with States and stakeholders in promoting and sharing best practices applied at airports in reducing the adverse effects of aviation emissions on local air quality;
10. *Welcomes* the development of the guidance on emissions charges related to local air quality and *requests* the Council to keep up-to-date such guidance and *urges* Contracting States to share information on the implementation of such charges; and
11. *Urges* Contracting States to ensure the highest practical level of consistency and take due account of ICAO policies and guidance on emissions charges related to local air quality.

A37-19: Consolidated statement of continuing ICAO policies and practices related to environmental protection — Climate change

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

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

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

Whereas the Kyoto Protocol, which was adopted by the Conference of the Parties to the UNFCCC in December 1997 and entered into force on 16 February 2005, calls for developed countries (Annex I Parties) to pursue limitation or reduction of greenhouse gases from “aviation bunker fuels” (international aviation) working through ICAO (Article 2.2);

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

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

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

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

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

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

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

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

Noting that, consistent with Assembly Resolution A36-22, the High-level Meeting on International Aviation and Climate Change in October 2009 (HLM-ENV/09) endorsed the Programme of Action on International Aviation and Climate Change which included global aspirational goals in the form of fuel efficiency, a basket of measures and the means to measure progress;

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

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

Noting that the HLM-ENV/09 declared that ICAO would establish a process to develop a framework for market-based measures in international aviation, taking into account the conclusions of the HLM-ENV/9 and outcome of the UNFCCC COP 15 and bearing in mind relevant ICAO Assembly resolutions and the appendices with a view to complete this process expeditiously;

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

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

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

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

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

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

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

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

The Assembly:

1. *Resolves* that this Resolution, together with Resolution A37-18: Consolidated statement of continuing ICAO policies and practices related to environmental protection — General provisions, noise and local air quality, supersedes Resolution A36-22 and constitute the consolidated statement of continuing ICAO policies and practices related to environmental protection;
2. *Requests* the Council to:
 - a) ensure that ICAO exercise continuous leadership on environmental issues relating to international civil aviation, including GHG emissions;
 - b) continue to study policy options to limit or reduce the environmental impact of aircraft engine emissions and to develop concrete proposals and provide advice as soon as possible to the Conference of the Parties of the UNFCCC, encompassing technical solutions and market-based measures, and taking into account potential implications of such measures for developing as well as developed countries; and
 - c) continue to cooperate with organizations involved in policy-making in this field, notably with the Conference of the Parties to the UNFCCC;
3. *Reiterates* that:

- a) ICAO should continue to take initiatives to promote information on scientific understanding of aviation's impact and action undertaken to address aviation emissions and continue to provide the forum to facilitate discussions on solutions to address aviation emissions; and
 - b) emphasis should be on those policy options that will reduce aircraft engine emissions without negatively impacting the growth of air transport especially in developing economies;
4. *Resolves* that States and relevant organizations will work through ICAO to achieve a global annual average fuel efficiency improvement of 2 per cent until 2020 and an aspirational global fuel efficiency improvement rate of 2 per cent per annum from 2021 to 2050, calculated on the basis of volume of fuel used per revenue tonne-kilometre performed;
5. *Agrees* that the goals mentioned in paragraph 4 above would not attribute specific obligations to individual States, and the different circumstances, respective capabilities and contribution of developing and developed States to the concentration of aviation GHG emissions in the atmosphere will determine how each State may voluntarily contribute to achieving the global aspirational goals;
6. *Also resolves* that, without any attribution of specific obligations to individual States, ICAO and its member States with relevant organizations will work together to strive to achieve a collective medium-term global aspirational goal of keeping the global net carbon emissions from international aviation from 2020 at the same level, taking into account:
- a) the special circumstances and respective capabilities of developing countries;
 - b) that the different circumstances, respective capabilities and contribution of States to the concentration of aviation GHG emissions in the atmosphere will determine how each State may contribute to achieving the global aspirational goals;
 - c) that some States may take more ambitious actions prior to 2020, which may offset an increase in emissions from the growth of air transport in developing States;
 - d) the maturity of aviation markets;
 - e) the sustainable growth of the international aviation industry; and
 - f) that emissions may increase due to the expected growth in international air traffic until lower emitting technologies and fuels and other mitigating measures are developed and deployed;
7. *Agrees* to review, at its 38th Session, the goal mentioned in paragraph 6 above in light of progress towards the goal, new studies regarding the feasibility of achieving the goal, and relevant information from States;
8. *Requests* the Council to explore the feasibility of a long-term global aspirational goal for international aviation, through conducting detailed studies assessing the attainability and impacts of any goals proposed, including the impact on growth as well as costs in all countries, especially developing countries, for the progress of the work to be presented to the 38th Session of the ICAO Assembly. Assessment of long-term goals should include information from member States on their experiences working towards the medium-term goal;
9. *Encourages* States to submit their action plans outlining their respective policies and actions, and annual reporting on international aviation CO₂ emissions to ICAO;
10. *Invites* those States that choose to prepare their action plans to submit them to ICAO as soon as possible preferably by the end of June 2012 in order that ICAO can compile the information in relation to achieving the global aspirational goals, and the action plans should include information on the basket of measures considered by States, reflecting their respective national capacities and circumstances, and information on any specific assistance needs;

11. *Requests* the Council to facilitate the dissemination of economic and technical studies and best practices related to aspirational goals and to provide guidance and other technical assistance for the preparation of States' action plans prior to the end of June 2012, in order for States to conduct their necessary studies and to voluntarily submit their action plans to ICAO;
12. *Resolves* that a *de minimis* threshold of international aviation activity of 1 per cent of total revenue ton kilometres should apply to the submission of States' action plans as follows:
- a) States below the threshold are not expected to submit action plans towards achieving the global goals; and
 - b) States below the threshold but that otherwise have agreed to voluntarily contribute to achieving the global goals are expected to submit action plans;
13. *Requests* the Council, with the support of member States, to undertake work to develop a framework for market-based measures (MBMs) in international aviation, including further elaboration of the guiding principles listed in the Annex, for consideration by the 38th Session of the ICAO Assembly;
14. *Urges* States to respect the guiding principles listed in the Annex, when designing new and implementing existing MBMs for international aviation, and to engage in constructive bilateral and/or multilateral consultations and negotiations with other States to reach an agreement;
15. *Resolves* on a *de minimis* threshold of international aviation activity, consistent with the guiding principles in the Annex, of 1 per cent of total revenue tonne-kilometres to MBMs as follows:
- a) commercial aircraft operators of States below the threshold should qualify for exemption for application of MBMs that are established on national, regional and global levels; and
 - b) States and regions implementing MBMs may wish to also consider an exemption for other small aircraft operators;
16. *Requests* the Council to review the *de minimis* threshold to MBMs in paragraph 15, taking into account specific circumstances of States and potential impacts on the aviation industry and markets, and with regard to the guiding principles listed in the Annex, by the end of 2011;
17. *Urges* States to review existing and planned MBMs for international aviation to ensure their consistency with the guiding principles listed in the Annex and the provisions in paragraphs 15 and 16 above;
18. *Requests* the Council, with the support of member States and international organizations, to continue to explore the feasibility of a global MBM scheme by undertaking further studies on the technical aspects, environmental benefits, economic impacts and the modalities of such a scheme, taking into account the outcome of the negotiations under the UNFCCC and other international developments, as appropriate, and report the progress for consideration by the 38th Session of the ICAO Assembly;
19. *Recognizes* that in the short term voluntary carbon offsetting schemes constitute a practical way to offset CO₂ emissions, and *invites* States to encourage their operators wishing to take early actions to use carbon offsetting, particularly through the use of credits generated from internationally recognized schemes such as the CDM;
20. *Requests* the Council to collect information on the volume of carbon offsets purchased in relation to air transport, and to continue to develop and disseminate best practices and tools, such as the ICAO Carbon Emissions Calculator, that will help harmonize the implementation of carbon offset programmes;
21. *Requests* the Council to regularly report CO₂ emissions from international aviation to the UNFCCC, as part of its contribution to assessing progress made in the implementation actions in the sector based on information approved by its member States;

22. *Requests the Council to:*

- a) study, identify and develop processes and mechanisms to facilitate the provision of technical and financial assistance, as well as facilitate access to existing and new financial resources, technology transfer and capacity building, to developing countries and report on its progress, including processes and mechanisms developed, results achieved as well as further recommendations, preliminarily by the end of 2012 and at the 38th Session of the Assembly; and
- b) initiate specific measures to assist developing States as well as to facilitate access to financial resources, technology transfer and capacity building;

23. *Requests States to:*

- a) promote scientific research aimed at continuing to address the uncertainties identified in the IPCC special report on *Aviation and the Global Atmosphere* and in the Fourth Assessment report;
- b) ensure that future international assessments of climate change undertaken by IPCC and other relevant United Nations bodies include updated information, if any, on aircraft-induced effects on the atmosphere;
- c) accelerate investments on research and development to bring to market even more efficient technology by 2020;
- d) accelerate the development and implementation of fuel-efficient routings and procedures to reduce aviation emissions;
- e) accelerate efforts to achieve environmental benefits through the application of satellite-based technologies that improve the efficiency of air navigation and work with ICAO to bring these benefits to all regions and States;
- f) reduce legal, security, economic and other institutional barriers to enable implementation of the new ATM operating concepts for the environmentally efficient use of airspace;
- g) develop policy actions to accelerate the appropriate development, deployment and use of sustainable alternative fuels for aviation;
- h) work together through ICAO and other relevant international bodies, to exchange information and best practices; and
- i) consider measures to support sustainable aviation alternative fuels research and development, investments in new feedstock cultivations and production facilities, as well as incentives to stimulate commercialization and use of sustainable alternative fuels for aviation to accelerate the reduction of aviation CO₂ emissions;

24. *Requests the Council to:*

- a) continue to develop and keep up to date the guidance for member States on the application of policies and measures aimed at reducing or limiting the environmental impact of emissions from aviation, and conduct further studies with respect to mitigating the impact of aviation on climate change;
- b) encourage States to cooperate in the development of predictive analytical models for the assessment of aviation impacts;
- c) continue evaluating the costs and benefits of the various measures, including existing measures, with the goal of addressing aircraft engine emissions in the most cost-effective manner, taking into account the interests of all parties concerned, including potential impacts on the developing world;

- d) provide the necessary guidance and direction to ICAO's Regional Offices to assist member States with studies, evaluations and development of procedures, in collaboration with other States in the region, to limit or reduce GHG emissions on a global basis and work together collaboratively to optimize the environmental benefits that can be achieved through their various programmes;
- e) develop a global CO₂ Standard for aircraft aiming for 2013;
- f) further elaborate on relevant fuel efficiency metrics, including for international business aviation, and develop medium- and long-term technological and operational goals for aircraft fuel burn;
- g) encourage member States and invite industry to actively participate in further work on sustainable alternative fuels for aviation;
- h) work with financial institutions to facilitate access to financing infrastructure development projects dedicated to sustainable aviation alternative fuels and incentives to overcome initial market hurdles;
- i) continue to develop the necessary tools to assess the benefits associated with ATM improvements, and intensify its efforts on the development of new guidance on operational measures to reduce international aviation emissions;
- j) implement an emphasis on increasing fuel efficiency in all aspects of ICAO's Global Air Navigation Plan, and encourage States and stakeholders to develop air traffic management that optimizes environmental benefits and to promote and share best practices applied at airports in reducing the adverse effects of GHG emissions from civil aviation;
- k) identify appropriate standard methodologies and a mechanism to measure/estimate, monitor and verify global GHG emissions from international aviation, and States' support of the work of ICAO on measuring progress through the reporting of annual data on traffic and fuel consumption;
- l) request States to continue to support the efforts of ICAO on enhancing the reliability of measuring/estimating global GHG emissions from international aviation;
- m) undertake a study on the possible application of CDM of the Kyoto Protocol to international aviation;
- n) monitor and disseminate relevant information on the potential impacts of climate change on international aviation operations and related infrastructure, in cooperation with other relevant international organizations and the industry; and
- o) continue to cooperate with the Climate Neutral UN initiative, remain at the forefront of developing methods and tools for quantifying aviation's GHG emissions with respect to the initiative, and further develop and implement the strategy for reducing GHG emissions and enhancing in-house sustainability management practices of the Organization.

Annex

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

- a) MBMs should support sustainable development of the international aviation sector;
- b) MBMs should support the mitigation of GHG emissions from international aviation;
- c) MBMs should contribute towards achieving global aspirational goals;

- d) MBMs should be transparent and administratively simple;
- e) MBMs should be cost-effective;
- f) MBMs should not be duplicative and international aviation CO₂ emissions should be accounted for only once;
- g) MBMs should minimize carbon leakage and market distortions;
- h) MBMs should ensure the fair treatment of the international aviation sector in relation to other sectors;
- i) MBMs should recognize past and future achievements and investments in aviation fuel efficiency and in other measures to reduce aviation emissions;
- j) MBMs should not impose inappropriate economic burden on international aviation;
- k) MBMs should facilitate appropriate access to all carbon markets;
- l) MBMs should be assessed in relation to various measures on the basis of performance measured in terms of CO₂ emissions reductions or avoidance, where appropriate;
- m) MBMs should include *de minimis* provisions;
- n) where revenues are generated from MBMs, it is strongly recommended that they should be applied in the first instance to mitigating the environmental impact of aircraft engine emissions, including mitigation and adaptation, as well as assistance to and support for developing States; and
- o) where emissions reductions are achieved through MBMs, they should be identified in States' emissions reporting.

A37-20: Consolidated statement of continuing ICAO policies in the air transport field

A36-14: Use of cross-polar routes

A36-21: Preventing the introduction of invasive alien species

Whereas the global community has increasingly recognized the threat to biological diversity posed by invasive alien species;

Whereas international transportation, including civil air transportation, represents a potential pathway for the introduction of invasive alien species; and

Whereas the Convention on Biological Diversity, the Global Invasive Species Programme and other intergovernmental and non-governmental international organizations are currently working on means to effectively assess and manage alien species that threaten ecosystems, habitats and native species;

The Assembly:

1. *Urges* all Contracting States to support one another's efforts to reduce the risk of introducing, through civil air transportation, potentially invasive alien species to areas outside their natural range;
2. *Requests* the ICAO Council to continue working with the appropriate organizations in this regard; and
3. *Declares* that this resolution supersedes Resolution A35-19.

A27-12: Role of ICAO in the suppression of illicit transport of narcotic drugs by air

Whereas drug abuse and illicit trafficking in narcotic drugs and psychotropic substances continue to create serious international problems demanding urgent and constant attention;

Whereas the United Nations General Assembly called upon the specialized agencies to participate actively in the implementation of the UN General Assembly Resolutions 39/143, 40/121 and 41/127, "International campaign against traffic in drugs";

Whereas in the Declaration of the International Conference on Drug Abuse and Illicit Trafficking of 26 June 1987 States committed themselves to vigorous international actions against drug abuse and illicit trafficking as an important goal of their policies;

Whereas the International Conference on Drug Abuse and Illicit Trafficking adopted the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control, as a programme of future work at the national, regional and international levels;

Whereas Resolution A26-12 urged the Council to continue expeditiously its efforts to explore ICAO's possible role in the matter and to present a report to the next ordinary session of the Assembly;

The Assembly:

1. *Endorses* the action taken by the Council through the Air Transport Committee, Air Navigation Commission, the Tenth Session of the Facilitation Division and by the Secretariat to implement Assembly Resolution A26-12 and the Comprehensive Multidisciplinary Outline adopted by the International Conference on Drug Abuse and Illicit Trafficking;
2. *Urges* the Council to elaborate with a high degree of priority concrete measures in order to prevent and to eliminate possible use of illicit drugs and abuse of other drugs or substances by crew members, air traffic controllers, mechanics and other staff of international civil aviation;
3. *Urges* the Council to continue its work in order to prevent illicit transport of narcotic drugs and psychotropic substances by air;
4. *Requests* the Council to continue to follow closely the work of the United Nations and other agencies in the implementation of the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control and to assure active cooperation of the Organization in the implementation of all programmes relevant for international civil aviation;
5. *Requests* the Council, in the light of any further study which may be necessary, to propose specific actions and measures, including the preparation of necessary guidance material on all drug-related problems which may be encountered in international civil aviation;

6. *Calls upon* all Contracting States to continue their efforts to prevent the illicit trafficking of drugs by air, to take appropriate legislative measures to ensure that the crime of illicit transport of narcotic drugs and other psychotropic substances by air is punishable by severe penalties and to become parties, as soon as practicable, to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
7. *Requests* the Council to present a report on the implementation of this Resolution to the next ordinary session of the Assembly; and
8. *Declares* that this Resolution supersedes Resolution A26-12.

A37-20: Consolidated statement of continuing ICAO policies in the air transport field

A29-15: Smoking restrictions on international passenger flights

Whereas ICAO Assemblies have demonstrated a concern for and a contribution to human welfare in the quality of life and in the environment in which human beings work and engage in other pursuits, including matters related to engine emissions, the ozone layer and aircraft noise;

Whereas ICAO Assemblies have recognized a responsibility to achieve maximum compatibility between civil aviation operation and the quality of the human environment;

Whereas States have been recognizing increasingly and taking action against the known health hazards caused by tobacco smoke at the work place, in public buildings and transportation systems;

Whereas the build-up of “tar” and other residue from tobacco smoke on aircraft may adversely affect oxygen masks and contaminate environmental control systems;

Whereas the World Health Organization (WHO) and the International Labour Organization (ILO), consider that occupational safety and health are interrelated and cannot be separated; and

Whereas the World Health Organization (WHO) unanimously adopted a Resolution urging Member States to ban smoking in public conveyances where protection against involuntary exposure to tobacco smoke cannot be ensured and requested its Director General to collaborate with ICAO;

The Assembly:

1. *Requests* the ICAO Council to intensify its studies into the safety aspects of banning smoking on board aircraft;
2. *Requests* the ICAO Council, with the assistance and cooperation of the World Health Organization, to take appropriate measures to promote a smoke-free travel environment on all international flights;
3. *Urges* all Contracting States, in the meantime, to take necessary measures as soon as possible to restrict smoking progressively on all international passenger flights with the objective of implementing complete smoking bans by 1 July 1996;
4. *Requests* the ICAO Council to report on the implementation of this Resolution in all its aspects to the next ordinary session of the Assembly.

A35-12: Protection of the health of passengers and crews and prevention of the spread of communicable disease through international travel

Whereas Article 44 of the *Convention on International Civil Aviation* states that “The aims and objectives of the Organization are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to: . . . meet the needs of the peoples of the world for safe, regular, efficient and economical air transport”;

Whereas Article 14 of the *Convention on International Civil Aviation* states that “Each contracting State agrees to take effective measures to prevent the spread by means of air navigation of cholera, typhus (epidemic), smallpox, yellow fever, plague, and such other communicable diseases as the contracting States shall from time to time decide to designate, and to that end contracting States will keep in close consultation with the agencies concerned with international regulations relating to sanitary measures applicable to aircraft”;

Whereas the worldwide transmission of communicable diseases by means of air transport, and the threat thereof, have increased in past years;

Whereas Assembly Resolution A29-15 urges all contracting States to take necessary measures to restrict smoking progressively on all international passenger flights with the objective of implementing complete smoking bans by 1 July 1996;

Whereas the increasing number of elderly and handicapped persons travelling by air and the increasing duration of international flights may pose additional risks to the health of passengers and may give rise to more frequent medical emergencies on board;

Whereas ICAO forecasts a five per cent annual increase in the number of passengers in the foreseeable future, thus potentially increasing the occurrence of medical emergencies during air travel;

Whereas the communication technologies have made possible in-flight diagnosis and treatment of passengers by doctors based at ground facilities;

Whereas health issues are becoming a consideration for some in their decision to fly or not, with a potential for highly detrimental impact on the economy of airlines and airports; and

Whereas there is a need to coordinate for global application the considerable activity and progress on health issues by ICAO, some Contracting States, the European Civil Aviation Conference (ECAC), the World Health Organization (WHO), the World Tourism Organization (WTO-OMT) and international organizations such as the Aerospace Medical Association (AsMA), International Academy of Aviation and Space Medicine (IAASM), International Air Transport Association (IATA), Airports Council International (ACI) and other interested organizations;

The Assembly:

1. *Declares* that the protection of the health of passengers and crews on international flights is an integral element of safe air travel and that conditions should be in place to ensure its preservation in a timely and cost-effective manner;
2. *Requests* the Council to review existing SARPs related to passenger and crew health and develop new SARPs where appropriate with due consideration of global health issues and recent developments in air transport operations;
3. *Requests* the Council to establish suitable institutional arrangements to coordinate efforts by Contracting States and other members of the international civil aviation community aimed at protecting the health of passengers and crews;

4. *Requests* the Council as a matter of priority to develop Standards and Recommended Practices in the appropriate Annexes to the Convention in order to address contingency plans to prevent the spread of communicable diseases by air transport;
5. *Urges* all Contracting States, in the meantime, to ensure the implementation of existing SARPs related to the health of passengers and crews; and
6. *Requests* the Council to support further research on the consequences of air transport on the health of passengers and crews; and
7. *Requests* the Council to report on the implementation of this resolution in all aspects to the next ordinary session of the Assembly.

A37-13: Prevention of spread of communicable disease through air travel
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Whereas Article 14 of the *Convention on International Civil Aviation* states that “Each contracting State agrees to take effective measures to prevent the spread by means of air navigation of cholera, typhus (epidemic), smallpox, yellow fever, plague, and such other communicable diseases as the contracting States shall from time to time decide to designate, and to that end contracting States will keep in close consultation with the agencies concerned with international regulations relating to sanitary measures applicable to aircraft”;

Whereas Article 14(1) of the World Health Organization International Health Regulations (2005) states that “WHO shall cooperate and coordinate its activities, as appropriate, with other competent intergovernmental organizations or international bodies in the implementation of these Regulations, including through the conclusion of agreements and other similar arrangements”;

Whereas ICAO Resolution A35-12 states that ‘the protection of the health of passengers and crews on international flights is an integral element of safe air travel and that conditions should be in place to ensure its preservation in a timely and cost-effective manner’;

Whereas Article 44 of the *Convention on International Civil Aviation* states that “The aims and objectives of the Organization are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to ...[m]eet the needs of the peoples of the world for safe, regular, efficient and economical air transport”;

Whereas Annex 6 — *Operation of Aircraft*, Annex 9 — *Facilitation*, Annex 11 — *Air Traffic Services*, Annex 14 — *Aerodromes, Volume I — Aerodrome Design and Operations to the Convention on International Civil Aviation* and the *Procedures for Air Navigation Service — Air Traffic Management* (Doc 4444) contain several Standards and Recommended Practices and Procedures relating to health measures that should be taken by Contracting States to manage public health emergencies of international concern and to prevent the spread of communicable disease by air travel; and

Whereas the ICAO Cooperative Arrangement for the Prevention of Spread of Communicable Disease through Air Travel (CAPSCA) project is an appropriate measure to improve and harmonize preparedness plans;

The Assembly:

1. *Urges* Contracting States and regional safety oversight organizations to ensure that the public health sector and the aviation sector collaborate to develop a national preparedness plan for aviation which addresses public health emergencies of international concern and which is integrated with the general national preparedness plan;
2. *Urges* Contracting States to develop a national preparedness plan for aviation that is in compliance with the World Health Organization International Health Regulations (2005) and which are based on scientific principles and on the guidelines from ICAO and the World Health Organization;
3. *Urges* Contracting States, and regional safety oversight organizations as appropriate, to establish requirements for the involvement of stakeholders such as airport operators, aircraft operators and air navigation service providers in the development of a national preparedness plan for aviation; and
4. *Urges* Contracting States to join and participate in the Cooperative Arrangement for the Prevention of Spread of Communicable Disease through Air Travel (CAPSCA) project, where available, to ensure that its goals are achieved, unless equivalent measures are already in place.

A37-14: Non-chemical disinsection of the aircraft cabin and flight deck for international flights

Whereas ICAO Assemblies have demonstrated a concern for the quality of life and the environment in which human beings work and live, including matters related to engine emissions, the ozone layer, aircraft noise, smoking and invasive alien species;

Whereas the 35th Session of the Assembly declared that “the protection of the health of passengers and crews on international flights is an integral element of safe air travel and that conditions should be in place to ensure its preservation in a timely and cost-effective manner”;

Whereas the 2005 revisions to the International Health Regulations, which strengthen public health security in travel and transportation and minimize public health risk, expanded the definition of disinsection to include the control as well as the killing of insect vectors;

Whereas concern has been expressed that the current practice by some States of requiring the use of insecticides to disinsect aircraft can result in discomfort and adverse health effects to aircraft crews and passengers, which may potentially result in a medical emergency;

Whereas there are conflicting reports concerning the efficacy of insecticides used for disinsection and the effectiveness of existing insecticide-based disinsection protocols;

Whereas recent outbreaks of vector borne diseases highlight the need to control the transportation of insect vectors by air; and

Whereas some recently conducted research has shown non-chemical methods of disinsection to be efficacious in preventing mosquitoes and other flying insects from entering an aircraft;

The Assembly:

1. *Requests* that the Council urge the World Health Organization to continue to explore methods of disinsection of the cabin and flight deck in which:

- a) information on advances of both chemical and non-chemical disinsection is reviewed;
 - b) the efficacy and safety of non-chemical disinsection are compared with the efficacy and safety of pesticide-based disinsection; and
 - c) recommendations are made on acceptable disinsection practices;
2. *Requests* the Council to encourage the exploration of non-chemical approaches to aircraft disinsection of the cabin and flight deck;
 3. *Encourages* Contracting States to allow the evaluation of non-chemical aircraft disinsection technology on flights over their territories, without prejudice to existing disinsection requirements;
 4. *Encourages* Contracting States, in collaboration with the World Health Organization, to develop and adopt performance-based criteria for disinsection requirements;
 5. *Urges* Contracting States to ensure that aircraft operators are made aware of requirements for aircraft disinsection. Information provided should include whether or not the State requires disinsection, for which routes, and which methods of disinsection are acceptable;
 6. *Requests* the Council to report on the implementation of this Resolution at the next ordinary session of the Assembly; and
 7. *Declares* that this Resolution supersedes Resolution A36-24.

A27-13: Safeguarding international public air transport
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Whereas the *Convention on International Civil Aviation*, signed at Chicago in 1944, in its Preamble recognizes as a fundamental objective "that international civil aviation may be developed in a safe and orderly manner and that international air transport services may be established on the basis of equality of opportunity and operated soundly and economically", this principle being established in Article 44 of the Convention, and *whereas* Article 13 or any other Article of the *Convention on International Civil Aviation* must be interpreted and applied in conformity and consistently with the guiding principles stated;

Considering the essential importance which international air transport has for world peace and the economy of the developing countries and the extraordinary effort entailed for these countries to maintain their own air transport system;

Whereas the Third Air Transport Conference adopted Recommendation 9 in which the need was established to protect air carriers against detention of their aircraft when there is no evidence or presumption of negligence or guilt;

Whereas air transport is a service in the general interest, the strengthening of which and the preservation of its continuity falling within the scope of the exercise of the power of States and the performance of their activities for the benefit of the common good;

Whereas air transport operators have as their essential purpose the provision of a public service which has legal status and enjoys a special regime established in the *Convention on International Civil Aviation*;

The Assembly:

1. *Reaffirms* the public-service character of the service provided by air transport operators, recognizing that the essential purpose of such a service is to satisfy the common good of peoples in whose development States, carriers and users are equally interested;
2. *Declares* as detrimental to the principles established in the *Convention on International Civil Aviation* any improper detention of an aircraft assigned to commercial air transport where there is no evidence or presumption of negligence or guilt on the part of the air carriers concerned.

A33-20: Coordinated approach in providing assistance in the field of aviation war risk insurance

A24-1: International Day of Peace

Whereas the third Tuesday of September has been declared by the United Nations as the International Day of Peace;

Whereas peace is a primary aim of all individuals and States and of all organizations of the United Nations family;

Whereas civil aviation is an essential instrument of international communication among States and peoples and, as it is stated in the preamble of the *Convention on International Civil Aviation*, it can greatly help to create and preserve friendship and understanding among the nations and peoples of the world.

The ICAO Assembly:

Decides henceforth to commemorate this day, which this year was also the opening day of its 24th Session, with a warm invitation to all peoples working for Civil Aviation to be deeply and constantly aware of the contribution that their work can make to the achievement of international cooperation and peace in the world.

A29-3: Global Rule Harmonization

Whereas the interdependence of international civil aviation makes aviation a prime candidate for benefits to be derived from the concept of globalization of which global harmonization of national rules for the application of ICAO standards is an important element;

Whereas international aviation now comprises: mega-air carriers, both national and multinational, and various alliances of airlines for global operation; transnational ownership of airlines; and multinational manufacture of aeronautical products;

Whereas States have agreed in the Aircraft Agreement of the General Agreement on Tariffs and Trade (GATT) to ensure that civil aircraft certification requirements and specifications on operating and maintenance procedures are not barriers to trade;

Whereas global harmonization of national rules in international civil aviation is desirable for effective implementation of the GATT obligation;

Whereas individual States interpret and apply the ICAO safety standards differently resulting in dissimilar operations which can be costly;

Whereas a relatively small number of States generally reply to the ICAO Secretariat's requests for comments or agreement on ICAO proposed standards, resulting in decisions being based on a relatively small number of responses with consequences neither helpful to achieve rule harmonization nor in the best interest of the safe and orderly development of international civil aviation;

Whereas global rule harmonization could facilitate the implementation of the Protocol Article 83 *bis* of the *Convention on International Civil Aviation* that authorizes States to transfer to each other by agreement certain safety functions; and

Whereas certain States have initiated bilateral and multilateral programmes in the interest of harmonizing national rules, to correct costly incompatibility problems and to facilitate more effective competition in international civil aviation;

The Assembly:

1. *Urges* States and Groups of States, which have not already done so, to take positive action to promote global harmonization of national rules for the application of ICAO standards;
2. *Urges* States to use in their own national regulations, as far as practicable, the precise language of ICAO regulatory standards in their application of ICAO standards and seek harmonization of national rules with other States in respect of higher standards they have in force or intend to introduce;
3. *Urges* all States to respond to the ICAO Council's requests for comments and agreement or disagreement on ICAO proposed standards to prevent decisions being taken on the basis of a small number of responses; and
4. *Requests* the ICAO Council to pursue the enhancement of ICAO Standards and to study the feasibility of establishing a multilateral monitoring mechanism.

A33-11: A global design code for aircraft
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Whereas Article 33 of the Convention requires recognition by States of certificates of airworthiness issued by States of registry provided that the requirements under which they were issued are equal to or above the minimum standards established pursuant to the Convention;

Whereas the ICAO Council in 1972 agreed that the international airworthiness Standards adopted by the Council are recognized as being the complete international code necessary to bring into force and effect the rights and obligations which arise under Article 33 of the Convention;

Whereas the ICAO Council further agreed that national codes of airworthiness containing the full scope and extent of detail considered necessary by individual States are required as the basis for the certification by individual States of airworthiness of each aircraft;

Recognizing that the cost of repetitive certifications imposed on aircraft manufacturers and operators to meet the requirements of many different national aviation authorities could be significantly reduced by avoiding such duplications;

Recognizing that the joint efforts of the United States Federal Aviation Administration and the European Joint Aviation Authorities has brought together many of the major States of design in an effort to establish a globally harmonized design code and to study the feasibility of a harmonized aircraft certification process;

The Assembly:

1. *Endorses* the effort to establish a globally harmonized design code and to study the feasibility of a harmonized aircraft certification process;
2. *Urges* all States of design and other Contracting States to participate in the international harmonization projects as initiated by FAA/JAA;
3. *Urges* the Secretary General to ensure ICAO participation in the harmonization projects to the extent practicable; and
4. *Requests* the Secretary General to bring this resolution to the attention of all Contracting States.

A37-20: Consolidated statement of continuing ICAO policies in the air transport field

A35-15: Consolidated statement of continuing ICAO policies and practices related to a global air traffic management (ATM) system and communications, navigation and surveillance/air traffic management (CNS/ATM) systems

Whereas it is considered desirable to consolidate Assembly resolutions on the Organization's policies and practices related to CNS/ATM in order to facilitate their implementation and practical application by making their text more readily available and logically organized;

The Assembly:

1. *Resolves* that the Appendices attached to this resolution constitute the consolidated statement of continuing ICAO policies and practices related to CNS/ATM, as these policies exist at the close of the 35th Session of the Assembly;
2. *Resolves* to continue to adopt, at each ordinary session of the Assembly for which a Technical Commission is established, a consolidated statement of continuing ICAO policies and practices related to CNS/ATM; and
3. *Declares* that this resolution supersedes A33-15.

APPENDIX A

General policy

Whereas ICAO is the only international organization in a position to effectively coordinate global CNS/ATM activities;

Whereas the ICAO CNS/ATM systems should be utilized to serve the interests and the objectives of civil aviation throughout the world;

Whereas Contracting States should have equal rights to benefit from global systems incorporated within the ICAO CNS/ATM systems; and

Considering the Statement of ICAO Policy on CNS/ATM Systems Implementation and Operation developed and adopted by the ICAO Council on 9 March 1994;

The Assembly:

1. *Resolves* that nothing should deprive a Contracting State from its right to benefit from the ICAO CNS/ATM systems or cause discrimination between provider and user States;
2. *Resolves* that States' sovereignty and borders should not be affected by the ICAO CNS/ATM systems implementation;
3. *Urges* that provisions and guidance material relating to all aspects of the ICAO CNS/ATM systems should be sought and developed through the convening of adequate meetings, conferences, panels and workshops with the participation of Contracting States; and
4. *Urges* that the proposed provisions covering all aspects of the ICAO CNS/ATM systems be presented to all Contracting States well in advance to give them enough opportunity to prepare themselves as far as practicable.

APPENDIX B

Harmonization of the implementation of the ICAO CNS/ATM systems

Considering the international character of civil aviation and the regional interactions of air navigation services;

Considering Recommendations 4/5, 6/2, 7/1, 8/4 and 8/5 of the 10th Air Navigation Conference, Recommendations 4/4 and 4/5 of the third meeting of the Special Committee for the Monitoring and Coordination of Development and Transition Planning for the Future Air Navigation System (FANS Phase II), Recommendation 4/4 of the fourth meeting of the FANS (Phase II) Committee, and Recommendations 1/1, 1/5, 1/13, 2/8, 4/1, 6/9, 6/13 and 7/3 of the 11th Air Navigation Conference;

Considering that these recommendations have been noted or approved by the Council of ICAO, which has instructed the Secretary General of ICAO to take all appropriate measures;

Recognizing the role which regions must play in the planning and implementation of the ICAO CNS/ATM systems;

Conscious of the delay which certain regions could experience in the transition to these systems;

Noting with satisfaction the trials and demonstrations programmes and the progress being achieved by all regions with regard to the implementation of advanced ATM systems;

Believing that the contribution of all regions would guarantee a better evaluation of the trials and would favour the evolution of the ICAO CNS/ATM systems in order to ensure that the systems become interoperable and contribute to a global, seamless ATM system that allows adaptation to efficiently meet regional and local needs;

Noting that economic and institutional issues, in particular cost/benefit analysis, and facility financing, cost recovery and cooperative aspects, need to be addressed by States individually and/or collectively; and

Noting that for an early realization of benefits to users and for globally coordinated and harmonious CNS/ATM systems in support of a global ATM system implementation, certain States will require technical and financial assistance and *recognizing* the statement concerning the central role ICAO shall play in coordinating technical cooperation arrangements as well as in facilitating the provision of assistance to States with regard to the technical, financial, managerial, legal and cooperative aspects of implementation;

The Assembly:

1. *Calls upon* States, PIRGs and the aviation industry to use the ICAO Global ATM Operational Concept as the common framework to guide planning and implementation of CNS/ATM systems and to focus all such development work on the Global ATM Operational Concept;
2. **Calls upon* States and regional safety oversight organizations (RSOOs) to establish a framework for joint planning and cooperation at the subregional level for joint development of CNS/ATM systems;
3. *Urges* the Council to ensure that ICAO develop the transition strategies, ATM requirements and SARPs necessary to support the implementation of a global ATM system;
4. *Urges* the Council to continue considering without delay the economic, institutional, legal and strategic aspects related to the implementation of the ICAO CNS/ATM systems;
5. *Urges* the Council to take the steps necessary to ensure that the future global ATM system is performance-based and that the performance objectives and targets for the future system are developed in a timely manner;
6. *Calls upon* States, in a position to do so, and *invites* international organizations concerned, users and service providers to:
 - a) spare no effort in cooperating in and facilitating the execution of the research, development, trials and demonstrations (RDT&D) programme in close cooperation with States with limited resources; and
 - b) validate the concept components identified in the Global ATM Operational Concept;
7. *Requests* the Council, as a matter of high priority within the budget adopted by the Assembly, to ensure that adequate resources are made available to the ICAO Regional Offices, particularly those which are accredited to the developing States, taking into account the increased support they will be called upon to provide to the regional planning and implementation groups, which are the main bodies for the regional planning of the transition to the ICAO CNS/ATM systems; and
8. *Further requests* the Council to continue to urge States, international organizations and financial institutions to mobilize resources in order to assist States requiring technical cooperation in the planning and implementation of the ICAO CNS/ATM systems.

A37-12: ICAO global planning for sustainability

Whereas the enhancement of the efficiency of aviation operations is a key element of the ICAO Strategic Objectives;

* New resolving clause added by the Assembly at its 37th Session (c.f. A37-WP/398).

Having adopted Resolution A35-15, a 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;

Noting the acceptance of 30 November 2006 by the Council of the new version of the Global Air Navigation Plan (GANP); and

Recognizing that many States are developing new generation plans for their own air navigation modernization;

The Assembly:

1. *Instructs* the Council to amend the GANP to include a framework that will allow ICAO to easily analyze the impact of States' air navigation modernization plans on the global system and then take appropriate action as needed to ensure global harmonization;
2. *Calls upon* States, planning and implementation regional groups (PIRGs) and the aviation industry to utilize the guidance provided in the GANP for planning and implementation activities;
3. *Urges* Contracting States, industry and financing institutions to provide the necessary support for coordinated implementation of the GANP, avoiding duplication of effort;
4. *Urges* States that are developing new generation plans for their own air navigation modernization to share their plans in a timely manner with ICAO to ensure global compatibility and harmonization;
5. *Instructs* the Council to ensure that the GANP is continuously maintained up to date in light of further operational and technical developments, in close collaboration with States and other stakeholders; and
6. *Instructs* the Council to organize a Twelfth Air Navigation Conference in 2012, to develop longer-term planning for ICAO based on an update of the GANP.

A37-20: Consolidated statement of continuing ICAO policies in the air transport field

A32-12: Follow-up to the 1998 Worldwide CNS/ATM Systems Implementation Conference

Considering that the Worldwide CNS/ATM Systems Implementation Conference (Rio de Janeiro, 1998) succeeded in focussing the attention of the world aviation community as never before on the primary issues of financing and management of CNS/ATM systems;

Recognizing that the conference made clear the needs and available resources, while recommending a plan of action to permit the safe and orderly growth of civil aviation well into the 21st Century;

Convinced that the key to future work within ICAO's global framework will be a spirit of cooperation by all who are involved in implementing CNS/ATM systems (as emphasized in the Declaration on Global Air Navigation Systems for the Twenty-first Century adopted by the conference);

Aware that increasing levels of cooperation will be necessary at the national, subregional and global levels to ensure transparency and interoperability between CNS/ATM systems elements (so that the goal of a seamless, global air traffic management system can be achieved);

Considering that, in most cases, the financing and subsequent operation of CNS/ATM systems, in particular in the developing world, can be of common benefit to lenders, borrowers, and users alike;

Noting that the initial follow-up actions agreed by the Council are to be channelled mainly through ICAO's regional planning process;

Further noting that the specific longer-term follow-up activities envisaged in the conference's Declaration focussed, inter alia, on the role of ICAO's planning and implementation regional groups (PIRGs) (which provide a platform for formal recognition of new air navigation facilities and services);

The Assembly:

1. *Encourages* Contracting States to display the spirit of cooperation enshrined in the Declaration on Global Air Navigation Systems for the Twenty-first Century adopted by the conference and to commit resources as a matter of priority when following up its recommendations;
2. *Invites* the cooperation and commitment of concerned international organizations, of users and of service providers in undertaking their follow-up actions to the conference; and
3. *Requests* the Council, as a matter of high priority within the budget adopted by the Assembly, to ensure that the necessary resources are made available to complete the follow-up work envisaged by the conference, and to support, and coordinate with, follow-up action taken by States and other CNS/ATM partners.

A29-13: Improvement of Safety Oversight
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The Assembly:

Recalling that Contracting States are responsible both for safety oversight of air carriers based in their territory and for safety oversight of aircraft on their national registries;

Recognizing that, while not all Contracting States have air carriers based in their territory, those that do differ substantially in their degree of development and national resources;

Recognizing that many Contracting States may not have the regulatory framework or financial and technical resources to carry out the minimum requirements of the Chicago Convention and its Annexes;

Noting that many Contracting States might experience difficulty in carrying out their responsibilities under international law for safety oversight of air carrier operations;

Recognizing that some Contracting States cannot implement effective oversight without drawing badly needed resources from some other public use, that many others operate substantial fleets but still lack all the resources necessary to provide effective oversight, and that even the most highly developed Contracting States are unable to undertake oversight of every aircraft that flies into their territory;

Noting that these oversight shortcomings are complicated by the increasing movement of the operational bases of aircraft across national boundaries and the increasingly multinational character of many air carrier operations;

Recognizing that the safety standards drawn up under the Chicago Convention require effective government oversight for their effective implementation;

Decides to:

1. *Reaffirm* that individual State's responsibility for safety oversight is one of the tenets of the Convention;
2. *Call* on Contracting States to reaffirm their safety oversight obligations, especially the important safety provisions contained in Annexes 1 and 6 of the Chicago Convention;
3. *Urge* Contracting States to review their national legislation implementing those obligations and to review their safety oversight procedures to ensure effective implementation;
4. *Call* on all States able to do so to provide requesting States with technical cooperation in the form of financial and technical resources to enable those States to carry out their responsibilities for safety oversight of air carrier operations.

A37-20: Consolidated statement of continuing ICAO policies in the air transport field

A32-11: Establishment of an ICAO universal safety oversight audit programme

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

Whereas Article 33 of the *Convention on International Civil Aviation* requires Contracting States to recognize as valid certificates of airworthiness and personnel licenses issued by another Contracting State, provided that the requirements under which such documents were issued are equal to or above the minimum standards established from time to time under the Convention;

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

Recalling Assembly Resolution A29-13 concerning the improvement of safety oversight;

Recalling the objectives of the ICAO safety oversight programme, which seeks to ensure that Contracting States are adequately discharging their responsibility for safety oversight over aircraft operations, the licensing and training of personnel, and aircraft airworthiness;

Recalling that ultimate responsibility for safety oversight rests with Contracting States, who shall continuously review their respective safety oversight capabilities;

Considering the recommendations of the Directors General of Civil Aviation Conference on a Global Strategy for Safety Oversight, relating to the enhancement of the ICAO safety oversight programme, and which called for a universal safety oversight audit programme comprising regular, mandatory, systematic and harmonized safety audits to be carried out by ICAO, and for greater transparency in the release of audit results;

Recognizing the Assembly's decision on the disposition of cash surpluses contained in Assembly Resolution A32-24; and

Considering that, as recommended by the DGCA Conference, the Council of ICAO endorsed the establishment of such a universal safety oversight audit programme;

The Assembly:

1. *Resolves* that a universal safety oversight audit programme be established, comprising regular, mandatory, systematic and harmonized safety audits, to be carried out by ICAO; that such universal safety oversight audit programme shall apply to all Contracting States; and that greater transparency and increased disclosure be implemented in the release of audit results;
2. *Directs* the Council to bring into effect, from 1 January 1999, a universal safety oversight audit programme accordingly, including a systematic reporting and monitoring mechanism on the implementation of safety-related Standards and Recommended Practices;
3. *Urges* all Contracting States to agree to audits to be carried out upon ICAO's initiative, but always with the consent of the State to be audited, by signing a bilateral Memorandum of Understanding with the Organization, as the principle of sovereignty should be fully respected;
4. *Urges* all Contracting States to ensure that the results of the audits be used for safety-related purposes only;
5. *Directs* the Council to apply the resources made available in order to implement the ICAO universal safety oversight audit programme; and
6. *Requests* the Council to report to the next ordinary session of the Assembly on the implementation of the programme, to review its progress and the experience gained, and to present to that session proposals for funding the programme on a long-term basis.

<p>A33-9: Resolving deficiencies identified by the Universal Safety Oversight Audit Programme and encouraging quality assurance for technical cooperation projects</p>

Whereas the ICAO Universal Safety Oversight Audit Programme (USOAP) has been successful in meeting the mandate given by Resolution A32-11;

Whereas the primary objective of ICAO continues to be that of ensuring the safety of international civil aviation;

Whereas promoting the implementation of international standards contributes to this objective;

Whereas the findings of the audits conducted under USOAP have indicated that several States experience difficulties in the implementation of ICAO SARPs and the critical elements of a State's safety oversight system;

Whereas the audit findings have also indicated that several of the States experiencing problems require assistance to overcome the safety concerns identified by the audits;

Recalling that Assembly Resolution A29-13 called on all States able to do so to provide requesting States with technical cooperation in the form of financial and technical resources to enable those States to carry out their responsibilities for safety oversight of air carrier operations;

Recalling that the 29th Session of the Assembly reaffirmed that Contracting States are responsible both for safety oversight of air carriers based in their territory and for safety oversight of aircraft on their national registries;

Recognizing that some States do not have the available resources, financial or human, to resolve their deficiencies without assistance;

Recognizing that the Technical Co-operation Bureau (TCB) can provide the required assistance to States in need;

Recognizing that ICAO can provide valuable assistance to States and International Organizations in organizing bilateral and multilateral cooperative agreements to remedy deficiencies;

Recognizing that States which plan to carry out remedial projects with the assistance of third parties, would like to have an independent quality assurance over the project activities in order to achieve a high probability of success;

Recognizing that ICAO has developed the required expertise and experience to provide a quality assurance function; and

Recognizing that, where assistance is to be provided to States by parties other than TCB, ICAO can play a significant role by providing a quality assurance function;

The Assembly:

1. *Requests* the Secretary General to ensure that all the expertise of the Organization be used, to the extent possible within budgetary constraints, to provide assistance to States in need. This would include, but not be limited to:

- a) the provision of appropriate information and guidance on possible financial and technical sources of assistance;
- b) the fostering, in particular at the Regional Office level, of the implementation of ICAO SARPs, with whatever assistance is appropriate;
- c) the utilization of the operational and technical expertise resident in ICAO to conduct seminars on safety oversight;
- d) the continuation of the development of material to be used in the training of officials within the framework of TRAINAIR; and
- e) the development of guidance material to rectify deficiencies that would be acceptable to all Contracting States;

2. *Urges* the Secretary General to ensure that ICAO provides, when requested, reasonable assistance within available resources, to help States to obtain the necessary financial resources to fund assistance projects by Contracting States, industry organizations or independent consultants;

3. *Requests* the Secretary General to support, foster and facilitate the use of bilateral and multilateral agreements for projects between States and international or regional organizations;

4. *Requests* the Secretary General to ensure that the Technical Co-operation Bureau utilizes, to the extent possible, contributions to their projects of useful material, such as manuals and other training material, and human resources to facilitate completion of a project;

5. *Requests* the Secretary General to develop the concept of a Quality Assurance Function with regard to large-scale ICAO technical cooperation projects provided to States and to all technical cooperation projects related to deficiencies identified by USOAP audits;

6. *Requests* the Secretary General to consider that the Quality Assurance Function be carried out by an independent competent Office of ICAO;
7. *Requests* the Secretary General to make available the Quality Assurance Function to States with regard to safety oversight-related implementation projects performed by parties other than ICAO, on request of States on a reimbursement basis; and
8. *Requests* the Secretary General to solicit information from States that have successfully resolved major deficiencies and publish the results, so that other Contracting States may benefit from each other's experience.

A36-6: State Recognition of the Air Operator Certificate of Foreign Operators and Surveillance of their Operations

Whereas the Convention and its Annexes provide the legal and operational framework for Contracting States to build a civil aviation safety system based on mutual trust and recognition, requiring that all Contracting States fulfil their obligations in implementing the Standards and Recommended Practices as far as practicable and in adequately performing safety oversight;

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

Recalling that recognition as valid of certificates and licences of other Contracting States is governed by Article 33 of the Convention and applicable Standards;

Recalling that ultimate responsibility for safety oversight rests with Contracting States, who shall continuously review their respective safety oversight capabilities;

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

Recalling Assembly Resolution A35-7, which, inter alia, urged Contracting States to share critical safety information and reminded them of the need for surveillance of all aircraft operations;

Recalling the Directors General of Civil Aviation Conference on a Global Strategy for Aviation Safety in 2006, that called upon States to base the recognition as valid of certificates and licences of other States exclusively on safety considerations and not for the purpose of gaining economic advantage; and recommended, inter alia, that:

- a) ICAO should develop guidelines and procedures to assist States in securing the highest practicable degree of uniformity in the recognition of certificates and licences as valid and in the surveillance of foreign aircraft operations in their territory;
- b) States should establish operating rules, in accordance with the Convention and on a non-discriminatory basis, governing the admission and surveillance of foreign air operators within their territories;
- c) States should include a safety clause in their bilateral air service agreements based on the model safety clause developed by ICAO.

Whereas the Convention establishes the basic principles to be followed by governments to ensure that international air transport services may be developed in an orderly and harmonious manner and it is therefore one of the purposes of

ICAO to support principles and arrangements in order that international air transport services may be established on the basis of equality of opportunity, sound and economic operation, mutual respect of the rights of States and taking into account the general interest;

Recognizing that the non-harmonization of operational requirements and measures governing admission of air operators from other States may have a detrimental impact on the safety, efficiency and regularity of their operations; and

Recognizing that the uncoordinated development of national policies and programmes for the surveillance of air operators from other States could hinder the role of international civil aviation in socio-economic development;

The Assembly:

1. *Reminds* Contracting States of the need for exercising safety oversight of their operators in full compliance with applicable SARPs, as well as assuring themselves that foreign operators flying in their territory receive adequate oversight from their own State and taking appropriate action when necessary to preserve safety;
2. *Urges* all Contracting States to establish requirements and procedures for the authorization and surveillance of operations by an operator certificated by another Contracting State, and to take appropriate action when necessary to preserve safety;
3. *Urges* all Contracting States to insert into their bilateral agreements on air services a clause on aviation safety, taking into account the model clause attached to the Resolution adopted by the Council on 13 June 2001;
4. *Urges* Contracting States to recognize as valid the Air Operator Certificate (AOC) issued by other Contracting States for the purpose of flight over their territories, including landings and take-offs, provided that the requirements under which the certificate was issued are equal to or above the minimum applicable Standards specified in Annex 6, Parts I and III, Section II;
5. *Urges* the Secretary General to continue to develop guidelines and procedures to verify the conditions for recognition as valid of certificates and licences, in keeping with Article 33 of the Convention and applicable Standards;
6. *Urges* Contracting States to establish operating rules governing the admission of foreign air operators within their territories, in accordance with the Convention and on a non-discriminatory basis, and in harmonisation with ICAO Standards, guidelines and procedures, having due regard to the need to minimize the cost and burden to the Contracting States and to the operator;
7. *Urges* Contracting States to refrain from unilateral implementation of specific operational requirements and measures governing admission of operators from other Contracting States which would adversely affect the orderly development of international civil aviation.

A34-1: Use of funds in the separate account established under Resolving Clause 3 of Assembly Resolution A33-27

A37-8: Regional cooperation and assistance to resolve safety-related deficiencies

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

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

Whereas in accordance with Article 37 of the *Convention on International Civil Aviation* each Contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulation, standards, procedures and organization in relation to aircraft, personnel, airports, airways and auxiliary services in all matters in which uniformity will facilitate and improve air navigation;

Whereas the improvement of the safety of international civil aviation on a worldwide basis requires the active collaboration of all stakeholders;

Whereas the Convention and its Annexes provide the legal and operational framework for Contracting States to build a civil aviation safety system based on mutual trust and recognition, requiring that all Contracting States implement the SARPs as far as practicable and adequately perform safety oversight;

Whereas the results of the Universal Safety Oversight Audit Programme (USOAP) indicate that several Contracting States have not yet been able to establish a satisfactory national safety oversight system;

Whereas ICAO plays a leadership role in facilitating the implementation of SARPs and the rectification of safety-related deficiencies;

Whereas the High-level Safety Conference (2010) recommended that States should support ICAO in efforts to foster the development and sustainability of regional safety oversight organizations and should participate and actively support regional safety oversight organizations whenever possible;

Whereas ICAO has a Policy on Regional Cooperation which is committed to render assistance, advice and any other form of support, to the extent possible, in the technical and policy aspects of international civil aviation to Contracting States in carrying out their responsibilities pertaining to the *Convention on International Civil Aviation* and ICAO Strategic Objectives, inter alia by promoting regional cooperation through close partnerships with regional organizations and regional civil aviation bodies;

Recognizing that not all Contracting States have the requisite human, technical and financial resources to adequately perform safety oversight;

Recognizing that the establishment of subregional and regional aviation safety and safety oversight bodies, including regional safety oversight organizations, has great potential to assist States in complying with their obligations under the Chicago Convention through economies of scale and harmonization on a larger scale; and

Recognizing that the assistance available to Contracting States experiencing difficulties in correcting deficiencies identified through the safety oversight audits would be greatly enhanced by coordination amongst all Contracting States, ICAO and other concerned parties in civil aviation operations;

The Assembly:

1. *Directs* the Council to promote the concept of regional cooperation for the purpose of enhancing safety and safety oversight, including the establishment of regional safety oversight organizations;
2. *Directs* the Council to continue to partner with Contracting States, industry and other stakeholders for coordinating and facilitating the provision of financial and technical assistance to States and subregional and regional safety and safety oversight bodies, including regional safety oversight organizations, in order to enhance safety and strengthen safety oversight capabilities;

3. *Directs* the Council to continue the analysis of relevant safety-critical information for determining effective means of providing assistance to States and subregional and regional safety and safety oversight bodies, including regional safety oversight organizations;
4. *Directs* the Council to continue implementing an Implementation Support and Development — Safety (ISD-Safety) Programme to provide assistance to States and subregional and regional safety and safety oversight bodies, including regional safety oversight organizations;
5. *Urges* Contracting States to develop and further strengthen regional and sub-regional cooperation in order to promote the highest degree of aviation safety;
6. *Encourages* Contracting States to foster the creation of regional or sub-regional partnerships to collaborate in the development of solutions to common problems to build State safety oversight capability, and to participate in, or provide tangible support for, the strengthening and furtherance of subregional and regional aviation safety and safety oversight bodies, including regional safety oversight organizations;
7. *Encourages* Contracting States to establish partnerships with other States, industry, air navigation service providers, financial institutions and other stakeholders to strengthen safety oversight capabilities, in order to better discharge State responsibilities and foster a safer international civil aviation system;
8. *Requests* the Council to report to the next ordinary session of the Assembly on the overall implementation of the Programme; and
9. *Declares* that this resolution supersedes Resolutions A36-2 and A36-3.

A37-5: The Universal Safety Oversight Audit Programme (USOAP) continuous monitoring approach

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

Whereas Article 37 of the Convention requires each Contracting State to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures and organization in relation to all matters in which such uniformity will facilitate and improve air navigation;

Whereas safety oversight, and the safety of international civil aviation in general, is the responsibility of Contracting States, both collectively and individually, it also depends on the active collaboration of ICAO, Contracting States, industry and all other stakeholders in the implementation of the Global Aviation Safety Plan (GASP);

Whereas the DGCA/06 Conference made recommendations to allow public access to appropriate information on safety oversight audits and to develop an additional mechanism to rapidly resolve significant safety concerns (SSCs) identified under USOAP;

Whereas the High Level Safety Conference (HLSC) 2010 made recommendations for ICAO to develop criteria for the sharing of SSCs with interested stakeholders and to assess how the information on SSCs could be shared with the public in a form which would allow them to make an informed decision about the safety of air transportation;

Whereas the HLSC 2010 made recommendations for ICAO to enter into new agreements and amend existing agreements for the sharing of confidential safety information with international entities and organizations in order to reduce the burden on States caused by repetitive audits or inspections and to decrease the duplication of monitoring activities;

Recalling that the 32nd Session of the Assembly resolved that a Universal Safety Oversight Audit Programme (USOAP) be established, comprising regular, mandatory, systematic and harmonized safety oversight audits to be carried out by ICAO;

Whereas the implementation of the USOAP has been a major achievement for aviation safety, successfully meeting the mandate given by Resolutions A32-11 and A35-6 and providing the ability to evaluate contracting States' oversight capabilities and identify areas of improvement;

Recalling that Assembly Resolution A33-8 requested the Council to ensure the long-term financial sustainability of the USOAP, phasing in all of its activities into the Regular Programme budget;

Recalling the objectives of the USOAP, which seeks to ensure that Contracting States are adequately discharging their responsibilities for safety oversight;

Recognizing that it is essential that the USOAP continue to cover all safety-related Annex provisions in order to promote the adequate implementation of safety-related Standards and Recommended Practices;

Recognizing that the Secretary General has taken appropriate steps to ensure the establishment of an independent quality assurance mechanism to monitor and assess Programme quality;

Recognizing that the effective implementation of State action plans is essential to enhance the overall safety of global air navigation;

Recognizing the safety enhancement contributions resulting from audits conducted by international and regional organizations, including those organizations that have agreements with ICAO such as the European Aviation Safety Agency (EASA), International Air Transport Association (IATA) and European Organisation for the Safety of Air Navigation (EUROCONTROL);

Recognizing that transparency and the sharing of safety information is one of the fundamental tenets of a safe air transportation system; and

Recognizing that regional safety oversight organizations (RSOOs) have an important role in the USOAP CMA and that, wherever applicable, the word "States" below should be read to include RSOOs;

The Assembly:

1. *Expresses its appreciation* to the Secretary General on the successful implementation of the USOAP Comprehensive System Approach;
2. *Directs* the Secretary General, from 1 January 2011, to evolve the USOAP to a continuous monitoring approach (CMA), which will incorporate the analysis of safety risk factors and be applied on a universal basis in order to assess States' oversight capabilities;
3. *Directs* the Secretary General to ensure that the CMA continues to maintain as core elements the key safety provisions contained in Annex 1 — *Personnel Licensing*, Annex 6 — *Operation of Aircraft*, Annex 8 — *Airworthiness of Aircraft*, Annex 11 — *Air Traffic Services*, Annex 13 — *Aircraft Accident and Incident Investigation*, and Annex 14 — *Aerodromes*;
4. *Directs* the Secretary General to continue to ensure the maintenance of the quality assurance mechanism established to monitor and assess Programme quality, and the transparency of all aspects of the continuous monitoring process;
5. *Directs* the Council to develop criteria for the sharing of SSCs with interested stakeholders and assess how the information on SSCs could be shared with the public in a form which would allow them to make an informed decision about the safety of air transportation;

6. *Directs* the Secretary General to make all safety oversight-related information generated by the CMA available to all Contracting States through the ICAO restricted website;
7. *Directs* the Secretary General to continue to foster coordination and cooperation between USOAP and audit programmes of other organizations related to aviation safety for the sharing of confidential safety information in order to reduce the burden on States caused by repetitive audits or inspections and to decrease the duplication of monitoring activities;
8. *Directs* the Secretary General to continue to enhance the Flight Safety Information Exchange (FSIX), for the purpose of facilitating the sharing of safety-critical information among Contracting States, industry and other stakeholders, as appropriate;
9. *Calls on* all Contracting States able to do so to second qualified and experienced technical staff to ICAO on a long- or short-term basis, with a view to enabling the Organization to continue to successfully implement the Programme;
10. *Urges* all Contracting States to submit to ICAO, in a timely manner, and keep up to date all the information and documentation requested by ICAO for the purpose of ensuring the effective implementation of the USOAP-CMA;
11. *Urges* all Contracting States to cooperate with ICAO and as much as practicable to accept continuous monitoring activities scheduled by the Organization, including audits and validation missions, in order to facilitate the smooth functioning of the USOAP-CMA;
12. *Urges* all Contracting States to share with other Contracting States critical safety information which may have an impact on the safety of international air navigation and to facilitate access to all relevant safety information;
13. *Encourages* Contracting States to make full use of available safety information when performing their safety oversight functions, including during inspections as provided for in Article 16 of the Convention;
14. *Reminds* Contracting States of the need for surveillance of all aircraft operations, including foreign aircraft within their territory and to take appropriate action when necessary to preserve safety;
15. *Directs* that the Council report to the next ordinary session of the Assembly on the overall implementation of the USOAP-CMA; and
16. *Declares* that Resolutions A35-6: *Transition to a comprehensive systems approach for audits in the ICAO Universal Safety Oversight Audit Programme (USOAP)* and A36-4: *Application of a continuous monitoring approach for the ICAO Universal Safety Oversight Audit Programme (USOAP) beyond 2010*, as well as articles one to six of A36-2: *Unified strategy to resolve safety-related deficiencies* have been superseded by this resolution.

A37-16: The Safety Fund (SAFE)

Whereas under Article 44 of the *Convention on International Civil Aviation* the aims and objectives of ICAO *inter alia* are to foster planning and development of international air transport so as to ensure the safe and orderly growth of international civil aviation, meet the needs of the people of the world for safe, regular and economical air transport, and promote safety of flight in international air navigation;

Whereas Articles 69 to 76 of the Convention provide that the Council may make arrangements as appropriate with a view to finding means for the improvement of air navigation facilities of Contracting States as required so as to ensure safe, regular, efficient and economical operation of international air services;

Whereas, under Article 70 of the Convention, the Council may, in the circumstances arising under the provision of Article 69, make arrangements with Contracting States relating to the financing of air navigation facilities;

Considering that, in some cases, Contracting States may not have access to the necessary resources for improvements to their air navigation facilities, in particular for the remedy of safety-related deficiencies identified through the ICAO Universal Safety Oversight Audit Programme (USOAP);

Whereas most developing States experience difficulties in gaining access to many financial market sources, particularly foreign capital markets, for funding their airport and air navigation services infrastructure, including safety-related components of that infrastructure;

Whereas the High-level Safety Conference (HLSC) 2010 identified several States and regions of the world that are in need of assistance in the development of sustainable levels of aviation safety, and particularly in the development of funding models that would guarantee sustainability in the provision of infrastructure and services for adequate air transport activity;

Whereas the HLSC 2010 made a recommendation that ICAO should work with States and Regional Organizations requiring assistance to develop appropriate funding models to ensure the sustainable provision of infrastructure and services based on the level of activity for adequate air transport activity; and

Whereas the Council decided to establish the Safety Fund (SAFE) with the objective of improving the safety of civil aviation through the use of a performance-based approach which will limit administrative costs and will not impose any costs on the Regular Programme Budget of the Organization, while ensuring that voluntary contributions to the fund are used in a responsible, useful and timely manner;

The Assembly:

1. *Expresses appreciation* to Contracting States and international organizations for their contributions to ICAO Funds associated with improving the safety of civil aviation;
2. *Urges* Contracting States, international organizations and public and private parties associated with international civil aviation to make voluntary contributions to SAFE;
3. *Requests* that the Council support the smooth functioning of the SAFE through consistent monitoring of progress made by the SAFE in funding safety-related projects; and
4. *Requests* that the Council make every effort to attract contributions to the SAFE from States and other contributors.

A34-1: Use of funds in the separate account established under Resolving Clause 3 of Assembly Resolution A33-27

A31-9: Implementation of the ICAO programme for the prevention of controlled flight into terrain (CFIT)

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

Whereas it is known that controlled flight into terrain has constituted a serious and increasing problem over the past two decades;

Whereas it has been demonstrated that there has been a higher proportion of controlled flight into terrain accidents in domestic operations than in international operations;

Whereas it is acknowledged that major efforts are being made to develop and to implement a controlled flight into terrain prevention programme, and that the ICAO Standards relating to ground proximity warning systems (GPWS) have been updated;

Whereas the Industry CFIT Task Force has established a primary objective of a fifty per cent reduction in the global CFIT accident rate by 1998;

Whereas it is apparent that, even with the development and implementation of a controlled flight into terrain prevention programme including updated ground proximity warning system (GPWS) requirements, these measures will not be fully effective unless States implement the programme in domestic as well as in international operations;

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

Whereas Assembly Resolution A29-3 urges States and groups of States, which have not already done so, to take positive action to promote global harmonization of national rules for the application of ICAO Standards;

Whereas Assembly Resolution A29-13 calls on Contracting States to reaffirm their safety oversight obligations, especially the important safety provisions contained in Annexes 1 and 6 of the Chicago Convention;

Whereas Assembly Resolution A29-13 urges Contracting States to review their national legislation implementing those obligations and to review their safety oversight procedures to ensure effective implementation;

The Assembly:

1. *Directs* the Council to continue to develop the ICAO programme for the prevention of CFIT as a matter of high priority;
2. *Urges* States to implement the ICAO programme for the prevention of CFIT including the related ICAO provisions, particularly those concerning the carriage of GPWS, in domestic as well as in international operations; and
3. *Urges* States to take all necessary measures to assist in achieving the primary objective of a fifty per cent reduction in the global CFIT accident rate by the year 1998.

A37-4: ICAO Global Planning for Safety

A37-3: Protecting information from safety data collection and processing systems in order to improve aviation safety

A37-6: Runway safety

Whereas runway accidents constitute a large portion of all accidents and have resulted in a great number of fatalities;

Whereas runway excursions are the highest single occurrence category of all accidents over the last ten years for all commercial and general aviation operations of fixed-wing aircraft above 5 700 kg certified maximum take-off mass;

Whereas there are several areas of technological development underway in the aviation industry that show great promise in the prevention and mitigation of runway accidents and serious incidents;

The Assembly:

1. *Urges* States to take measures to enhance runway safety, including the establishment of runway safety programmes using a multidisciplinary approach, that include at least regulators, aircraft operators, air navigation services providers, aerodrome operators and aircraft manufacturers to prevent and mitigate the effects of runway excursions, runway incursions and other occurrences related to runway safety;
2. *Resolves* that ICAO shall actively pursue runway safety using a multidisciplinary approach; and
3. *Invites* States to monitor runway safety events and related precursors as part of the safety data collection and processing system established under their State Safety Programmes.

Associated Practices

1. The runway safety programmes should be based on inter-organizational safety management including the creation of local runway safety teams that address prevention and mitigation of runway excursions, runway incursions and other occurrences related to runway safety.
2. The Council should further develop provisions to assist States in establishing runway safety programmes.
3. States should be encouraged to participate in global and regional seminars and workshops to exchange safety information and best practices on runway safety.

A36-10: Improving accident prevention in civil aviation

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

Whereas it is essential that aircraft accidents and incidents, wherever they occur, be promptly and thoroughly investigated and reported, and that lessons learned from investigations, including safety recommendations, be promptly disseminated to other Contracting States concerned and to ICAO for prevention purposes;

Whereas efforts to implement regulations in themselves are not sufficient to reduce the accident rate;

Noting that repetitive accident types continue to occur in air transport operations worldwide;

Recognizing that the volume of air transport operations is expected to increase significantly in the coming years;

Recognizing that combined with the expected increase in operations, the relatively unchanged trend in the accident rate over the past several years might lead to an increase in the number of accidents per year;

Recognizing that there are many challenges to effective accident prevention, and that more effective identification and correction of aviation hazards and system deficiencies are required in order to complement regulatory efforts in further reducing the number of worldwide accidents and to improve the accident rate;

Recognizing that open safety investigation systems depend on principles of non-punitive action and confidentiality guarantees;

Recognizing that a number of States have introduced non-punitive accident prevention activities to complement their regulatory safety programmes; and

Recognizing that sharing of safety information derived from safety investigation systems depends on all States respecting the non-punitive and confidentiality guarantees that underpin the generation of that information;

The Assembly:

1. *Calls on* Contracting States to reaffirm their commitment to the safety of civil aviation;
2. *Urges* Contracting States, in adhering to the provisions of Annex 13 to the *Convention on International Civil Aviation*, to take prompt action to investigate and report on aircraft accidents and incidents and disseminate the information, including safety recommendations, to other Contracting States concerned and ICAO, so as to make more effective the accident prevention efforts of States and ICAO;
3. *Urges* Contracting States to undertake every effort to enhance accident prevention measures, particularly in the areas of personnel training, information feedback and analysis and to implement voluntary and non-punitive reporting systems, so as to meet the new challenges in managing flight safety, posed by the anticipated growth and complexity of civil aviation;
4. *Urges* Contracting States to cooperate with ICAO and other States in a position to do so, in the development and implementation of accident prevention measures designed to integrate skills and resources to achieve a consistently high level of safety throughout civil aviation; and
5. *Urges* all States which receive safety information derived from another State's safety investigation system to respect the system of confidentiality and disclosure principles under which the providing State generated that information;
6. *Declares* that this resolution supersedes Resolution A31-10.

A37-2: Non-disclosure of certain accident and incident records

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

Whereas it is essential that cognizance be taken that it is not the purpose of the investigation of accidents and incidents to apportion blame or liability;

Recognizing that it is essential that all relevant information be made available to the accident investigators to facilitate the establishment of the causes and/or contributing factors of accidents and incidents in order to enable preventative action to be taken;

Recognizing that the prevention of accidents is essential to safeguard the continued confidence in air transport;

Recognizing that public attention will continue to focus on States' investigative actions, including calls for access to accident and incident records;

Recognizing that the protection of certain accident and incident records from inappropriate use is essential to ensure the continued availability of all relevant information to accident investigators in future investigations;

Recognizing that the use of information, derived from accident investigations, for disciplinary, civil, administrative and criminal proceedings is generally not a means to improve aviation safety;

Recognizing that the measures taken so far to ensure the protection of certain accident and incident records may not be sufficient, and *noting* the issuance by ICAO of legal guidance to assist States in this regard;

Recognizing that the legal guidance in Attachment E to Annex 13 has assisted many States in the development and implementation of means to protect certain accident and incident records from inappropriate use;

Considering that a balance needs to be struck between the need for the protection of safety information and the need for the proper administration of justice, and that protection should be to a level commensurate with the nature of the information each source generates, as well as with the purpose of disclosure of such information;

Mindful that the accident investigation authorities and the civil aviation authorities acknowledged the need for further study by ICAO on the protection of safety information; and

Recognizing the recommendations of the High-level Safety Conference 2010 to establish a multidisciplinary group to address the protection of certain safety information;

The Assembly:

1. *Urges* Contracting States to continue to examine and if necessary adjust their laws, regulations and policies to protect certain accident and incident records in compliance with paragraph 5.12 of Annex 13, in order to mitigate impediments to accident and incident investigations, in consideration of the legal guidance for the protection of information from safety data collection and processing systems issued by ICAO;
2. *Instructs* the Council to consider to enhance, in view of the results of the work of the multidisciplinary group, the provisions on the protection of certain accident and incident records with the aim of facilitating the implementation of Annex 13 provisions addressing the protection of safety information, taking into account the necessary interaction between safety and judicial authorities in the context of open reporting culture; and
3. *Declares* that this resolution supersedes Resolution A36-8.

A36-25: Support of the ICAO policy on radio frequency spectrum matters

Whereas ICAO is the specialized agency of the United Nations responsible for the safety, regularity and efficiency of international civil aviation;

Whereas ICAO adopts international Standards and Recommended Practices (SARPs) for aeronautical communications systems and radio navigation aids;

Whereas the International Telecommunication Union (ITU) is the specialized agency of the United Nations regulating the use of the radio frequency spectrum;

Whereas the ICAO position, as approved by the Council, for ITU World Radiocommunication Conferences (WRCs) is the result of the coordination of international aviation requirements for radio frequency spectrum;

Recognizing that the development and the implementation of the communications, navigation, and surveillance/air traffic management (CNS/ATM) systems and the safety of international civil aviation could be seriously jeopardized unless aviation requirements for allocations of radio frequency spectrum are satisfied and protection of those allocations is achieved;

Recognizing that support from ITU member administrations is required to ensure that the ICAO position is supported by the WRC and that aviation requirements are met;

Considering the urgent need to increase such support due to the growing demand for spectrum and aggressive competition from commercial telecommunications services;

Considering the increased level of ITU WRC preparation activities associated with the growing demand for bandwidth from all users of the radio frequency (RF) spectrum, as well as the increased importance of the development of regional positions by regional telecommunication bodies such as APT, ASMG, ATU, CEPT, CITELE and RCC*;

Considering Recommendations 7/3 and 7/6 of the Special Communications/Operations Divisional Meeting (1995) (SP COM/OPS/95) as well as Recommendation 5/2 of the 11th Air Navigation Conference (2003);

The Assembly:

1. Urges Contracting States and International Organizations to support firmly the ICAO position at WRCs and in regional and other international activities conducted in preparation for WRCs by the following means:

- a) undertaking to provide for aviation interests to be fully integrated in the development of their positions presented to regional telecommunications fora involved in the preparation of joint proposals to the WRC;
- b) including in their proposals to the WRC, to the extent possible, material consistent with the ICAO position;
- c) supporting the ICAO position and the ICAO policy statements at ITU WRCs as approved by Council and incorporated in the *Handbook on Radio Frequency Spectrum Requirements for Civil Aviation* (Doc 9718);
- d) undertaking to provide experts from their civil aviation authorities to fully participate in the development of States' and regional positions and development of aviation interests at the ITU; and
- e) ensuring, to the maximum extent possible, that their delegations to regional conferences, ITU study groups and WRCs include experts from their civil aviation authorities or other aviation officials who are fully prepared to represent aviation interests;

2. Requests the Secretary General to bring to the attention of ITU the importance of adequate radio frequency spectrum allocation and protection for the safety of aviation;

* APT: Asia-Pacific Telecommunity; ASMG: Arab Spectrum Management Group; ATU: African Telecommunications Union; CEPT: the European Conference of Postal and Telecommunications Administrations; CITELE: Comisión Interamericana de Telecomunicaciones; RCC: Regional Commonwealth in the field of Communications.

3. *Instructs* the Council and the Secretary General, as a matter of high priority within the budget adopted by the Assembly, to ensure that the resources necessary to support increased participation by ICAO in international and regional spectrum management activities are made available; and
4. *Declares* that this resolution supersedes Resolution A32-13.

A29-14: Humanitarian Flights

The Assembly:

Considering the growing number and the diversity of flights operated by civil aircraft, in the sense of the Chicago Convention, within the framework of humanitarian relief missions undertaken under the auspices of the United Nations to cope with emergency situations;

Noting the approach made in 1991 to ICAO by the Secretary-General of the United Nations, with a view to facilitating humanitarian relief missions by air;

Noting the actions undertaken and contemplated by the Council and its subsidiary bodies to meet these new requirements;

1. *Encourages* the Council to continue as a matter of high priority the review of the Standards, Recommended Practices and Guidance Material in force, with a view to making the amendments thereto which are deemed desirable for flights operated for humanitarian purposes to take place safely;
2. *Calls upon* States to take the necessary measures to facilitate the operation and ensure the safety of these flights.

A37-15, Appendix U: Cooperation among Contracting States in investigations of certain aircraft accidents

A37-17: Consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference

A37-20: Consolidated statement of continuing ICAO policies in the air transport field

A27-11: Airport and airspace congestion

A27-13: Safeguarding international public air transport

A37-22: Consolidated statement of continuing ICAO policies in the legal field

A32-7: Harmonization of the regulations and programmes for dealing with assistance to victims of aviation accidents and their families

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

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

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

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

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

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

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

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

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

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

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

The Assembly:

1. *Calls on* Contracting States to reaffirm their commitment to support victims of civil aviation accidents and their family members;
2. *Urges* Contracting States, in cooperation with ICAO and other States, to promptly review, develop, and implement regulations and programmes to support victims of civil aviation accidents and their family members;
3. *Urges* States that have regulations and programmes for dealing with the affairs of civil aviation accident victims and their families to make them available to ICAO for possible assistance to other States;

4. *Urges* the Council to develop material which could include Standards and Recommended Practices, citing the need for the establishment of regulations and programmes by Contracting States and their air carriers to support victims of civil aviation accidents and their family members; and

5. *Requests* that the Council report on the progress achieved to the next session of the Assembly.

PART II. AIR NAVIGATION

AIR NAVIGATION COMMISSION, ITS SUBSIDIARY BODIES, TECHNICAL MEETINGS AND PARTICIPATION BY STATES

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

A22-4: Composition of the Air Navigation Commission and participation in its work

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

A22-29: Use of languages in the Air Navigation Commission

A37-15, Appendix B: Air navigation meetings of worldwide scope

A37-15, Appendix C: Panels of the Air Navigation Commission (ANC)

A37-15, Appendix K: Regional air navigation (RAN) meetings

A36-15, Appendix S: Participation by States in the technical work of ICAO

A36-25: Support of the ICAO policy on radio frequency spectrum matters

TECHNICAL SECRETARIAT

**A37-15, Appendix T: The Headquarters' and
Regional Offices' technical Secretariat**

AIR NAVIGATION CONTINUING POLICIES AND ASSOCIATED PRACTICES

**A15-9: Preparation for future sessions of current
consolidated statements of continuing ICAO policies
related specifically to air navigation**

Whereas Resolution A14-28 directed the Council to present to each succeeding session of the Assembly for which a Technical Commission is established a draft statement of the continuing Assembly policies related specifically to air navigation as they existed at the commencement of that Assembly session; and

Whereas the Assembly considers that the consolidated statement of continuing ICAO policies as adopted by the Assembly at such a session should be up to date and should represent policies as they exist at the end of that session;

The Assembly:

1. *Resolves* to adopt, at each session for which a Technical Commission is established, a consolidated statement of the continuing ICAO policies related specifically to air navigation, up to date as at the end of that session; and
2. *Declares* that this resolution supersedes Resolution A14-28.

**A37-15: Consolidated statement of continuing ICAO policies
and associated practices related specifically to air
navigation**

Whereas in Resolution A15-9 the Assembly resolved to adopt in each session for which a Technical Commission is established a consolidated statement of continuing policies related specifically to air navigation up to date as at the end of that session;

Whereas a statement of continuing policies and associated practices related specifically to air navigation as they existed at the end of the 36th Session of the Assembly was adopted by the Assembly in Resolution A36-13, Appendices A to W inclusive;

Whereas the Assembly has reviewed proposals by the Council for the amendment of the statement of continuing policies and associated practices in Resolution A36-13, Appendices A to W inclusive, and has amended the statement to reflect the decisions taken during the 37th Session; and

Whereas the statement of continuing policies in Resolution A36-13 is hereby superseded;

The Assembly:

1. Resolves that:
 - a) the Appendices attached to this resolution constitute the consolidated statement of continuing air navigation policies and associated practices of the Organization as they exist at the close of the 37th Session of the Assembly; and
 - b) the practices associated with the individual policies in the appendices constitute guidance intended to facilitate and ensure implementation of the respective policies; and
2. Declares that this resolution supersedes Resolution A36-13 with its Appendices A to W inclusive.

APPENDIX A

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

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

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

Whereas the terms "Standard" and "Recommended Practice" have the following meanings:

- a) *Standard* — any specification for physical characteristics, configuration, matériel, performance, personnel or procedure, the uniform application of which is recognized as necessary for the safety or regularity of international air navigation and to which Contracting States will conform in accordance with the Convention; in the event of impossibility of compliance, notification to the Council is compulsory under Article 38 of the Convention; and
- b) *Recommended Practice* — any specification for physical characteristics, configuration, matériel, performance, personnel or procedure, the uniform application of which is recognized as desirable in the interest of safety, regularity or efficiency of international air navigation and to which Contracting States will endeavour to conform in accordance with the Convention;

The Assembly resolves that:

1. SARPs and PANS shall be amended as necessary to reflect changing requirements and techniques and thus, inter alia, to provide a sound basis for regional planning and the provision of facilities and services;
2. subject to the foregoing clause, a high degree of stability in SARPs shall be maintained to enable the Contracting States to maintain stability in their national regulations. To this end amendments shall be limited to those significant to safety, regularity and efficiency, and editorial amendments shall be made only if essential;
3. SARPs and PANS shall be drafted in clear, simple and concise language. SARPs shall consist of broad, mature and stable provisions specifying functional and performance requirements that provide for the requisite levels of

safety, efficiency and interoperability. Supporting technical specifications, when developed by ICAO, shall be placed in separate documents to the extent possible;

4. in the development of SARPs, procedures and guidance material, ICAO should utilize, to the maximum extent appropriate and subject to the adequacy of a verification and validation process, the work of other recognized standards-making organizations. Material developed by these other standards-making organizations may be deemed appropriate by the Council as meeting ICAO requirements; in this case such material should be referenced in ICAO documentation;
5. to the extent consistent with the requirements of safety and regularity, Standards specifying the provision of facilities and services shall reflect a proper balance between the operational requirements for such facilities and services and the economic implications of providing them;
6. Contracting States shall be consulted on proposals for the amendment of SARPs and PANS before the Council acts on them, except when the Council may deem urgent action to be necessary. Furthermore, subject to the adequacy of the verification and validation process, technical specifications may be acted upon by the Council without consultation with States. Such material shall however be made available to States upon request;
7. The applicability dates of amendments to SARPs and PANS shall be so established as to allow the Contracting States sufficient time for their implementation;
8. No Annex or PANS document shall be amended more frequently than once per calendar year.

Associated practices

1. The Council should ensure that provisions of SARPs and PANS are completely consistent with each other. Furthermore, the Council should endeavour to improve the processing, presentation and usefulness of ICAO documents containing SARPs, PANS and other related provisions, especially for complex systems and their associated applications. To that end the Council should promote the development and upkeep of broad system-level, functional and performance requirements. The Council should continue seeking the most appropriate means of development, translation, processing and dissemination of technical specifications.
2. Contracting States should comment fully and in detail on the proposals for amendment of SARPs and PANS or at least should express their agreement or disagreement on their substance. They should be allowed at least three months for this purpose. Furthermore, Contracting States should receive at least 30 days of notification of the intended approval or adoption of detailed material on which they are not consulted.
3. Contracting States should be allowed a full three months for notifying disapproval of adopted SARPs amendments; in establishing a date for notifying disapproval the Council should take into account the time needed for transmission of the adopted amendments and for receipt of notifications from States.
4. In the application of the provision in Resolving Clause 8 above, the Council should ensure that, whenever practicable, the interval between successive common applicability dates of amendments to Annexes and PANS is at least six months.

APPENDIX B

Air navigation meetings of worldwide scope

Whereas the holding of worldwide air navigation meetings is an important function of ICAO and entails substantial expenditures of effort and money by the Contracting States and the Organization; and

Whereas it is necessary to ensure that maximum benefit is obtained from these meetings without imposing any undue burden upon the Contracting States or the Organization;

The Assembly resolves that:

1. meetings, convened by the Council, in which all Contracting States may participate on an equal basis shall be the principal means of progressing the resolution of problems of worldwide import, including the development of amendments to the Annexes and other basic documents in the air navigation field;
2. such meetings shall be convened only when justified by the number and importance of the problems to be dealt with and when there is the likelihood of constructive action on them; meetings convened on this basis may also be requested to conduct exploratory discussions on matters not mature for definite action;
3. the organization of such meetings shall be arranged so that they are best suited to carry out the assigned task and to provide proper coordination among the technical specialities involved; and
4. unless necessitated by extraordinary circumstances, not more than two such meetings shall be convened in a calendar year, and successive meetings dealing extensively with the same technical specialty shall be separated by at least twelve months.

Associated practices

1. Before deciding to refer a matter to a worldwide meeting, the Council should consider whether correspondence with States or use of machinery such as panels or air navigation study groups could dispose of it or facilitate subsequent action on it by a future meeting.
2. The agenda should be sufficiently explicit to define the task to be performed and to indicate the types of specialized expertise that will be needed at the meeting. In an agenda including more than one technical specialty the types of expertise called for should be kept to the minimum compatible with efficiency.
3. To facilitate the participation of all Contracting States, the Council should so plan the meeting programme as to keep to the minimum, consistent with efficiency, the demands upon the time of States' technical officials.
4. The planned duration of a meeting should allow adequate time for completion of the agenda, study of the report as drafted in the working languages of the meeting and approval of the report. Following the meeting, the Secretariat should make any necessary minor editorial amendments and typographical corrections to the meeting report.
5. The approved agenda and the main supporting documentation should be dispatched, normally by air, not less than ten months in advance of the convening date in the case of the agenda and not less than three months in the case of the main supporting documentation; other documentation should be dispatched as soon as possible.

APPENDIX C

Panels of the Air Navigation Commission (ANC)

Whereas panels of the Air Navigation Commission have proved a valuable medium for advancing the solution of specialized technical problems; and

Whereas it is necessary to ensure that maximum benefit is obtained from Air Navigation Commission panels without imposing any undue burden upon the Contracting States or the Organization;

The Assembly resolves that:

1. panels of the Air Navigation Commission shall be established when it is necessary to advance the solution of specialized technical problems which cannot be solved adequately or expeditiously by the Air Navigation Commission through other established facilities;
2. the terms of reference and the work programmes of panels shall support the ICAO Business Plan, be clear and concise with timelines and shall be adhered to;
3. the progress of panels of the Air Navigation Commission shall be reviewed periodically and panels shall be terminated as soon as the task assigned to them has been accomplished. A panel shall be allowed to continue in existence for more than four years only if its continuation is considered justified by the Air Navigation Commission; and
4. panel activity shall support a performance-based approach to SARPs development to the extent possible.

Associated practice

Reports should be clearly presented as the advice of a group of experts to the Air Navigation Commission so that they cannot be construed as representing the views of Contracting States.

APPENDIX D

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

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

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

Whereas it is important that all available means of the Organization be employed in encouraging and assisting Contracting States in overcoming their difficulties in implementation of SARPs and PANS;

The Assembly resolves that:

1. Contracting States shall be encouraged and assisted in the implementation of SARPs and PANS by all available means;
2. the differences between the regulations and the practices of Contracting States and the SARPs and PANS shall be monitored by the Council with the aim of encouraging the elimination of those differences that are important for the safety and regularity of international air navigation or are inconsistent with the objectives of the international Standards; and
3. the Council shall analyse the root cause for non-implementation and take appropriate action.

Associated practices

1. In encouraging and assisting Contracting States in the application of SARPs and PANS the Council should make use of all existing means including the resources of Headquarters, the ICAO Regional Offices and the United Nations Development Programme.
2. Contracting States should continue, and where necessary should intensify, their efforts to apply at their operating installations practices and procedures that are in accordance with the current SARPs and PANS. In this regard, Contracting States should consider the practicability of modifying the internal processes by which they give effect to the provisions of SARPs and PANS, if such modifications would expedite or simplify the processes or make them more effective.
3. The Council should urge Contracting States to notify the Organization of any differences that exist between their national regulations and practices and the provisions of SARPs as well as the date or dates by which they will comply with the SARPs. If a Contracting State finds itself unable to comply with any SARPs, it should inform ICAO of the reason for non-implementation, including any applicable national regulations and practices which are different in character or in principle. The notifications of differences from SARPs received should be promptly issued in supplements to the relevant Annexes. Contracting States should also be requested to publish in their AIPs any significant differences from the SARPs and PANS.
4. In the monitoring of the differences from SARPs and PANS, the Council should request reports from Contracting States that have not or have incompletely reported to the Organization the implementation of SARPs. Furthermore, the Council should also request Contracting States that have not published in their AIPs information on the implementation of SARPs and PANS to publish it.

APPENDIX E

ICAO technical manuals and circulars

Whereas up-to-date technical guidance material made available through ICAO provides extremely valuable assistance to administrations in the planning for implementation of Standards and Recommended Practices, Procedures for Air Navigation Services and Regional Plans;

Whereas it is equally important to provide for the availability of appropriate technical guidance for the training of staff and the updating of the knowledge of operating personnel, as warranted by advancing technology, thus improving the quality of service and enhancing the level of safety in air operations;

Whereas no satisfactory alternative exists for the provision of such guidance material on an international level other than under the aegis of ICAO; and

Whereas the maintenance of existing ICAO manuals and the development of new manuals and circulars, as appropriate, is a major task in terms of both technical and administrative personnel requirements, involving conflicting priorities and requiring special measures related to Secretariat capacity and publication practices;

The Assembly resolves that priority shall be provided for the continuing updating of the contents of present ICAO technical manuals and the development of additional guidance material as warranted by advancing technology, thus ensuring optimum value for Contracting States in their implementation of Standards, Recommended Practices and Procedures for Air Navigation Services as well as planning for and implementation of facilities and services.

Associated practices

1. The Council, taking into account the requirement to improve still further existing safety levels, should keep under review the ICAO technical manuals and circulars programme so as to ensure that all appropriate technical fields are adequately covered by the necessary guidance material.
2. The Council should seek means by which appropriate technical manuals and circulars can be produced and published without undue delay and without competing with priorities in the production of routine publications.

APPENDIX F

Units of measurement

Whereas in the interest of safety of international air and ground operations, unification of units of measurement should be achieved;

Whereas it is important that standard units of measurement are used in a uniform manner in ICAO air navigation publications; and

Whereas Annex 5, Fourth Edition, specifies the use of a standardized system of units of measurement in international civil aviation air and ground operations based on the International System of Units (SI) but permits the use of certain non-SI units on a permanent basis and others on a temporary basis;

The Assembly resolves that:

1. Contracting States shall be encouraged to bring their national regulations and practices into conformity with the provisions of Annex 5 as soon as practicable; and
2. in all ICAO air navigation publications the units of measurement shall be expressed in the units specified in Annex 5 where appropriate units exist therein.

APPENDIX G

Certificates of airworthiness, certificates of competency and licences of flight crews

Whereas Article 33 of the Convention does not explicitly define the purposes for which recognition is to be accorded to certificates and licences;

Whereas several interpretations exist as to whether or not there is any obligation on Contracting States to recognize certificates and licences issued or rendered valid by other Contracting States pending the coming into force of SARPs applicable to the aircraft or airmen involved; and

Whereas with respect to certain categories of aircraft or classes of airmen, it may be many years before SARPs come into force or it may be found most practicable not to adopt SARPs for some categories or classes;

The Assembly resolves that:

1. certificates of airworthiness and certificates of competency and licences of the crew of an aircraft issued or rendered valid by the Contracting State in which the aircraft is registered shall be recognized as valid by other

Contracting States for the purpose of flight over their territories, including landings and take-offs, subject to the provisions of Articles 32 (b) and 33 of the Convention; and

2. pending the coming into force of international Standards respecting particular categories, classes or types of aircraft or classes of airmen, certificates and licences issued or rendered valid, under national regulations, by the Contracting State in which the aircraft is registered shall be recognized by other Contracting States for the purpose of flight over their territories, including landings and take-offs.

APPENDIX H

Aviation training

Whereas satisfactory provision and operation of ground facilities and services and implementation of SARPs and PANS are dependent upon a high standard of personnel training;

Whereas difficulties are being experienced by Contracting States in these matters owing to a lack of adequately trained personnel;

Whereas special effort is required to foster a high standard of personnel training and to assist Contracting States in meeting their training needs; and

Whereas training seminars conducted by the Organization are an effective means of promoting common understanding and uniform application of SARPs and PANS;

The Assembly resolves that:

1. Contracting States shall be encouraged and assisted in the maintenance of high standards of training of aviation personnel and particularly those employed in the provision and operation of services and facilities for international air navigation. To this end, as a part of its regular work programme, the Organization shall carry out a continuing training programme which is referred to as the ICAO aviation training programme*¹; and

2. the ICAO aviation training programme shall be governed by the following principles:

- a) aviation training is the responsibility of Contracting States;
- b) the Organization should place the highest priority on the establishment of safety- and security-related programmes;
- c) mutual assistance among Contracting States in the training of aviation personnel should be encouraged and facilitated, particularly in those matters where the lack of adequate training may adversely affect the safety, security or regularity of international air navigation;
- d) the Organization should advise Contracting States on the operational oversight of training facilities; and
- e) the Organization should not participate in the operation of training facilities but should encourage and advise operators of such facilities.

* Assistance provided by ICAO under the United Nations Development Programme and other programmes is governed by Resolution A36-17.

Associated practices

1. Through the development of specifications and guidance material, the conduct of training seminars, and by direct advice and consultation, the Council should assist Contracting States to:
 - a) standardize, as far as practicable, the curricula, methods and content of training courses and establish adequate examination and licensing provisions;
 - b) bring levels of accomplishment into line with international Standards; and
 - c) employ the criteria referred to in a) and b) above so as to bring about greater uniformity in operating practices and procedures.
2. Continuing attention should be given to the establishment of specialized and advanced training courses when needed to provide the skills required to install, operate and maintain facilities and services.
3. The Council should encourage the Contracting States to establish requirements for:
 - a) on-the-job training, including familiarization with relevant operating conditions, for personnel who, after completion of their basic training, require practical experience under actual operating conditions before being assigned to positions of responsibility in operational posts; in this regard States' attention should be invited to the possibility of drawing fully upon the resources of the various technical cooperation and assistance programmes; and
 - b) periodic refresher training particularly when new equipment, procedures or techniques are introduced.
4. The Council should request the Contracting States to provide, for dissemination to other States, information on the types of aeronautical courses they sponsor or are otherwise available in their States to which students are accepted from other States, including the address to which enquiries may be sent for additional details. Similarly, the Council should make available to Contracting States all pertinent information concerning training establishments assisted through ICAO that admit students from other countries.
5. The Council should urge Contracting States to make the maximum practicable use of training centres in their area for training their aviation personnel in fields where there are no corresponding national schools. To this end, the Council should encourage States to establish favourable conditions for attendance by nationals of other States in the area.

APPENDIX I

Coordination of aeronautical systems and subsystems

Whereas it is desirable to avoid unnecessary duplication of functions performed by equipments installed on board aircraft or in ground or space installations in the general interests of economy;

Whereas it might be possible to reduce the aggregate complexity of future equipments by coordinating the general, functional specifications for new specific equipments with those of the other equipments either on board aircraft, or in ground or space installations;

Whereas it is recognized that such coordination may nevertheless encounter technical and operational difficulties and must take into account cost effectiveness and the need for progressive implementation without undue penalty; and

Whereas the Air Navigation Commission has, to the extent necessary, performed a coordinating function for various technical activities under its control taking into due account information provided to it by States;

The Assembly resolves that work on aeronautical systems and subsystems shall be closely coordinated paying due regard to their interrelationships and taking into account operational requirements, expected technical progress and operational cost/benefit considerations.

APPENDIX J

Formulation of Regional Plans including Regional Supplementary Procedures

Whereas the Council establishes Regional Plans setting forth the facilities, services and Regional Supplementary Procedures to be provided or employed by Contracting States pursuant to Article 28 of the Convention;

Whereas the Regional Plans require amendment from time to time to reflect the changing needs of international civil aviation;

Whereas ICAO has established an approach to planning of facilities and services that centres on the Global ATM Operational Concept and the Global Air Navigation Plan; and

Whereas planning of facilities and services should support a performance-based approach to planning;

The Assembly resolves that:

1. Regional Plans shall be revised when it becomes apparent that they are no longer consistent with current and foreseen requirements of international civil aviation;
2. when the nature of a required change permits, the associated amendment of the Regional Plan shall be undertaken by correspondence between the Organization and Contracting States and International Organizations concerned; and
3. when amendment proposals are associated with the services and facilities provided by States and such amendment proposals:
 - a) do not represent changes to the requirements set by the Council in the Regional Plans;
 - b) do not conflict with established ICAO policy; and
 - c) do not involve issues which cannot be resolved at the regional level;

the Council may delegate authority for processing and promulgating such amendments to the regional level.

Associated practices

1. The Council should ensure that the structure and format of regional plans is aligned with the Global Air Navigation Plan and in support of a performance-based approach to planning.
2. The Council, taking into account the requirement to improve still further existing safety levels, should keep under review the effect of changing requirements on the Regional Plans to ascertain in good time any need for their revision.

3. In assessing the urgency of any revision of the Regional Plans the Council should take into account the time needed by Contracting States to arrange for the provision of any necessary additional facilities and services.
4. The Council should ensure that implementation dates in Regional Plans involving the procurement of new types of equipment are realistically related to the ready availability of suitable equipment.
5. The Council should ensure that an electronic database of regional plans is developed, with supporting planning tools, in order to improve efficiency and expedite the amendment cycle.
6. The Council should use the planning groups it has established throughout the regions to assist in keeping up to date the Regional Plans and any complementary documents.

APPENDIX K

Regional air navigation (RAN) meetings

Whereas RAN meetings are important instruments in the determination of the facilities and services the Contracting States are expected to provide pursuant to Article 28 of the Convention;

Whereas these meetings entail substantial expenditures of effort and money by Contracting States and the Organization;

Whereas it is necessary to ensure that maximum benefit is obtained from these meetings without imposing any undue burden on Contracting States or the Organization; and

Considering that regional air navigation planning is normally accomplished by Planning and Implementation Regional Groups (PIRGs);

The Assembly resolves that:

1. RAN meetings shall be convened only to address issues which cannot be adequately addressed through PIRGs;
2. the convening of such meetings and their agenda shall be based on the existence or expectation of specific shortcomings in the Regional Plans of the respective areas;
3. the geographical area to be considered, account being taken of the existing and planned international air transport and international general aviation operations, the technical fields to be dealt with and the languages to be used shall be decided for each such meeting;
4. the organization best suited to deal with the agenda and to ensure effective coordination among the components of the meeting shall be used for each such meeting; and
5. meetings of limited technical and/or geographical scope shall be convened when specific problems, particularly those requiring urgent solution, need to be dealt with or when convening them will reduce the frequency with which full-scale RAN meetings must be held.

Associated practices

1. The Council should endeavour to hold RAN meetings at sites within the areas concerned and should encourage the Contracting States within those areas to serve as host, either individually or jointly.

2. The approved agenda and the main supporting documentation should be made available, by electronic means, not less than ten months in advance of the convening date in the case of the agenda and not less than three months in the case of the main supporting documentation.
3. The Council should ensure that adequate guidance is made available to RAN meetings on operational and technical matters relevant to their agenda.
4. Each participating Contracting State should inform itself, in advance of a meeting, on the plans of its air transport operators and its international general aviation for future operations and, similarly, on the expected traffic by other aircraft on its registry and on the overall requirements of these various categories of aviation for facilities and services.
5. The Council, taking into account the requirement to improve still further existing safety levels, should foster the establishment, for and by RAN meetings, of up-to-date planning criteria which would aim to ensure that Regional Plans satisfy the operational requirements and are economically justified.
6. The Council should develop and maintain specific and detailed directives for consideration of implementation matters at RAN meetings.

APPENDIX L

Implementation of Regional Plans

Whereas in accordance with Article 28 of the Convention Contracting States undertake, insofar as they may find practicable, to provide air navigation facilities and services necessary to facilitate international air navigation;

Whereas the Regional Plans set forth the requirements for facilities and services for international civil aviation; and

Whereas any serious deficiencies in the implementation of Regional Plans may affect the safety, regularity and efficiency of international air operations and therefore should be eliminated as quickly as practicable;

The Assembly resolves that:

1. priority shall be given in the implementation programmes of Contracting States to the provision, including continuing operation, of those facilities and services the lack of which would likely have a serious effect on international air operations;
2. the identification and investigation of and action by the Organization on serious deficiencies in the implementation of Regional Plans shall be carried out in the minimum practicable time; and
3. regional planning and implementation groups shall identify problems and shortcomings in Regional Plans and in the implementation thereof, along with suggested remedial measures.

Associated practices

1. The Council, taking into account the requirement to improve still further existing safety levels, should inform fully and promptly each Contracting State of the recommendations for the provision of air navigation facilities and services that are applicable to that State under the Regional Plans.
2. Contracting States should prepare and keep up to date suitable plans, including the requirements for personnel, for the orderly implementation of the parts of Regional Plans applicable to them.

3. The Council should arrange for the monitoring of the status of implementation of the Regional Plans and for the issue of periodic progress reports which should include information on serious shortcomings in implementation of the Regional Plans.
4. The users of air navigation facilities and services should report any serious problems encountered due to the lack of implementation of air navigation facilities or services required by Regional Plans. The reports should be addressed to the Contracting States responsible for implementation. These States should act on such reports to resolve the problems, but when remedial action is not taken users should inform ICAO, through the medium of an international organization where appropriate.
5. The Council should arrange for periodic review of serious problems encountered by users due to the lack of implementation of air navigation facilities or services and, when appropriate, for measures to be taken to facilitate elimination of the problems as quickly as practicable.

APPENDIX M

Delimitation of air traffic services (ATS) airspaces*

Whereas Annex 11 to the Convention requires a Contracting State to determine those portions of airspace over its territory within which air traffic services will be provided and, thereafter, to arrange for such services to be established and provided;

Whereas Annex 11 to the Convention also makes provision for a Contracting State to delegate its responsibility for providing air traffic services over its territory to another State by mutual agreement;

Whereas both the delegating and the providing State can reserve the right to terminate any such agreement at any time; and

Whereas Annex 11 to the Convention prescribes that those portions of the airspace over the high seas where air traffic services will be provided shall be determined on the basis of regional air navigation agreements, which are agreements approved by the Council usually on the advice of regional air navigation meetings;

The Assembly resolves, with reference to regional air navigation plans, that:

1. the limits of ATS airspaces, whether over States' territories or over the high seas, shall be established on the basis of technical and operational considerations with the aim of ensuring safety and optimizing efficiency and economy for both providers and users of the services;
2. established ATS airspaces should not be segmented for reasons other than technical, operational, safety and efficiency considerations;
3. if any ATS airspaces need to extend over the territories of two or more States, or parts thereof, agreement thereon should be negotiated between the States concerned;
4. the providing State in implementing air traffic services within airspace over the territory of the delegating State shall do so in accordance with the requirements of the delegating State, which shall establish and maintain in operation such facilities and services for the use of the providing State as are mutually agreed to be necessary;

* The expression "ATS airspaces" includes flight information regions, control areas and control zones.

5. any delegation of responsibility by one State to another or any assignment of responsibility over the high seas shall be limited to technical and operational functions pertaining to the safety and regularity of the air traffic operating in the airspace concerned;

and, *furthermore*, declares that:

6. any Contracting State which delegates to another State the responsibility for providing air traffic services within airspace over its territory does so without derogation of its sovereignty; and

7. the approval by the Council of regional air navigation agreements relating to the provision by a State of air traffic services within airspace over the high seas does not imply recognition of sovereignty of that State over the airspace concerned.

Associated practices

1. Contracting States should seek the most efficient and economic delineation of ATS airspaces, the optimum location of points for transfer of responsibility and the most efficient coordination procedures in cooperation with the other States concerned and with the Organization.

2. The Council should encourage States providing air traffic services over the high seas to enter, as far as is practicable, into agreements with appropriate States providing air traffic services in adjacent airspaces, so that, in the event the required air traffic services over the high seas cannot be provided, contingency plans, which may require temporary modifications of ATS airspace limits, will be available to be put into effect with the approval of the ICAO Council until the original services are restored.

APPENDIX N

Provision of search and rescue services

Whereas in accordance with Article 25 of the Convention each Contracting State undertakes to provide such measures of assistance to aircraft in distress in its territory as it may find practicable and to collaborate in coordinated measures which may be recommended from time to time pursuant to the Convention;

Whereas Annex 12 to the Convention contains specifications relating to the establishment and provision of search and rescue services within the territories of Contracting States as well as within areas over the high seas;

Whereas Annex 12 to the Convention specifies that those portions of the high seas where search and rescue services will be provided shall be determined on the basis of regional air navigation agreements, which are agreements approved by the Council usually on the advice of regional air navigation meetings;

Whereas Annex 12 to the Convention recommends that search and rescue regions should, insofar as practicable, be coincident with corresponding flight information regions and, with respect to those areas over the high seas, maritime search and rescue regions;

Whereas Article 69 of the Convention specifies that, if the Council is of the opinion that the air navigation services of a Contracting State are not reasonably adequate for the safe operation of international air services, present or contemplated, the Council shall consult with the State directly concerned, and other States affected, with a view to finding means by which the situation may be remedied, and may make recommendations for that purpose; and

Whereas the air navigation services referred to in Article 69 of the Convention include, inter alia, search and rescue services;

The Assembly resolves that:

1. search and rescue regions, whether over States' territories or, in accordance with regional air navigation agreement, over an area greater than a State's sovereign airspace or over the high seas, shall be delimited on the basis of technical and operational considerations, including the desirability of coincident flight information regions, search and rescue regions, and, with respect to areas over the high seas, maritime search and rescue regions, with the aim of ensuring safety, and optimizing efficiency with the least overall cost;
2. States shall ensure the closest practicable cooperation between maritime and aeronautical search and rescue services where they serve the same area and, where practical, establish joint rescue coordination centres to coordinate aeronautical and maritime search and rescue operations;
3. if any search and rescue regions need to extend over the territories of two or more States, or parts thereof, agreement thereon should be negotiated between the States concerned;
4. the providing State in implementing search and rescue services over the territory of the delegating State shall do so in accordance with the requirements of the delegating State, which shall establish and maintain in operation such facilities and services for the use of the providing State as are mutually agreed to be necessary;
5. any delegation of responsibility by one State to another or any assignment of responsibility over the high seas shall be limited to technical and operational functions pertaining to the provision of search and rescue services in the area concerned;
6. remedies to any inadequacies in the provision of efficient search and rescue services, including over the high seas, should be sought through negotiations with States which may be able to give operational or financial assistance in search and rescue operations, with a view to concluding agreements to that effect;

and, *furthermore, declares that:*

7. any Contracting State which delegates to another State the responsibility for providing search and rescue services within its territory does so without derogation of its sovereignty; and
8. the approval by Council of regional air navigation agreements relating to the provision by a State of search and rescue services within areas over the high seas does not imply recognition of sovereignty of that State over the area concerned.

Associated practices

1. Contracting States should, in cooperation with other States and the Organization, seek the most efficient delineation of search and rescue regions and consider, as necessary, pooling available resources or establishing jointly a single search and rescue organization to be responsible for the provision of search and rescue services within areas extending over the territories of two or more States or over the high seas.
2. The Council should encourage States whose air coverage of the search and rescue regions for which they are responsible cannot be ensured because of a lack of adequate facilities, to request assistance from other States to remedy the situation and to negotiate agreements with appropriate States regarding the assistance to be provided during search and rescue operations.

APPENDIX O**Coordination and cooperation of civil and military air traffic**

Whereas the airspace is a resource common to both civil and military aviation, and given that many air navigation facilities and services are provided and used by both civil and military aviation;

Whereas the Preamble of the *Convention on International Civil Aviation* stipulates that signatories thereto had “agreed on certain principles and arrangements in order that international civil aviation may be developed in a safe and orderly manner and that international air transport services may be established on the basis of equality of opportunity and operated soundly and economically”;

Whereas Article 3 a) of the Convention states that “This Convention shall be applicable only to civil aircraft, and shall not be applicable to state aircraft” and Article 3 d) requires that “contracting States undertake, when issuing regulations for their state aircraft, that they will have due regard for the safety of navigation of civil aircraft”;

Recognizing that growing civil air traffic and mission-oriented military air traffic would benefit greatly from a more flexible use of airspace used for military purposes and that satisfactory solutions to the problem of cooperative access to airspace have not evolved in all areas;

Whereas the flexible use of airspace by both civil and military air traffic may be regarded as the ultimate goal, improvement in civil/military coordination and cooperation offers an immediate approach towards more effective airspace management; and

Recalling that the ICAO Global ATM Operational Concept states that all airspace should be a usable resource, any restriction on the use of any particular volume of airspace should be considered transitory, and all airspace should be managed flexibly;

The Assembly resolves that:

1. the common use by civil and military aviation of airspace and of certain facilities and services shall be arranged so as to ensure the safety, regularity and efficiency of civil aviation as well as to ensure the requirements of military air traffic are met;
2. the regulations and procedures established by Contracting States to govern the operation of their state aircraft over the high seas shall ensure that these operations do not compromise the safety, regularity and efficiency of international civil air traffic and that, to the extent practicable, these operations comply with the rules of the air in Annex 2;
3. the Secretary General shall provide guidance on best practices for civil/military coordination and cooperation;
4. Contracting States may include, when appropriate, representatives of military authorities in their delegations to ICAO meetings; and
5. ICAO serves as an international forum that plays a role in facilitating improved civil/military cooperation, collaboration and the sharing of best practices, and to provide the necessary follow-up activities that build on the success of the Global Air Traffic Management Forum on Civil/Military Cooperation (2009) with the support of civil/military partners.

Associated practices

1. Contracting States should as necessary initiate or improve the coordination and cooperation between their civil and military air traffic services to implement the policy in Resolving Clause 1 above.

2. When establishing the regulations and procedures mentioned in Resolving Clause 2, the State concerned should coordinate the matter with all States responsible for the provision of air traffic services over the high seas in the area in question.

3. The Council should ensure that the matter of civil and military coordination and cooperation in the use of airspace is included, when appropriate, in the agenda of divisional and regional meetings, in accordance with Resolving Clauses 3, 4 and 5 above.

APPENDIX P

The provision of adequate aerodromes

Whereas major improvements to the physical characteristics of aerodromes are required at many locations;

Whereas in certain cases these improvements will involve considerable outlay and it would be inadvisable to plan such work without taking into account future developments;

Whereas States and aerodrome authorities will continue to need to know the general trends in aerodrome requirements which succeeding generations of aircraft will most likely produce;

Whereas many serious problems can be avoided if the operating requirements of new aircraft are such as to permit them to operate economically without further demands on the physical characteristics of aerodromes;

Whereas the operation of aerodromes has many advantages, environmental considerations have imposed limitations upon the operation of aircraft at some locations. In view of the capacity problems currently experienced globally, account should be taken of the introduction into service of newer quieter aircraft; and

Whereas there is a growing trend for aerodromes to be operated by autonomous entities, the obligation of States to ensure safe aerodrome facilities and services remains unaffected;

The Assembly resolves that:

1. the technical requirements for aerodromes shall be kept under review by the Organization;
2. there is a need for future generations of aircraft to be designed so that they are capable of being operated efficiently, and with the least possible environmental disturbance, from aerodromes used for the operation of present-day aircraft;
3. States shall undertake certification of aerodromes;
4. States should ensure that safety management systems are introduced at their aerodromes; and
5. States should place greater emphasis on the management of aerodrome operations, with runway safety given a high priority.

Associated practices

1. In the light of the results of the continuing review mentioned in Resolving Clause 1 above, the Council, taking into account the requirement to improve still further existing safety levels, should:

- a) develop additional guidance material on future developments;

- b) develop procedures for the management of aerodrome operations; and
 - c) keep Contracting States informed of developments.
2. The Council should continue to draw the attention of aircraft manufacturers and operators to the policy expressed in Resolving Clause 2.

APPENDIX Q

Ground and flight testing of radio navigation aids

Whereas it is essential that the performance of radio navigation aids is checked through regular testing; and

Whereas the development of greatly improved ground testing facilities would minimize the need for flight testing;

The Assembly resolves that:

1. pending the possible availability of greatly improved ground testing facilities, radio navigation aids shall be checked through regular flight testing; and
2. to minimize the need for periodic flight testing, improvements should be made to radio navigation ground equipment, including associated ground testing and monitoring facilities, which would provide the same level of assurance of performance as flight testing.

Associated practices

1. Pending the possible development of greatly improved ground testing facilities, Contracting States should establish their own flight test units, establish joint units with other States or conclude agreements to have flight tests performed on their behalf by States or agencies with suitable facilities.
2. The Council should continue its efforts to coordinate arrangements by Contracting States for the regular flight testing of their radio navigation aids.
3. The Council should investigate, in consultation with Contracting States that are engaged in the development and manufacture of radio navigation systems, all possible means of improving ground testing facilities so as to minimize the need for periodic flight testing.
4. The Council should circulate to Contracting States information concerning significant developments with respect to improvements to radio navigation ground equipment, including associated ground testing and monitoring facilities, to the extent that those developments will serve to minimize the need for flight testing.

APPENDIX R

Adequate conditions of employment for aviation ground personnel

Whereas conditions of employment that do not correspond to the qualifications and responsibilities of aviation ground services personnel constitute a major cause of difficulty in recruiting suitably qualified personnel and retaining them after completion of the training; and

Whereas this difficulty is impeding the satisfactory implementation of Regional Plans, SARPs and PANS;

The Assembly resolves that conditions of employment for personnel in the aviation ground services should be commensurate with the qualifications required and the responsibility carried by them.

APPENDIX S

Participation by States in the technical work of ICAO

Whereas the technical contributions of Contracting States are essential to attain satisfactory progress in the technical work of the Organization;

Whereas difficulties are from time to time experienced in obtaining prompt and adequate contributions from Contracting States to the technical work of the Organization; and

Whereas it is necessary to ensure that maximum benefit is obtained from this participation without imposing an undue burden on Contracting States and the Organization;

The Assembly resolves that there is a need for effective technical contributions from Contracting States to the technical work of the Organization.

Associated practices

1. The Council should encourage effective participation by Contracting States in the technical work of the Organization, paying due regard to the need to minimize the cost to the Organization and Contracting States of such participation.
2. Insofar as each may find it practicable, Contracting States should:
 - a) assist, by correspondence, in advancing ICAO technical projects;
 - b) attend ICAO meetings and participate actively in pre-meeting preparations, particularly by presenting advance documentation containing either specific proposals relative to items of the agenda or their views on documentation submitted to them;
 - c) participate in ICAO panel activities and ensure that their nominees are suitably qualified and are able to contribute effectively to the panel work;
 - d) undertake specialized studies as requested by the Organization; and
 - e) assist the Organization in its technical work through any other means the Council may devise.

APPENDIX T

The Headquarters' and Regional Offices' technical Secretariat

Whereas there is a continuing need to provide effective assistance to Contracting States in the implementation of Regional Plans, SARPs, PANS and SUPPS;

Whereas it is important that the technical Secretariat of Headquarters and the Regional Offices is effectively used to provide assistance to Contracting States in their implementation problems; and

Whereas it is important that, for the proper execution of their tasks, the members of the technical Secretariat of Headquarters and the Regional Offices are enabled to maintain their technical proficiency and are kept adequately informed of the latest developments in their particular fields;

The Assembly resolves that:

1. the resources of the Headquarters' and Regional Offices' technical Secretariat shall be effectively deployed to provide optimum assistance to Contracting States with their problems relating to the implementation of Regional Plans, SARPs, PANS and SUPPs; and
2. the members of the Headquarters' and Regional Offices' technical Secretariat shall be enabled to maintain their technical proficiency and to keep adequately informed on the latest technical developments.

Associated practices

1. The members of the Headquarters' and Regional Offices' technical Secretariat should be enabled to carry out frequent visits of adequate duration when such visits are necessary or are requested by Contracting States to assist them with their implementation problems.
2. To the maximum practicable extent, temporary assignment of specialized personnel from one Regional Office to another and from Headquarters to the Regional Offices should take place when temporary reinforcement in the Regional Offices is required.
3. The members of the Headquarters' and Regional Offices' technical Secretariat should be enabled to keep adequately up to date in their particular fields by, inter alia, attendance at selected technical meetings, visits to research and development organizations, witnessing trial applications, and evaluation of new equipment and techniques. However, such visits should not be allowed to take priority over the primary function of the Secretariat to serve the Organization and its several deliberative bodies. Furthermore, the travelling on such visits should be integrated as far as possible with travel necessary for the performance of other ICAO duties.

APPENDIX U

Cooperation among Contracting States in investigations of certain aircraft accidents

Whereas it is incumbent on the State in which an accident occurs to institute an inquiry into the circumstances of the accident in conformity with Article 26 of the Convention;

Whereas, owing to the growing sophistication and complexity of modern aircraft, the conduct of an accident investigation requires participation by experts from many specialized technical and operational fields and access to specially equipped facilities for investigation;

Whereas many Contracting States do not have such specialized technical and operational expertise and appropriate facilities;

Whereas it is essential for flight safety and accident prevention that accidents be thoroughly investigated and reported and that the effectiveness of the investigations should not be unduly hampered by considerations of cost; and

Whereas the costs of salvage and investigation of major aircraft accidents may place a heavy financial burden on the resources of the State where the accident occurred;

The Assembly resolves to recommend that Contracting States cooperate in the investigation of major aircraft accidents or accidents in which the investigation requires highly specialized experts and facilities and that to this end Contracting States and regional safety oversight organizations, to the extent possible, *inter alia*:

- a) provide, on request by other Contracting States, expert assistance and facilities for the investigation of major aircraft accidents; and
- b) afford opportunity to Contracting States seeking investigation experience to attend investigations of major aircraft accidents, in the interest of developing and furthering investigation expertise.

Associated practices

1. Contracting States should be encouraged to support the convening of regional accident investigation workshops with a view to exchanging information on each State's investigation legislation and procedures, on the sharing of knowledge and expertise in investigation management and techniques, on the availability of experts and facilities and on practices in dealing with encountered accident investigation difficulties.
2. Contracting States should be encouraged to facilitate the participation of investigators of accident investigation authorities as observers in investigations in other States for training purposes and orientation visits.
3. Contracting States and regional safety oversight organization should be encouraged to assess their needs and capabilities in the field of aircraft accident investigation and prevention with a view to developing training curricula for basic accident investigation and prevention courses. The use of regional training centres for such courses should be fully explored as well as the incorporation of the TRAINAIR methodology which provides for internationally standardized training.
4. Contracting States should be encouraged to refer to the model Memorandum of Understanding (MOU) developed by ICAO in 2007 for use by States to encourage mutual cooperation during the investigation of aircraft accidents and serious incidents. The model MOU is available on the ICAO FSIX website.

APPENDIX V

Flight safety and human factors

Whereas the aims and objectives of ICAO as laid down by the Chicago Convention provide for fostering the development of international air transport "... so as to ... promote safety of flight in international air navigation";

Whereas it is recognized that human factors relate to the limitations of human performance in the aviation environment;

Whereas the human factors influence is manifested in a majority of accidents (in the order of 70 per cent), there is therefore a continuing need to adopt appropriate measures aimed at reducing the number of aircraft accidents;

Whereas the increased use of automation and the introduction of new technology with its associated complexity in both flight and ground operations may further exacerbate the human factors issues unless appropriate and timely measures are taken;

Whereas a number of States are carrying out human factors programmes, the experience they have acquired should be put to practical use, with a view to raising the safety level of air transport; and

Whereas it is accepted that in order to bring about substantial progress in raising the aviation safety level, the human factors influence on aircraft accidents must be further reduced;

The Assembly resolves that:

1. Contracting States should take into account relevant human factors aspects when designing or certifying equipment and operating procedures and when training and/or licensing personnel;
2. Contracting States should be encouraged to engage in far-reaching cooperation and mutual exchange of information on problems related to the influence of human factors on the safety of civil aviation operations; and
3. the Council should collect and analyse the experience of States and develop and introduce appropriate ICAO material regarding the various aspects of human factors.

APPENDIX W

The provision of air traffic services

Whereas in accordance with Annex 11 to the Convention, Contracting States are required to arrange for air traffic services to be provided in airspaces and at aerodromes for which it has been determined that such services would be required;

Whereas Annex 11 to the Convention requires Contracting States to ensure that ATS safety management programmes are established; and

Whereas cooperative efforts between Contracting States could lead to more efficient air traffic management;

The Assembly resolves that:

1. in implementing air traffic services, States shall ensure that the services being provided meet established requirements for safety, regularity and efficiency of international civil aviation;
2. taking into account the need for cost-effective introduction and operation of CNS/ATM systems, States give consideration to cooperative efforts for introducing more efficient airspace management, in particular, in the upper airspace; and
3. States should ensure that safety management programmes are introduced by the relevant air traffic services provider in all airspaces and at all aerodromes where air traffic services are provided.

Associated practice

Contracting States should consider, as necessary, establishing jointly a single air traffic services authority to be responsible for the provision of air traffic services within ATS airspace extending over the territories of two or more States or over the high seas.

A37-20: Consolidated statement of continuing ICAO policies in the air transport field

A36-14: Use of cross-polar routes

Whereas a new air route structure over the North Pole, linking the North American continent with South East Asia and the Pacific region, has been established within the framework of ICAO;

Whereas the establishment of this structure was the result of the combined efforts made by Canada, China, Finland, Germany, Iceland, Japan, Mongolia, Norway, the Russian Federation and the United States who demonstrated an unprecedented spirit of international cooperation in resolving this most complex task;

Whereas this structure became operational on 1 February 2001, with the announcement of the Russian Aviation Authorities about the implementation of the cross-polar airways system traversing the waters of the Arctic Ocean;

Whereas the implementation of this airways structure using cross-polar routes is an event of exceptional significance as it allows for substantially reduced flight time between destinations in North America and South East Asia and the Pacific region;

Whereas the use of cross-polar routes shall be open for aircraft of all Contracting States in accordance with the provisions of the *Convention on International Civil Aviation*;

Whereas the use of cross-polar routes holds considerable ecological benefits with regard to environmental protection, and significant economical advantages for passengers and airlines;

Whereas the analysis and forecast of traffic density growth on cross-polar airways indicate that it is necessary to take timely measures to further enhance the operational characteristics of the cross-polar routes;

Whereas meeting the requirements for enhancing the operational characteristics of the cross-polar airways entails significant financial and material expenditures for ensuring the proper level of safety;

The Assembly:

1. *Declares* that, in order to reap the maximum benefits from the implementation of cross-polar routes, it is necessary for the States providing air traffic services within the framework of the new international airways structure using cross-polar routes to endeavour to achieve the utmost extent of coordinated planning to increase the capacity of that structure;
2. *Requests* the Council to take appropriate measures to mobilize the resources of States, international organizations and financial institutions so as to ensure the dynamic development of the new international airways structure using cross-polar routes;
3. *Requests* the Council, as a priority, to monitor the development of the new international airways structure using cross-polar routes, and if necessary, to elaborate recommendations relating to the operation and development of that structure;
4. *Requests* the Council to maintain its coordinating role and support initiatives in the organization of inter-regional activities related to the operation of the international trans-regional airways structure using cross-polar routes, and to the modernization of ATM systems that support these routes; and
5. *Declares* that this resolution supersedes Resolution A33-13.

ANNEXES, PANS AND MANUALS

A37-15, Appendix A: Formulation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS)

A37-15, Appendix D: Implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS)

A37-15, Appendix E: ICAO technical manuals and circulars

REGIONAL PLANS

A22-19: Assistance and advice in the implementation of Regional Plans

A37-15, Appendix J: Formulation of Regional Plans including Regional Supplementary Procedures

A37-15, Appendix L: Implementation of Regional Plans

A27-11: Airport and airspace congestion

IMPLEMENTATION

A37-7: Comprehensive Regional Implementation Plan for Aviation Safety in Africa

Whereas ICAO continues to play its leadership role to reduce serious deficiencies in the Africa-Indian Ocean (AFI) Region which are detrimental to the functioning and further development of international civil aviation;

Noting that actions taken by ICAO under the Comprehensive Regional Implementation Plan for Aviation Safety in Africa (the AFI Plan) have begun to demonstrate positive progress in enhancing aviation safety in the continent;

Recognizing that success in fully achieving the objectives of the AFI Plan mainly depends on the efforts made by the African States themselves;

Recognizing that many Contracting States in the AFI Region, despite the efforts they make, would, in the immediate future, require continued technical and/or financial support from ICAO and other stakeholders to comply with the requirements of the Chicago Convention and its Annexes;

Recognizing that many African States cannot, on their own, support an effective and sustainable national safety oversight system and therefore have to be urged and supported to establish regional safety oversight organizations;

Recalling Recommendation 4/5 of the Special Africa-Indian Ocean Regional Air Navigation Meeting (SP AFI/08 RAN) on the establishment of regional accident investigation agencies alongside the development and establishment of regional safety oversight organizations, thus enabling States to meet their international obligations in the area of accident investigation by collaborating and sharing resources;

Noting that ICAO, under its AFI Comprehensive Implementation Programme (ACIP), has begun to support many African States to establish Regional Safety Oversight Organizations and Regional Accident Investigation Agencies;

Noting the recommendations of the ICAO and AFCAC joint meeting on enhancement of aviation safety in Africa held in N'djamena, Chad on 13 May 2010;

Noting that regional organizations initiated or established in the AFI Region will continue to require ICAO support for the near future and until they are solidly established and self-supporting;

Recognizing the benefit of continuing to coordinate, under the ICAO umbrella, activities of all stakeholders providing assistance to States in the AFI Region;

Recognizing that ICAO will require additional resources to successfully carry out the support it provides to States in the AFI Region; and

Noting that strong Regional Offices would be a positive catalyst for the enhancement of aviation safety in the AFI Region;

The Assembly:

1. *Welcomes* the considerable effort made by African States and regional organizations to enhance aviation safety;
2. *Declares* that the implementation of ACIP programme activities will continue within the work programme of the African Regional Offices;
3. *Urges* the Secretary General to ensure that the African Regional Offices are provided with the required personnel and financial resources to ensure the effective continuation of the work programme initiated by ACIP;
4. *Urges* Contracting States of the AFI Region to commit to and accelerate the establishment of regional safety oversight organizations and regional accident investigation agencies, where required, and strengthen cooperation across the region in order to make the optimum use of available resources;
5. *Instructs* the Council to notify States, industry and donors of the priority projects arising from the gap analysis;
6. *Urges* States, industry and donors to implement priority projects identified by the gap analysis, performed in accordance with the Global Aviation Safety Plan (GASP);
7. *Urges* States, industry and donors to make contributions in cash and kind towards the implementation of the AFI Plan and *instructs* the Council to recognize all such contributions;

8. *Urges* African States, ICAO and AFCAC to jointly address deficiencies identified through the safety oversight audits and implement the recommendations made by the ICAO/AFCAC joint meeting on aviation safety in Africa;
9. *Instructs* the Council to monitor the implementation of the recommendations of the joint ICAO/AFCAC meeting on aviation safety in Africa;
10. *Instructs* the Council to ensure a stronger ICAO leadership role in coordinating activities, initiatives and implementation strategies aimed specifically at implementing priority projects to achieve sustainable improvement of flight safety in the AFI Region and to allocate resources to the relevant Regional Offices accordingly;
11. *Instructs* the Council to monitor and measure the status of implementation in the AFI Region throughout the triennium and to report to the next ordinary session of the Assembly on the progress made; and
12. *Declares* that this resolution supersedes Resolution A36-1.

A22-19: Assistance and advice in the implementation of Regional Plans
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Whereas it is essential that there be increased efforts to reduce serious deficiencies which are detrimental to the development of international civil aviation;

Whereas Resolutions A12-5 (Clauses 1 and 5), A15-5 (Clause 4) and A15-8 H (Clause 6) set forth the policy of the Organization regarding fostering and assisting in the implementation of the Regional Plans; and

Whereas the Assembly, pursuant to Resolution A15-2, has reviewed these policies and agreed on the need for their consolidation into a single resolution indicating the continuing policies of the Assembly in this matter, for which purpose the above parts of the original resolutions should be cancelled;

The Assembly:

1. *Resolves* that the Organization give a high order of priority to fostering and assisting in the implementation of Regional Plans in accordance with the following:
 - a) Contracting States should note the possibility of using operating agencies as a means of fulfilling their international obligations under Article 28 of the Convention;
 - b) Contracting States should examine with other States in the region whether the implementation of the particular Regional Plan could be facilitated through bilateral or multilateral agreements;
 - c) the holding of informal meetings, whether initiated by Contracting States or convened by the Secretary General, which are confined to implementation problems affecting two or more States, should be encouraged where no other effective and timely means are available to resolve the problems;
 - d) the Council should render assistance to Contracting States in planning and developing those portions of national implementation programmes related to the provision of facilities and services called for by Regional Plans;
 - e) use should be made of available means of assisting in the implementation of Regional Plans through the use of the United Nations Development Programme, technical advice and expert assistance from the Secretariat and the training resources of the Secretariat;

- f) the Council should ensure that, as a matter of priority, the Regional Offices of ICAO assist, advise and encourage Contracting States to meet their responsibilities under Article 28 of the Convention in the implementation of those parts of the Regional Plans with which they are concerned, and, furthermore, the Council should ensure that the Regional Offices are utilized to the fullest extent possible in the carrying out of these tasks, including those mentioned in d) and e) above and those emanating from requests received in accordance with h) below;
 - g) the Council should ensure that all the activities of the Organization that can contribute to the implementation of Regional Plans are carefully coordinated, in particular at the regional level;
 - h) when a Contracting State, having explored all methods and means for implementing the Regional Plans with which it is concerned pursuant to Article 28 of the Convention, experiences difficulties which hinder such implementation, it should report accordingly to ICAO and, with respect to those items that might become serious deficiencies if not implemented, it should request assistance from ICAO; and
 - i) the Council should continue, as a matter of priority, to assist and encourage Contracting States to meet their responsibilities under Article 28 of the Convention, and to investigate the practicability of any other solutions for obtaining implementation of specific facilities and services determined by the Council to represent serious deficiencies in the world air navigation network;
2. Declares that this resolution supersedes Resolution A16-9.

A37-15, Appendix D: Implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS)

A37-15, Appendix L: Implementation of Regional Plans

A37-15, Appendix T: The Headquarters' and Regional Offices' technical Secretariat

A37-20: Consolidated statement of continuing ICAO policies in the air transport field

SPECIAL PROGRAMMES

A31-9: Implementation of the ICAO Programme for the prevention of controlled flight into terrain (CFIT)

A37-4: ICAO global planning for safety

Whereas ICAO strives to achieve the goal of a safe and orderly development of civil aviation through cooperation among Contracting States and other stakeholders;

Whereas to realize this goal, the Organization has established Strategic Objectives in the fields of, inter alia, safety and efficiency;

Recognizing the importance of a global framework to support the Strategic Objectives of ICAO;

Recognizing the importance of regional and national plans and initiatives based on the global framework for effective implementation; and

Recognizing that further progress in improving global safety and efficiency of civil aviation is best achieved through a cooperative, collaborative and coordinated approach in partnership with all stakeholders under the leadership of ICAO;

The Assembly:

1. *Resolves* that ICAO shall implement and keep current the Global Aviation Safety Plan (GASP) and the Global Air Navigation Plan (GANP) to support the relevant Strategic Objectives of the Organization;
2. *Resolves* that these global plans shall be implemented and kept current in close cooperation and coordination with all concerned stakeholders;
3. *Resolves* that these global plans shall provide the framework in which regional, subregional and national implementation plans will be developed and implemented thus ensuring harmonization and coordination of efforts aimed at improving international civil aviation safety and efficiency;
4. *Calls upon* States and *invites* other stakeholders to cooperate in the development and implementation of regional, subregional and national plans based on the framework of the global plans;
5. *Instructs* the Council to provide a report on the implementation and evolution of the global plans to future regular sessions of the Assembly;
6. *Instructs* the Secretary General to promote, make available and effectively communicate the GANP, GASP and its associated Global Aviation Safety Roadmap (GASR) global plans; and
7. *Declares* that this Assembly resolution supersedes Assembly Resolution A36-7 on the ICAO Global Aviation Safety Plan (GASP).

APPENDIX**Global Aviation Safety Plan**

Reaffirming that the primary objective of the Organization continues to be the improvement of safety and an associated reduction in the number of accidents and related fatalities within the international civil aviation system;

Recognizing that safety is a shared responsibility involving ICAO, Contracting States and all other stakeholders;

Recognizing the safety benefits that can be drawn from partnerships between States and industry such as the Commercial Aviation Safety Team (CAST), the European Strategic Safety Initiative (ESSI), the Regional Aviation Safety Group-Pan-American (RASG-PA) and the African and Indian Ocean Islands Safety Enhancement Team (ASET);

Recognizing that the High-level Safety Conference (2010) reaffirmed the need for the ICAO safety framework to continuously evolve to ensure its sustained effectiveness and efficiency in the changing regulatory, economic and technical environment;

Noting that the expected increase in international civil aviation traffic will result in an increasing number of aircraft accidents unless the accident rate is reduced;

Realizing the need to maintain the public's confidence in air transport through the dissemination of safety information;

Recognizing that a proactive approach in which safety risks are identified and managed is of paramount importance to the achievement of further improvements in aviation safety;

Recognizing that regional aviation safety groups should be implemented by ICAO, taking into account the needs of the various regions and building on the already existing structures and forms of cooperation;

Noting with satisfaction the Global Aviation Safety Roadmap as developed by key industry partners acting as the Industry Safety Strategy Group (ISSG) with ICAO and which forms the basis for the Global Aviation Safety Plan (GASP);

Noting the intent to continuously apply the GASP as a tool to enhance safety by focusing action where it is most needed; and

Noting the unified strategy established by ICAO to resolve safety-related deficiencies;

The Assembly:

1. *Stresses* the need for continuous improvement of aviation safety through a reduction in the number of accidents and related fatalities in air transport operations in all parts of the world, particularly in States where safety records are significantly worse than the worldwide average;
2. *Stresses* that limited resources of the international aviation community should be used in the first place to support States or regions whose safety performance is not at an acceptable level and where political willingness exists to improve safety oversight functions;
3. *Urges* Contracting States to support the GASP objectives by:
 - a) implementing the State Safety Programme (SSP);
 - b) expeditiously implementing safety management systems across the aviation industry to complement the existing regulatory framework;
 - c) sharing operational safety intelligence among States and relevant aviation stakeholders;
 - d) ensuring that the travelling public has access to easily understandable safety-related information to enable informed decisions;
 - e) creating an environment in which the reporting and sharing of information is encouraged and facilitated and in which remedial action is undertaken in a timely fashion when deficiencies are reported; and
 - f) reporting accident and incident data as required to ICAO;

4. *Urges* Contracting States, regional safety oversight organizations and international organizations concerned to work with all stakeholders to implement the GASP objectives and GASR methodology objectives and to implement these methodologies to reduce the number and rate of aircraft accidents;
5. *Urges* Contracting States to demonstrate the political will necessary for taking remedial actions to address deficiencies including those identified by Universal Safety Oversight Audit Programme (USOAP) audits and through the application of GASP objectives and the ICAO regional planning process;
6. *Urges* States to fully exercise safety oversight of their operators in full compliance with applicable Standards and Recommended Practices (SARPs), and assure themselves that foreign operators flying in their territory receive adequate oversight from their own State and take appropriate action when necessary to preserve safety;
7. *Urges* States to develop sustainable safety solutions to fully exercise their safety oversight responsibilities. This can be achieved by sharing resources, utilizing internal and/or external resources, such as regional and subregional safety oversight organizations and the expertise of other States; and
8. *Urges* Contracting States, the industry and financing institutions to provide the needed support for the coordinated implementation of the ICAO Global Aviation Safety Plan, avoiding duplication of efforts.

<p>A37-3: Protecting information from safety data collection and processing systems in order to improve aviation safety</p>
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Whereas the primary objective of the Organization continues to be that of ensuring the safety of international civil aviation worldwide;

Recognizing the importance of the free communication of safety information amongst the stakeholders of the aviation system;

Recognizing that the protection of safety information from inappropriate use is essential to ensure the continued availability of all relevant safety information, to enable proper and timely preventive actions to be taken;

Concerned by a trend for safety information to be used for disciplinary and enforcement actions and to be admitted as evidence in judicial proceedings;

Noting the importance of a balanced environment in which disciplinary action is not taken as consequence of actions by operational personnel that are commensurate with their experience and training, but where gross negligence or wilful violations are not tolerated;

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

Considering that a balance needs to be struck between the need for the protection of safety information and the need for the proper administration of justice, and that protection should be to a level commensurate with the nature of the information each source generates, as well as with the purpose of disclosure of such information;

Recognizing that technological advances have made possible new safety data collection, processing and exchange systems, resulting in multiple sources of safety information that are essential in order to improve aviation safety;

Noting that existing international laws, as well as national laws and regulations in many States, may not adequately address the manner in which safety information is protected from inappropriate use;

Noting the issuance by ICAO of legal guidance aimed at assisting States enact national laws and regulations to protect information gathered from safety data collection and processing systems, while allowing for the proper administration of justice;

Recognizing that the legal guidance in Attachment E to Annex 13 has assisted many States in the development and implementation of means to protect information gathered from safety data collection and processing systems;

Mindful that the civil aviation authorities acknowledged the need for a further study by ICAO on the protection of safety information; and

Recognizing the recommendations of the High-level Safety Conference 2010 to establish a multidisciplinary group to address the protection of certain safety information;

The Assembly:

1. *Urges* all Contracting States to continue to examine their existing legislation and adjust as necessary, or enact laws and regulations to protect information gathered from all relevant safety data collection and processing systems based, to the extent possible, on the legal guidance developed by ICAO;
2. *Urges* the Council to cooperate with Contracting States and appropriate international organizations regarding the development and implementation of guidance to support the establishment of effective safety-reporting systems, and the achievement of a balanced environment where valuable information derived from all relevant safety data collection and processing systems is readily accessible, while respecting principles of administration of justice and freedom of information;
3. *Instructs* the Council to consider to enhance, in view of the results of the work of the multidisciplinary group, the provisions on the protection of information gathered from safety data collection and processing systems (SDCPS) with a view to ensure and sustain the availability of safety information required for the management of safety, taking into account the necessary interaction between safety and judicial authorities in the context of open reporting culture; and
4. *Declares* that this resolution supersedes Resolution A36-9.

A37-11: Performance-based navigation global goals
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Whereas a primary objective of ICAO is that of ensuring the safe and efficient performance of the global Air Navigation System;

Whereas the improvement of the performance of the air navigation system on a harmonized, worldwide basis requires the active collaboration of all stakeholders;

Whereas the Eleventh Air Navigation Conference recommended that ICAO, as a matter of urgency, address and progress the issues associated with the introduction of area navigation (RNAV) and required navigation performance (RNP);

Whereas the Eleventh Air Navigation Conference recommended that ICAO develop RNAV procedures supported by global navigation satellite system (GNSS) for fixed-wing aircraft, providing high track and velocity-keeping accuracy to maintain separation through curves and enable flexible approach line-ups;

Whereas the Eleventh Air Navigation Conference recommended that ICAO develop RNAV procedures supported by GNSS for both fixed- and rotary-wing aircraft, enabling lower operating minima in obstacle-rich or otherwise constrained environments;

Whereas Resolution A33-16 requested the Council to develop a programme to encourage States to implement approach procedures with vertical guidance (APV) utilizing such inputs as GNSS or distance-measuring equipment (DME)/DME, in accordance with ICAO provisions;

Recognizing that not all airports have the infrastructure to support APV operations and not all aircraft are currently capable of APV;

Recognizing that many States already have the requisite infrastructure and aircraft capable of performing straight-in approaches with lateral guidance (LNAV approaches) based on the RNP specifications and that straight-in approaches provide demonstrated and significant safety enhancements over circling approaches;

Recognizing that the Global Aviation Safety Plan has identified Global Safety Initiatives (GSIs) to concentrate on developing a safety strategy for the future that includes the effective use of technology to enhance safety, consistent adoption of industry best practices, alignment of global industry safety strategies and consistent regulatory oversight;

Recognizing that the Global Air Navigation Plan has identified Global Plan Initiatives (GPIs) to concentrate on the incorporation of advanced aircraft navigation capabilities into the air navigation system infrastructure, the optimization of the terminal control area through improved design and management techniques, the optimization of the terminal control area through implementation of RNP and RNAV SIDs and STARs and the optimization of terminal control area to provide for more fuel efficient aircraft operations through FMS-based arrival procedures; and

Recognizing that the continuing development of diverging navigation specifications would result in safety and efficiency impacts and penalties to States and industry;

Noting with satisfaction that planning and implementation regional groups (PIRGs) have completed regional PBN implementation plans; and

Recognizing that not all States have developed a PBN implementation plan by the target date of 2009;

The Assembly:

1. *Urges* all States to implement RNAV and RNP air traffic services (ATS) routes and approach procedures in accordance with the ICAO PBN concept laid down in the *Performance-based Navigation (PBN) Manual (Doc 9613)*;

2. *Resolves* that:

a) States complete a PBN implementation plan as a matter of urgency to achieve:

- 1) implementation of RNAV and RNP operations (where required) for en route and terminal areas according to established timelines and intermediate milestones;
- 2) implementation of approach procedures with vertical guidance (APV) (Baro-VNAV and/or augmented GNSS), including LNAV-only minima, for all instrument runway ends, either as the primary approach or as a back-up for precision approaches by 2016 with intermediate milestones as follows: 30 per cent by 2010, 70 per cent by 2014; and
- 3) implementation of straight-in LNAV-only procedures, as an exception to 2) above, for instrument runways at aerodromes where there is no local altimeter setting available and where there are no aircraft suitably equipped for APV operations with a maximum certificated take-off mass of 5 700 kg or more;

- b) ICAO develop a coordinated action plan to assist States in the implementation of PBN and to ensure development and/or maintenance of globally harmonized SARPs, Procedures for Air Navigation Services (PANS) and guidance material including a global harmonized safety assessment methodology to keep pace with operational demands;
3. *Urges* that States include in their PBN implementation plan provisions for implementation of approach procedures with vertical guidance (APV) to all runway ends serving aircraft with a maximum certificated take-off mass of 5 700 kg or more, according to established timelines and intermediate milestones;
4. *Instructs* the Council to provide a progress report on PBN implementation to the next ordinary session of the Assembly, as necessary;
5. *Requests* the Planning and Implementation Regional Groups (PIRGs) to include in their work programme the review of status of implementation of PBN by States according to the defined implementation plans and report annually to ICAO any deficiencies that may occur; and
6. *Declares* that this resolution supersedes Resolution A36-23.

A22-11: International assistance in re-establishing operation of international airports and related air navigation facilities

A29-3: Global Rule Harmonization

A37-18: Consolidated statement of continuing ICAO policies and practices related to environmental protection — General provisions, noise and local air quality

A37-19: Consolidated statement of continuing ICAO policies and practices related to environmental protection — Climate change

A35-15: Consolidated statement of continuing ICAO policies and practices related to a global air traffic management (ATM) system and communications, navigation and surveillance/air traffic management (CNS/ATM) systems

A32-12: Follow-up to the 1998 Worldwide CNS/ATM Systems Implementation Conference

A29-15: Smoking restrictions on international passenger flights

A35-12: Protection of the health of passengers and crews and prevention of the spread of communicable disease through international travel

A37-14: Non-chemical aircraft disinsection of the aircraft cabin and flight deck for international flights

A29-13: Improvement of Safety Oversight

A32-11: Establishment of an ICAO universal safety oversight audit programme

A33-9: Resolving deficiencies identified by the Universal Safety Oversight Audit Programme and encouraging quality assurance for technical cooperation projects

A37-20: Consolidated statement of continuing ICAO policies in the air transport field

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

A37-15, Appendix I: Coordination of aeronautical systems and subsystems

A36-14: Use of cross-polar routes

A37-8: Regional cooperation and assistance to resolve safety-related deficiencies

A37-5: The Universal Safety Oversight Audit Programme (USOAP) continuous monitoring approach

A23-14: Application of systems planning to the introduction of new aircraft types

Whereas the introduction of new aircraft types may have considerable repercussions on the determination of new requirements to be satisfied by airports and en-route air navigation facilities and services;

Whereas States may, as has happened on past occasions, be compelled to satisfy these requirements in adverse conditions as a consequence of not having sufficient time to plan either investments in, or construction and maintenance of, the facilities and services;

Whereas the introduction of such aircraft may therefore have a decisive influence on the results of the operation of international air transport services and on the competitive capacity of their operators;

Whereas these circumstances may, in turn, have repercussions on the responsibilities which devolve on the States as representatives of the public interests at stake and, in particular, as providers of airports and en-route air navigation facilities and services;

Whereas it clearly follows that the benefits which may reasonably be expected to accrue from the introduction of the new aircraft types can only be fully achieved through the coordinated participation in this process by the manufacturers of such aircraft, the operators who utilize them in their services, the airport operators and the States in their two-fold capacity as providers of the aeronautical infrastructure and representatives of the public interest;

Whereas to this end, the Contracting States should participate in this process, not only by virtue of their responsibilities as described above, but also by urging their nationals engaged in the manufacture and operation of such aircraft and operation of airports to collaborate in this coordination;

Whereas the whole of the foregoing must be understood as meaning that the freedom of decision of the manufacturers, aircraft and airport operators and the States themselves will in no way be affected in the process; and

Whereas as a result of the Council's study of the subject, the Organization has instituted an information system for the purpose of facilitating coordinated planning in the process of introducing new aircraft types;

The Assembly:

1. *Declares* that for the purpose of achieving the fullest benefit from the introduction of new aircraft types, it is necessary that the manufacturers and operators of the latter, the airport operators and the States in their capacity as providers of the aeronautical infrastructure and representatives of the public interest, should achieve coordinated planning to the maximum extent possible in the process of introduction of such aircraft;
2. *Directs* the Council to foster the continued application of the systems planning process to the introduction of new aircraft types;
3. *Urges* Contracting States to give the necessary cooperation in the application of the systems planning process to the introduction of new aircraft types; and
4. *Declares* that this resolution supersedes Resolution A16-5.

A33-11: A global design code for aircraft

A27-11: Airport and airspace congestion

Whereas the rapid growth of air traffic places heavy demands on airports and air navigation systems and causes serious congestion problems in some areas of the world;

Whereas initiatives have been taken to alleviate the most serious consequences of the imbalances between air traffic demand and capacity in the short- and medium-term;

Whereas the benefits of regional planning have already been demonstrated;

Noting Resolution A27-10 (Appendix P) on the coordination of civil and military traffic and the common use of airspace;

Recognizing that further measures, including longer term measures, will be required to expand the airport and air navigation system capacity to more efficiently accommodate future air traffic; and

Noting the Council's intention to include tasks dealing with airport and airspace capacity and congestion in the work programme of the Organization in the air navigation and air transport fields;

The Assembly:

1. *Urges* States to take measures that have positive effects on airport and airspace capacity, in consultation with users and airport operators and without prejudice to safety;
2. *Invites* States to recognize that airports and airspace constitute an integrated system and developments in both areas should be harmonized;
3. *Urges* States to take into account the effects on other States of their airport and airspace congestion problems and the implications of actions taken to deal with those problems;
4. *Invites* States to consider the possible relaxation of operating restrictions for aircraft meeting the requirements of Chapter 3 of Annex 16, including the easing of night curfews and/or quotas for off-schedule arrivals by such aircraft; and
5. *Directs the Council:*
 - a) to ensure that in the development of SARPs and PANS due regard be taken of their impact on airport and airspace capacity; and
 - b) in reviewing the work of the Organization in the air navigation and air transport fields related to airspace congestion, along with global planning, to pay attention to delegating the work on a geographical and/or subject basis; and to ensure effective coordination in order to avoid duplicating activities of other international organizations, and to place greater emphasis on regional responsibilities in achieving more rapid and better adapted solutions to regional problems.

A37-20: Consolidated statement of continuing ICAO policies in the air transport field

AIRWORTHINESS AND OPERATION OF AIRCRAFT

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

A37-15, Appendix G: Certificates of airworthiness, certificates of competency and licences of flight crews

A23-13: Lease, charter and interchange of aircraft in international operations

Whereas it is in the general interest of international civil aviation that arrangements for lease, charter and interchange of aircraft, particularly aircraft without crew, be facilitated;

Whereas the international provisions in force contain no absolute impediment to the implementation of such arrangements;

Whereas, inter alia, Annex 6 to the *Convention on International Civil Aviation* does not prevent the State of Registry from delegating to another State the authority to exercise the functions incumbent upon it pursuant to that Annex;

Whereas such delegation may facilitate the implementation of arrangements for lease, charter and interchange of aircraft, particularly aircraft without crew;

Whereas such delegation may only be made without prejudice to the rights of third States;

Whereas the *Convention on International Civil Aviation* was developed prior to the widespread application of international lease, charter and interchange of aircraft, particularly aircraft without crew;

Whereas the *Convention on International Civil Aviation* places on a State of Registry responsibilities that it can fulfil when the aircraft is operated by an operator of that State, as is normally the case, but it may be unable to fulfil adequately in instances where an aircraft registered in that State is leased, chartered or interchanged, particularly without crew, by an operator of another State;

Whereas the *Convention on International Civil Aviation* may not adequately specify the rights and obligations of the State of an operator of the aircraft leased, chartered or interchanged, in particular without crew until such time as the amendment to the Convention (Article 83 *bis*) enters into force;

Whereas the safety and economics of international air transportation may be adversely affected by the lack of clearly defined responsibilities for aircraft leased, chartered or interchanged, in particular without crew, under the existing provisions of the *Convention on International Civil Aviation*;

Whereas the instances of lease, charter and interchange of aircraft have substantially risen in number, thus presenting serious problems;

Whereas the provisions in the Annexes to the *Convention on International Civil Aviation* relating to the delegation of authority from one State to another to exercise certain functions may only be invoked without prejudice to rights of third States;

Whereas the law of certain Contracting States is not further adapted to this situation; and

Whereas the basic problem of ultimate responsibility of the State of Registry in this matter remains unresolved until such time as the amendment to the Convention (Article 83 *bis*) enters into force;

The Assembly:

1. *Commends* the Council for the measures taken thus far in order to facilitate the lease, charter and interchange of aircraft, on the one hand by adopting various amendments to the Annexes to the Chicago Convention and on the other by commissioning the study of an appropriate agreed text by a working group and then by a special subcommittee of the Legal Committee;
2. *Declares* that the matter of lease, charter and interchange of aircraft continues to present various problems which need solution;
3. *Urges* that, where arrangements for the lease, charter and interchange of aircraft — particularly aircraft without crew — would be facilitated, the State of Registry of such an aircraft, to the extent considered necessary, delegate to the State of the Operator its functions under Annex 6 to the *Convention on International Civil Aviation*;
4. *Urges* that in such cases, the State of the Operator change, if necessary, its national regulations to the extent required to empower it both to accept such delegation of functions and to oblige the operator to fulfil the obligations imposed by Annex 6;
5. *Invites* all Contracting States, the provisions of whose laws inhibit the lease, charter or interchange of aircraft, to review in due time such provisions with a view to removing those inhibitions and extending their powers in order to better enable them to exercise the new functions and duties which could be placed upon them as State of the Operator; and
6. *Declares* that this resolution supersedes Resolutions A18-16, A21-22 and A22-28.

A37-18: Consolidated statement of continuing ICAO policies and practices related to environmental protection — General provisions, noise and local air quality

A37-19: Consolidated statement of continuing ICAO policies and practices related to environmental protection — Climate change

PERSONNEL LICENSING AND TRAINING

A36-17: Consolidated statement of ICAO policies on technical cooperation

A21-24: Sickle cell trait in civil aviation

Whereas an abiding concern with the medical aspects of civil aviation as it affects crew members, passengers and third parties on the ground and in the air is an integral part of the overall responsibility of Contracting States and ICAO in aviation safety;

Whereas several hundreds of thousands of sickle cell gene carriers have flown and continue to fly yearly in both pressurized and unpressurized aircraft at various normal operational heights and in all types of weather; and

Whereas some international airlines have already reviewed their previous stance and are now employing sickle cell trait carriers for cabin-crew duties;

The Assembly resolves that:

1. Contracting States be urged to establish facilities, if they have not already done so, for the purpose of:
 - a) advising the national aviation authority on all aviation medicine matters relating to licensing;
 - b) investigating possible health hazards associated with flight;
 - c) providing medical expertise for the investigation of incidents occurring during or associated with flight;
 - d) conducting research into medical problems of aviation safety; and
 - e) advising on national or international health matters affecting aviation;
2. liaison be maintained on such matters between States as well as with the ICAO Secretariat;
3. screening of individuals for any trait or condition should be based solely on medical considerations;
4. Contracting States be advised that, in an applicant, the mere possession of the sickle cell trait should not be a reason for disqualifying him for flying duties in civil aviation, unless there is positive medical evidence to the contrary.

A29-16: Role of ICAO in the prevention of substance abuse in the workplace

Whereas Assembly Resolution A27-12 urged the Council to elaborate with a high degree of priority concrete measures to prevent and eliminate substance abuse by crew members, air traffic controllers, mechanics, and other staff of international civil aviation, and requested the Council, following further study, to propose specific measures concerning drug-related problems in international civil aviation;

Whereas substance abuse by civil aviation employees may seriously compromise aviation safety;

Whereas ICAO has initiated concrete actions to develop measures to ensure that civil aviation workplaces are free of substance abuse by expediting the development of additional guidance material with emphasis on educational programmes related to prevention of substance abuse;

Whereas the Air Navigation Commission requested the Secretariat to expedite the development of additional guidance material; and

Whereas it is incumbent upon the international civil aviation community to ensure that civil aviation employees are aware of the dangers posed by substance abuse;

The Assembly:

1. *Declares* its strong support for making and maintaining civil aviation workplaces free of substance abuse and encourages cooperative efforts throughout the international civil aviation community to educate employees on the dangers of substance abuse and to take steps, when deemed necessary, to detect and deter such use, and, through such efforts, to ensure that substance abuse never becomes prevalent or tolerated within international civil aviation;
2. *Urges* the Council to accord a high degree of priority, as contemplated in Resolution A27-12, in the Technical Work Programme, to expediting the development and publication of guidance material containing measures which may be implemented by Contracting States and to conducting or arranging such symposia or seminars as necessary to assist and educate Contracting States to maintain civil aviation workplaces free from the threat of substance abuse;
3. *Requests* the Council to continue its effort to monitor:
 - a) the existence and growth of the threat to the safety of international civil aviation posed by substance abuse; and
 - b) efforts by Contracting States to implement preventive measures; and
4. *Requests* the Council to present a report on the implementation of this Resolution to the next ordinary session of the Assembly.

<p style="text-align: center;">A33-12: Harmonization of drug and alcohol testing programmes</p>
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Whereas ICAO has for over 50 years effectively and efficiently fulfilled its functions in accordance with the *Convention on International Civil Aviation*;

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

Whereas appreciation is expressed to the Council and the Secretary General for the progress made regarding the elimination of substance abuse by personnel in safety-related occupations in aviation;

Whereas there is still a need to achieve a consistent policy on the implementation by national authorities of regulations regarding the prevention and enforcement on the abuse of alcohol and drugs by personnel in safety-related occupations in aviation;

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

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

Whereas there is a need for ICAO to meet these challenges effectively;

The Assembly:

1. *Directs* the Council to review existing guidance for improvements aimed at helping States to develop consistent prevention and testing programmes.
2. *Directs* the Council to study the issues and to develop the necessary ICAO provisions to achieve consistency among the substance testing programmes of Contracting States and enforcement by Contracting States on the abuse of alcohol and drugs by certain safety-sensitive personnel.
3. *Encourages* Contracting States to foster consistency with respect to their prevention and testing programmes.

A37-10: Proficiency in the English language used for radiotelephony communications

Whereas to prevent accidents, ICAO introduced language provisions to ensure that air traffic personnel and pilots are proficient in conducting and comprehending radiotelephony communications in the English language, including requirements that the English language shall be available on request at all stations on the ground serving designated airports and routes used by international air services;

Recognizing that the language provisions reinforce the requirement to use ICAO standardized phraseology in all situations for which it has been specified;

Recognizing that Contracting States have made substantial efforts to comply with the language proficiency requirements;

Recognizing that some Contracting States encounter considerable difficulties in implementing the language proficiency requirements including the establishment of language training and testing capabilities;

Recognizing that some Contracting States required additional time to implement the language proficiency provisions beyond the applicability date;

Whereas in accordance with Article 38 of the Convention any Contracting State which finds it impracticable to comply in all respects with any international standard or procedure is obliged to give immediate notification to ICAO;

Whereas in accordance with Article 39 b) of the Convention any person holding a licence not satisfying in full the conditions laid down in the international standard relating to the class of licence or certificate held shall have endorsed on or attached to the licence all the particulars in which this person does not satisfy such conditions; and

Whereas pursuant to Article 40 of the Convention no personnel having certificates or licences so endorsed shall participate in international navigation, except with the permission of the State or States whose territory is entered;

The Assembly:

1. *Urges* the Contracting States to use ICAO standardized phraseology in all situations for which it has been specified;
2. *Directs* the Council to continue to support Contracting States in their implementation of the language proficiency requirements;
3. *Urges* Contracting States to assist each other in their implementation of the language proficiency requirements;

4. *Urges* Contracting States that have not complied with the language proficiency requirement by the applicability date to post their language proficiency implementation plans including their interim measures to mitigate risk, as required, for pilots, air traffic controllers and aeronautical station operators involved in international operations on the ICAO website as outlined in accordance with the associated practices below and ICAO guidance material;
5. *Urges* Contracting States to waive the permission requirement under Article 40 of the Convention, in the airspace under their jurisdiction for pilots who do not yet meet the ICAO language proficiency requirements, for a period not exceeding three years after the applicability date of 5 March 2008, provided that the States which issued or rendered valid the licences have made their implementation plans available to all other Contracting States and have notified ICAO of the differences pertaining to language provisions;
6. *Urges* Contracting States not to restrict their operators, conducting commercial or general aviation operations, from entering the airspace under the jurisdiction or responsibility of other States where air traffic controllers or radio station operators do not yet meet the language proficiency requirements for a period not exceeding three years after the applicability date of 5 March 2008, provided that those States have made their implementation plans available to all other Contracting States and have notified ICAO of the differences pertaining to language provisions;
7. *Urges* Contracting States not yet fully compliant on 5 March 2011 to continue to provide ICAO with regularly updated implementation plans including progress achieved in meeting their timelines for full compliance;
8. *Urges* Contracting States after 5 March 2011 to take a flexible approach towards States that do not yet meet the language proficiency requirements, yet are making progress as evidenced in their implementation plans. Decisions concerning operations should be made on a non-discriminatory basis and not be made for the purpose of gaining economic advantage;
9. *Directs* the Council to monitor the status of implementation of the language proficiency requirements and take necessary actions to advance safety and maintain the regularity of international civil aviation;
10. *Requests* the Council to submit to the next ordinary session of the Assembly a report regarding the implementation of the ICAO language proficiency requirements; and
11. *Declares* that this resolution supersedes Resolution A36-11.

Associated practices

Contracting States that did not meet the language proficiency requirements by 5 March 2008 should:

1. Develop implementation plans for the language proficiency requirements that include the following:
 - a) a timeline for adoption of the language proficiency requirements in their national regulations;
 - b) a timeline for establishment of language training and assessment capabilities;
 - c) a description of a risk-based prioritization system for the interim measures to be put in place until full compliance with the language proficiency requirements is achieved;
 - d) timelines, with identifiable milestones, for full implementation of the language proficiency requirements;
 - e) a procedure for endorsing licences to indicate the holders' language proficiency level; and
 - f) designation of a national focal point in relation to the English language proficiency implementation plan;

2. Make their language proficiency implementation plans available to all other Contracting States by posting their plans on the ICAO website and update them on a regular basis until full implementation has been achieved;
3. Notify ICAO of differences to the language proficiency Standards and Recommended Practices; and
4. Publish differences to the language proficiency requirements in relation to the provision of air navigation services in their Aeronautical Information Publications.

A37-9: Halon replacement

Whereas halons contribute to climate change and are no longer being produced by international agreement because they are ozone-depleting chemicals, and have been used as fire-extinguishing agents in commercial transport aircraft for 45 years;

Recognizing that more needs to be done because the available halon supplies are dwindling and that the environmental community continues to be concerned that halon alternatives have not been developed for all fire-extinguishing systems in civil aircraft;

Recognizing that the Minimum Performance Standard for each application of halon has been developed already by the International Aircraft Systems Fire Protection Working Group with participation by industry and regulatory authorities;

Recognizing that there are stringent aircraft-specific requirements for each application of halon that must be met before a replacement can be implemented;

Recognizing that the production and import/export of halon is prohibited by international agreement, thus halon is mainly available by recycling existing supplies. Thus recycling of halon gas needs to be rigorously controlled to prevent the possibility of contaminated halon being supplied to the aviation industry;

Recognizing that any strategy must depend on alternatives that do not pose an unacceptable environmental or health risk as compared to the halons they are replacing; and

Recognizing that while halon alternatives for lavatories are available, and that progress has been made in the development of halon alternatives in hand-held fire extinguishers, more work is needed in the development of halon alternatives for cargo compartment and engine/auxiliary power-unit fire-extinguishing systems, and that regular reviews are necessary to evaluate and understand the implication of potential halon alternatives on the industry and the environment;

The Assembly:

1. *Agrees* with the urgency of the need to continue developing and implementing halon alternatives for civil aviation;
2. *Urges* States to intensify development of acceptable halon alternatives for fire-extinguishing systems in cargo compartments and engine/auxiliary power-units, and to continue work towards improving halon alternatives for hand-held fire extinguishers;
3. *Directs* the Council to establish a mandate for the replacement of halon:
 - in lavatory fire-extinguishing systems used in aircraft produced after a specified date in the 2011 time frame;

- in hand-held fire extinguishers used in aircraft produced after a specified date in the 2016 time frame; and
 - in engine and auxiliary power-unit fire-extinguishing systems used in aircraft for which application for type certification will be submitted after a specified date in the 2014 time frame;
4. *Directs* the Council to conduct regular reviews of the status of potential halon alternatives to support the agreed upon implementation dates given the evolving situation regarding the suitability of potential halon alternative agents as they continue to be identified, tested, certified and implemented;
5. *Urges* States to advise their aircraft manufacturers, approved maintenance organizations, air operators, chemical suppliers, and fire-extinguishing companies to verify the quality of halon in their possession or provided by suppliers through effective testing or certification to an international or State recognized quality standard. States are also urged to require that the quality systems of air operators, approved maintenance organizations, and manufacturers provide a means for requesting from halon suppliers certification documentation attesting to the quality of halon to an established and recognized international standard;
6. *Encourages* ICAO to continue collaboration with the International Aircraft Systems Fire Protection Working Group and the United Nations Environment Programme's (UNEP) Ozone Secretariat through its Technology and Economic Assessment Panel's Halons Technical Options Committee on the topic of halon alternatives for civil aviation;
7. *Urges* States to inform ICAO regularly of their halon reserves and directs the Secretary General to report the results to the Council. Further, the Council is directed to report on the status of halon reserves at the next ordinary session of the Assembly;
8. *Resolves* that the Council shall report to the next ordinary session of the Assembly on progress made developing halon alternatives for cargo compartments and engine/auxiliary power-unit fire-extinguishing systems as well as the status of halon alternatives for hand-held fire extinguishers; and
9. *Declares* that this resolution supersedes Resolution A36-12.

A37-15, Appendix G: Certificates of airworthiness, certificates of competency and licences of flight crews

A37-15, Appendix H: Aviation training

AIRCRAFT ACCIDENT INVESTIGATION

A37-15, Appendix U: Cooperation among Contracting States in investigations of certain aircraft accidents

A37-15, Appendix V: Flight safety and human factors

A36-10: Improving accident prevention in civil aviation

A37-2: Non-disclosure of certain accident and incident records

UNITS OF MEASUREMENT

A37-15, Appendix F: Units of measurement

GROUND FACILITIES, SERVICES AND PERSONNEL

A37-15, Appendix M: Delimitation of air traffic services (ATS) airspaces

A37-15, Appendix N: Provision of search and rescue services

A37-15, Appendix O: Coordination and cooperation of civil and military air traffic

A37-15, Appendix P: The provision of adequate aerodromes

A37-15, Appendix Q: Ground and flight testing of radio navigation aids

A37-15, Appendix R: Adequate conditions of employment for aviation ground personnel

A27-11: Airport and airspace congestion

A37-10: Proficiency in the English language for radiotelephony communications

TECHNICAL MEASURES AGAINST ACTS OF UNLAWFUL INTERFERENCE

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

A37-17: Consolidated statement on the continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference

A27-12: Role of ICAO in the suppression of illicit transport of narcotic drugs by air

PART III. AIR TRANSPORT

AIR TRANSPORT CONTINUING POLICIES

A37-20: Consolidated statement of continuing ICAO policies in the air transport field
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Introduction

Whereas the *Convention on International Civil Aviation* establishes the basic principles to be followed by governments to ensure that international air transport services may be developed in an orderly, regular, efficient, economical, harmonious and sustainable manner and it is therefore one of the purposes of ICAO to support principles and arrangements in order that international air transport services may be established on the basis of equality of opportunity, sound and economic operation, mutual respect of the rights of States and taking into account the general interest;

Whereas air transport is a major factor in promoting and fostering sustained economic development at national as well as international levels;

Whereas it is becoming increasingly difficult, particularly for developing countries, to secure the necessary resources required to optimize the opportunities and meet the challenges inherent in the development of air transport, and to keep pace with the challenges posed by demands on air transport;

Whereas the Organization prepares guidance, studies and statistics on the development of air transport for Contracting States on a continuing basis and these should be kept current, focused and relevant and should be disseminated to Contracting States through the most effective means;

Whereas Contracting States are required to provide accurate and factual statistical data and other information in order that the Organization may prepare this guidance;

Whereas the Organization is moving toward management by objective with more focus on implementation over standard setting;

Whereas guidance developed by the Organization, and action taken by the Organization in implementing its Strategic Objectives, should assist Contracting States in developing policies and practices that facilitate the globalization, commercialization and liberalization of international air transport; and

Whereas it is important for Contracting States to participate in the work of the Organization in the air transport field;

The Assembly:

1. *Resolves* that the Appendices attached to this resolution and listed below constitute the consolidated statement of continuing ICAO policies in the air transport field, as these policies exist at the close of the 37th Session of the Assembly:

Appendix A — Economic regulation of international air transport

Appendix B — Statistics

Appendix C — Forecasting, planning and economic analyses

Appendix D — Facilitation

Appendix E — Taxation

Appendix F — Airports and air navigation services

Appendix G — Air carrier economics

Appendix H — Air mail

2. *Urges* Contracting States to have regard to these policies and their continuing elaboration by the Council in documents identified in this consolidated statement and by the Secretary General in manuals and circulars;
3. *Urges* Contracting States to make every effort to fulfil their obligations, arising out of the Convention and Assembly resolutions, to support the work of the Organization in the air transport field, and, in particular, to provide as completely and promptly as possible the statistical and other information asked for by the Organization for its air transport studies;
4. *Requests* the Council to attach particular importance to the problem of financing the development of the human and technical resources necessary to ensure the best possible contribution of air transport to the economic and social well-being of developing countries;
5. *Requests* the Council, when it considers that it would be of benefit in assisting its work on any air transport issues, to consult expert representatives from Contracting States by the most appropriate means, including the establishment of panels of such qualified experts, reporting to the Air Transport Committee or of Secretariat study groups, and working by correspondence or by meetings;
6. *Requests* the Council to convene Conferences or Divisional meetings, in which all Contracting States may participate, as the principal means of progressing the resolution of issues of worldwide importance in the air transport field, when such meetings are justified by the number and importance of the issues to be dealt with and where there is the likelihood of constructive action upon them;
7. *Requests* the Council to provide for workshops, seminars and other such meetings as may be required to disseminate ICAO's air transport policies and associated guidance to and amongst Contracting States;
8. *Requests* the Council to keep the consolidated statement of ICAO's air transport policies under review and advise the Assembly as appropriate when changes are needed to the statement; and
9. *Declares* that this resolution supersedes Resolution A36-15.

APPENDIX A

Economic regulation of international air transport

Section I. Agreements and arrangements

Whereas the basic principles of sovereignty, fair and equal opportunity, non-discrimination, interdependence, harmonization and cooperation set out in the Convention have served international air transport well and continue to provide the basis for its future development;

Whereas multilateralism in commercial rights to the greatest possible extent continues to be an objective of the Organization;

Whereas within the framework of the Convention, Contracting States have many differing regulatory goals and policies but share a fundamental objective of participation through reliable and sustained involvement in the international air transport system;

Whereas one of the objectives of the Convention is that international air transport services may be operated soundly and economically and in that regard the International Air Services Transit Agreement (IATA) facilitates the achievement of that objective for the Contracting States who are already parties to it;

Whereas the Assembly has repeatedly stressed the obligation of each Contracting State to comply with Article 83 of the Convention by registering with the Council as soon as possible all arrangements relating to international civil aviation, in accordance with the *Rules for Registration with ICAO of Aeronautical Agreements and Arrangements*;

Whereas undue delays and non-compliance relating to the registration of aeronautical agreements and arrangements are not desirable for the accuracy and completeness of regulatory information and for enhancing transparency;

Whereas the establishment of international air transport fares and rates should be fair, transparent and designed to promote the satisfactory development of air services;

Whereas consumer interest should be given due regard in the development of policy and regulation of international air transport;

Whereas there is a need to adapt to the changing regulatory and operating environment in the air transport field and the Organization has accordingly developed policy guidance for the regulation of international air transport, including model clauses and template air services agreements, for optional use by States in bilateral or regional agreements; and

Noting that the Organization has developed and provided to States an innovative meeting facility, the ICAO Air Services Negotiation Conference (ICAN), which facilitates and improves the efficiency of their air services negotiations and consultations;

The Assembly:

1. *Reaffirms* the primary role of ICAO in developing policy guidance on the regulation of international air transport and in assisting and facilitating liberalization as necessary;
2. *Urges* Contracting States that have not yet become parties to the International Air Services Transit Agreement (IATA) to give urgent consideration to so doing;
3. *Urges* all Contracting States to register cooperative agreements and arrangements relating to international civil aviation with ICAO in accordance with Article 83 of the Convention and the *Rules for Registration with ICAO of Aeronautical Agreements and Arrangements*;
4. *Urges* Contracting States to keep the Council fully informed of serious problems arising from the application of air services agreements or arrangements and of any developments which tend toward the objective of multilateralism in the exchange of commercial rights;
5. *Encourages* Contracting States to make use of and benefit from the ICAO Air Services Negotiation Conference facility;

6. *Requests* the Council to continue to cooperate with regional and subregional bodies in their examination and development of measures of cooperation, including liberalized arrangements, and the results of these measures, in order to see whether similar or other measures should at the appropriate time be recommended to Contracting States for application on a wider basis;
7. *Requests* the Council to continue the comparative and analytical study of the policies and practices of Contracting States and airlines concerning commercial rights and the provisions of air services agreements and to inform all Contracting States of any new developments in international cooperation, including liberalized arrangements, with respect to commercial rights;
8. *Requests* the Council to keep under review the machinery for establishing the Organization's policy guidance on the regulation of international air transport, and to revise or update it as required;
9. *Requests* the Council to review periodically the rules for registration of aeronautical agreements and arrangements with a view to simplifying the process of registration;
10. *Requests* the Secretary General to remind Contracting States of the importance of registration without undue delay, of aeronautical agreements and arrangements and to provide such assistance to Contracting States as they may require in registering their aeronautical agreements and arrangements with the Council; and
11. *Requests* the President of the Council and the Secretary General to promote universal adherence to and implementation of the International Air Services Transit Agreement (IASTA) and to urge Contracting States to inform the Secretariat of their intentions with respect to adherence to the agreement.

Section II. Cooperation in regulatory arrangements

Whereas certain economic, financial and operational constraints unilaterally introduced at the national level affect the stability of, and tend to create unfair discriminatory trading practices in, international air transport and might be incompatible with the basic principles of the Convention and the orderly and harmonious development of international air transport;

Whereas the provision of regular and reliable air transport services is of fundamental importance to the development of the economies of States, especially the developing States, including those dependent on tourism;

Whereas the strict application of the criterion of substantial ownership and effective control for the authorization of an airline to exercise route and other air transport rights could deny many States a fair and equal opportunity to operate international air services and to optimize the benefits to be derived therefrom;

Whereas air carrier designation and authorization for market access should be liberalized at each State's pace and discretion progressively, flexibly and with effective regulatory control in particular regarding safety and security;

Whereas the broadening or the flexible application of the criteria for airline designation and authorization could help create an operating environment in which international air transport may develop and flourish in a stable, efficient and economical manner, and contribute to the participation objectives of States in the liberalization process, without prejudice to States' obligations for aviation safety and security;

Whereas the realization of developmental objectives among such States is increasingly being promoted by cooperative arrangements in the form of regional economic groupings and functional cooperation symbolic of the affinity and community of interest which are particularly shared among developing States belonging to such regional economic integration movements; and

Whereas the exercise of route and other air transport rights of a developing State having such community of interest by an airline substantially owned and effectively controlled by another developing State or States or its or their nationals sharing the same community of interests will serve to promote the foregoing interests of developing States;

The Assembly:

1. *Urges* Contracting States to avoid adopting unilateral measures that may affect the orderly and harmonious development of international air transport and to ensure that domestic policies and legislation are not applied to international air transport without taking due account of its special characteristics;
2. *Urges* Contracting States to accept such designations and allow such airlines to exercise the route rights and other air transport rights of a State or States, in particular developing States, within the same grouping, under mutually acceptable terms and conditions including air transport agreements negotiated or to be negotiated by the parties concerned;
3. *Urges* Contracting States to recognize the concept of community of interest within regional or subregional economic groupings as a valid basis for the designation by one developing State or States of an airline of another developing State or States within the same regional economic grouping where such airline is substantially owned and effectively controlled by such other developing State or States or its or their nationals;
4. *Urges* Contracting States to give consideration to the use of alternative criteria for airline designation and authorization, including those developed by ICAO, and to adopt a flexible and positive approach to accommodate other States in their efforts to liberalize air carrier ownership and control without compromising safety and security;
5. *Invites* Contracting States with experience in various forms of joint operation of international air services to submit to the Council, on a continuing basis, full information concerning their experience, so that the Organization may have in this particular field all information that might be of assistance to Contracting States;
6. *Requests* the Council, when approached, to render all feasible assistance to Contracting States wishing to enter regional or subregional economic groupings with respect to the operation of international air services; and
7. *Requests* the Council to give assistance, when approached, to Contracting States that take the initiative in developing cooperative arrangements for the joint ownership and operation of international air services, directly among themselves or whose airlines develop such arrangements, and to promptly circulate to States information concerning such cooperative arrangements.

Section III. Airline product distribution

Whereas the advancement of information and electronic technologies have had a significant impact on the way the airline industry is doing business, particularly on its product distribution; and

Whereas ICAO has developed a Code of Conduct for the Regulation and Operation of Computer Reservation Systems (CRSs) for States to follow, and two related Model Clauses for optional use by States in their air services agreements;

The Assembly:

1. *Requests* the Council to monitor developments in airline product distribution and related regulatory practices, and disseminate information to Contracting States on significant developments; and
2. *Requests* the Council to review whether there is a continued need for the ICAO CRS Code and Model Clauses in light of the industry and regulatory changes.

Section IV. Trade in services

Whereas on the issue of including aspects of international air transport under the General Agreement on Trade in Services (GATS), ICAO has actively promoted an understanding by all parties concerned of the provisions of the *Convention on International Civil Aviation* and of the particular mandate and role of ICAO in international air transport;

The Assembly:

1. *Reaffirms* the need for ICAO to continue to explore future regulatory arrangements and develop recommendations and proposals to meet the challenges facing international air transport, responding to the internal and external changes affecting it;
2. *Recognizes* that such arrangements should create an environment in which international air transport may develop and continue to flourish in an orderly, efficient and economical manner without compromising safety and security, while ensuring the interests of all Contracting States and their effective and sustained participation in international air transport;
3. *Reaffirms* the primary role of ICAO in developing policy guidance on the regulation of international air transport;
4. *Urges* Contracting States that participate in trade negotiations, agreements and arrangements relating to international air transport to:
 - a) ensure internal coordination in their national administrations and in particular the direct involvement of aeronautical authorities and the aviation industry in the negotiations;
 - b) ensure that their representatives are fully aware of the provisions of the *Convention on International Civil Aviation*, the particular characteristics of international air transport and its regulatory structures, agreements and arrangements;
 - c) take into account their rights and obligations vis-à-vis those of ICAO Member States which are not members of the World Trade Organization;
 - d) examine carefully the implications of any proposed inclusion of an additional air transport service or activity in the GATS bearing in mind, in particular, the close linkage between economic, environmental, safety and security aspects of international air transport;
 - e) promote a full understanding of the role and mandate of ICAO in developing policy guidance on economic regulation, including liberalization of international air transport, and consider using this guidance; and
 - f) file with ICAO under Article 83 of the Convention copies of any exemptions and specific commitments pertaining to international air transport made under the GATS;
5. *Requests* the World Trade Organization, its Member States and Observers to accord due consideration to:
 - a) the particular regulatory structures and arrangements of international air transport and the liberalization taking place at the bilateral, subregional and regional levels;
 - b) ICAO's constitutional responsibility for international air transport and, in particular, for its safety and security; and
 - c) ICAO's existing policy and guidance material on the economic regulation of international air transport and its continued work in the field; and

6. *Requests* the Council to:

- a) continue to exert a global leadership role in facilitating and coordinating the process of economic liberalization while ensuring safety, security and environmental protection in international air transport;
- b) pursue in a proactive manner developments in trade in services that might impinge on international air transport and inform Contracting States accordingly; and
- c) promote continued effective communication, cooperation and coordination between ICAO, the World Trade Organization, and other intergovernmental and non-governmental organizations dealing with trade in services.

Section V. Elaboration of policy guidance

Whereas governments have international obligations and responsibilities in the economic regulation of international air transport;

Whereas economic liberalization and the evolution of air transport industry will continue to bring about opportunities, challenges and issues with respect to the regulation of international air transport; and

Whereas the Organization has addressed many of the regulatory issues and compiled related policies and guidance material;

The Assembly:

1. *Urges* Contracting States in their regulatory functions to have regard to the policies and guidance material developed by ICAO on economic regulation of international air transport, such as those contained in Doc 9587, *Policy and Guidance Material on the Economic Regulation of International Air Transport*; and
2. *Requests* the Council to ensure that these policies and guidance material are current and responsive to the requirements of Contracting States, and to develop guidance on emerging issues of general interest where required.

APPENDIX B

Statistics

Whereas ICAO's Statistics Programme provides an independent and global foundation for the purpose of fostering the planning and sustainable development of international air transport;

Whereas each Contracting State has undertaken that its international airlines shall file the statistics requested by the Council in accordance with Article 67 of the Convention;

Whereas the Council has also laid down requirements for statistics on domestic airline operations, international airports, and international route facilities, pursuant to Articles 54 and 55 of the Convention;

Whereas the Council has laid down requirements for data collection on civil aircraft on register pursuant to Article 21 of the Convention;

Whereas there is a need for the Organization to collect data from States on annual aviation fuel consumption to be used to address emerging challenges of sustainable development of air transport;

Whereas the nomination by States of focal points for aviation statistics will facilitate the timely filing of statistics and data requested by ICAO;

Whereas the Council has adopted a policy of management by objective which requires collection of pertinent data and analysis to measure the performance of the Organization as a whole and of its constituent parts in meeting the Strategic Objectives of the Organization;

Whereas the development of ICAO's integrated statistical database for validation and storage of data provides Contracting States and other users with an efficient online system for the retrieval of statistical data;

Whereas a number of Contracting States are still not filing, or have not been filing completely, the statistics requested by the Council; and

Whereas cooperation amongst international organizations active in the area of collection and distribution of aviation statistics may enable reduction in the burden of filing statistics;

The Assembly:

1. *Urges* Contracting States to nominate focal points for aviation statistics, and to make every effort to provide the statistics required by ICAO on time and to submit them electronically whenever possible;
2. *Requests* the Council, calling on national experts in the relevant disciplines as required, to examine on a regular basis the statistical data collected by ICAO in order to meet more effectively the needs of the Organization and its Member States, and to establish the necessary metrics to monitor the performance of the Organization in meeting its Strategic Objectives, to improve the uniformity of the statistics, the completeness and timeliness of reporting by Contracting States, and the form and content of analyses; and
3. *Requests* the Council to:
 - a) continue to explore ways of closer cooperation with other international organizations active in the collection and distribution of aviation statistics; and
 - b) make arrangements, on an appropriate basis, for assistance to be given upon request to Contracting States by personnel of the Secretariat for the improvement of their civil aviation statistics and their statistical reporting to the Organization.

APPENDIX C

Forecasting, planning and economic analyses

Whereas ICAO's independence in carrying out investigations into trends and in applying economic analyses provides a necessary foundation for fostering the planning and sustainable development of international air transport;

Whereas Contracting States require global and regional forecasts of future civil aviation developments for various purposes;

Whereas the Council, in carrying out its continuing functions in the economic field, must foresee future developments likely to require action by the Organization and must initiate such action in good time;

Whereas the Organization has to regularly assess its performance against its Strategic Objectives with particular focus on safety, security, environmental protection and sustainable development of air transport; and

Whereas the Organization requires specific forecasts and economic support for airports and air navigation systems planning and environmental monitoring and planning purposes;

The Assembly:

1. *Requests* the Council to prepare and maintain, as necessary, forecasts of future trends and developments in civil aviation of both a general and a specific kind, including, where possible, local and regional as well as global data, and to make these available to Contracting States and support data needs of safety, security, environment and efficiency;
2. *Requests* the Council to develop methodologies and procedures for the preparation of forecasts, the analyses of cost-benefit or cost-effectiveness, and the development of business cases to meet the needs of the Organization, the regional air navigation planning groups and, as required, other systems or environmental planning bodies of the Organization; and
3. *Requests* the Council to make arrangements to collect and develop material on current forecasting methods both for the purposes described in clauses 1 and 2 and for dissemination to Contracting States from time to time as guidance in their own forecasting, planning and economic analyses.

APPENDIX D

Facilitation

Section I. Development and implementation of facilitation provisions

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

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

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

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

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

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

The Assembly:

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

2. *Requests* the Council to ensure that Annex 9 — *Facilitation*, is current and addresses the contemporary requirements of Contracting States with respect to administration of border controls, cargo and passengers, the protection of passenger and crew health and the accessibility to air transport by persons with disabilities;
3. *Requests* the Council to ensure that the provisions of Annex 9 — *Facilitation*, and Annex 17 — *Security*, are compatible with and complementary to each other;
4. *Requests* the Council to ensure that its specifications and guidance material in Doc 9303, *Machine Readable Travel Documents*, remain up to date in the light of technological advances and to continue to explore technological solutions aimed at improving clearance procedures; and
5. *Requests* the Council to ensure that Doc 9636, *International Signs to Provide Guidance to Persons at Airports and Marine Terminals*, is current and responsive to the requirements of Contracting States.

Section II. International cooperation in protecting the security and integrity of passports

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

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

Whereas the veracity and validity of machine readable travel documents (MRTDs) depends on the documentation used to establish identity, confirm citizenship or nationality and assess entitlement of the passport applicant (i.e. "breeder" documentation);

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

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

Whereas high-level cooperation among States is required in order to strengthen resistance to passport fraud, including the forgery or counterfeiting of passports, the use of forged or counterfeit passports, the use of valid passports by impostors, the use of expired or revoked passports, and the use of fraudulently obtained passports;

Whereas the use of stolen blank passports, by those attempting to enter a country under a false identity, is increasing worldwide; and

Whereas ICAO provides assistance to States in all matters related to MRTDs including project planning, implementation, education, training and system evaluation services, and has set up the Public Key Directory (PKD) to strengthen the security of biometrically-enhanced MRPs (ePassports);

The Assembly:

1. *Urges* Contracting States to intensify their efforts to safeguard the security and integrity of the breeder documentation;
2. *Urges* Contracting States to intensify their efforts to safeguard the security and integrity of their passports, to protect their passports against passport fraud, and to assist one another in these matters;

3. *Urges* those Contracting States that have not already done so, to issue machine readable passports in accordance with the specifications of Doc 9303, Part 1;
4. *Urges* Contracting States to ensure that the expiration date of non-machine readable passports falls before 24 November 2015;
5. *Urges* those Contracting States requiring assistance in implementing MRTD standards and specifications to contact ICAO without delay;
6. *Requests* the Council to take appropriate measures to establish guidance on breeder documentation;
7. *Requests* the Council to continue the work on enhancing the effectiveness of controls on passport fraud by implementing the related SARPs of Annex 9 and developing guidance material to assist Contracting States in maintaining the integrity and security of their passports and other travel documents;
8. *Urges* those States issuing ePassports to join the ICAO PKD; and all receiving States to verify the digital signatures associated with the passports; and
9. *Urges* those Contracting States that are not already doing so to provide routine and timely submissions of lost and stolen passport data to Interpol's Automated Search Facility/Stolen and Lost Travel Document Database.

Section III. National and international action and cooperation on facilitation matters

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

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

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

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

The Assembly:

1. *Urges* Contracting States to establish and utilize national facilitation committees and adopt policies of cooperation on a regional basis among neighbouring States;
2. *Urges* Contracting States to participate in regional and subregional facilitation programmes of other intergovernmental aviation organizations;
3. *Urges* Contracting States to take all necessary steps, through national facilitation committees or other appropriate means, for:
 - a) regularly calling the attention of all interested departments of their governments to the need for:
 - 1) making the national regulations and practices conform to the provisions and intent of Annex 9; and
 - 2) working out satisfactory solutions for day-to-day problems in the facilitation field; and
 - b) taking the initiative in any follow-up action required;

4. *Urges* Contracting States to encourage the study of facilitation problems by their national and other facilitation committees and to coordinate the findings of their committees on facilitation problems with those of other Contracting States with which they have air links;
5. *Urges* neighbouring and bordering States to consult one another about common problems that they may have in the facilitation field whenever it appears that these consultations may lead to a uniform solution of such problems;
6. *Urges* Contracting States to encourage their aircraft operators to continue to cooperate intensively with their governments as regards:
 - a) identification and solution of facilitation problems; and
 - b) developing cooperative arrangements for the prevention of illicit narcotics trafficking, illegal immigration and other threats to national interests;
7. *Urges* Contracting States to call upon international operators and their associations to participate to the extent possible in electronic data interchange systems in order to achieve maximum efficiency levels in the processing of passenger and cargo traffic at international terminals;
8. *Urges* Contracting States, in their use of electronic data interchange systems, to ensure that their passenger data requirements conform to international standards adopted by relevant United Nations agencies for this purpose; and
9. *Urges* States and operators, in cooperation with interested international organizations, to make all possible efforts to speed up the handling and clearance of air cargo, while ensuring the security of the international supply chain.

APPENDIX E

Taxation

Whereas international air transport plays a major role in the development and expansion of international trade and travel and the imposition of taxes on aircraft, fuel, and consumable technical supplies used for international air transport, taxes on the income of international air transport enterprises and on aircraft and other movable property associated with the operation of aircraft in international air transport, and taxes on its sale or use, may have an adverse economic and competitive impact on international air transport operations;

Whereas ICAO policies in Doc 8632, *ICAO's Policies on Taxation in the Field of International Air Transport*, make a conceptual distinction between a charge and a tax in that "a charge is a levy that is designed and applied specifically to recover the costs of providing facilities and services for civil aviation, and a tax is a levy that is designed to raise national or local government revenues which are generally not applied to civil aviation in their entirety or on a cost-specific basis";

Whereas it is a matter of great concern that taxes are increasingly being imposed by some Contracting States in respect of certain aspects of international air transport and that charges on air traffic, several of which can be categorized as taxes on the sale or use of international air transport, are proliferating;

Whereas the matter of aircraft engine emission-related levies is addressed in Assembly Resolution A37-18, *Consolidated statement of continuing ICAO policies and practices related to environmental protection — General provisions, noise and local air quality (Appendix H, Aviation impact on local air quality)*; and

Whereas the resolution in Doc 8632 supplements Article 24 of the Convention and is designed to recognize the uniqueness of international civil aviation and the need to accord tax-exempt status to certain aspects of the operations of international air transport;

The Assembly:

1. *Urges* Contracting States to follow the resolution of the Council as contained in Doc 8632, *ICAO's Policies on Taxation in the Field of International Air Transport*, and
2. *Requests* the Council to ensure that the guidance and advice contained in Doc 8632 are current and responsive to the requirements of Contracting States.

APPENDIX F

Airports and air navigation services

Section I. Charging policy

Whereas ICAO policies in Doc 9082, *ICAO's Policies on Charges for Airports and Air Navigation Services* make a conceptual distinction between a charge and a tax in that "a charge is a levy that is designed and applied specifically to recover the costs of providing facilities and services for civil aviation, and a tax is a levy that is designed to raise national or local government revenues which are generally not applied to civil aviation in their entirety or on a cost-specific basis";

Whereas the matter of aircraft engine emission-related levies and market-based measures is addressed separately in Assembly Resolution A37-18, *Consolidated statement of continuing ICAO policies and practices related to environmental protection — General provisions, noise and local air quality (Appendix H, Aviation impact on local air quality)*, and in Assembly Resolution A37-19, *Consolidated statement of continuing ICAO policies and practices related to environmental protection — Climate change*;

Whereas Article 15 of the Convention establishes the basis for the application and disclosure of charges for airports and air navigation services;

Whereas the Council has been directed to formulate recommendations for the guidance of Contracting States with regard to the principles on which providers of airports and air navigation services for international civil aviation may charge to recover the costs of their provision and derive other revenue therefrom, and with regard to the methods that may be employed to that effect; and

Whereas the Council has adopted and revised, as necessary, and published in Doc 9082, *ICAO's Policies on Charges for Airports and Air Navigation Services*;

The Assembly:

1. *Urges* Contracting States to ensure that Article 15 of the Convention is fully respected;
2. *Urges* Contracting States to base the recovery of the costs of the airports and air navigation services they provide or share in providing for international civil aviation on the principles set forth in Article 15 of the Convention and additionally in Doc 9082, *ICAO's Policies on Charges for Airports and Air Navigation Services*, regardless of the organizational structure under which the airports and air navigation services are operated;
3. *Urges* Contracting States to ensure that airport and air navigation services charges are applied towards defraying the costs of providing facilities and services for civil aviation;
4. *Urges* Contracting States to make every effort pursuant to Article 15 of the Convention to publish and communicate to the Organization any charges that may be imposed or permitted to be imposed by a Contracting State for the use of air navigation facilities and airports by the aircraft of any other Contracting State;

5. *Encourages* Contracting States to adopt the principles of non-discrimination, cost-relatedness, transparency and consultation with users, as espoused in Doc 9082, in their national legislation, regulation or policies, as well as in air services agreements, to ensure compliance by airports and air navigation services providers; and

6. *Requests* the Council to ensure that the guidance and advice contained in Doc 9082 are current and responsive to the requirements of Contracting States.

Section II. Economics and management

Whereas in handling growing volumes of traffic the global costs of providing airports and air navigation services continue to rise;

Whereas Contracting States are placing increased emphasis on improving efficiency and cost-effectiveness in the provision of airports and air navigation services;

Whereas a balance should be maintained between the respective financial interests of providers of airports and air navigation services on the one hand and air carriers and other users on the other and which should be based on promoting cooperation between providers and users;

Whereas Contracting States have called on the Organization to provide advice and guidance aimed at promoting equitable recovery of airport and air navigation services costs;

Whereas Contracting States are increasingly assigning the operation of airports and air navigation services to commercialized and privatized entities, which may have less awareness and knowledge of States' obligations specified in the Convention and its Annexes and of ICAO's policies and guidance material in the economic field, and are using multinational facilities and services to meet the commitments they have assumed under Article 28 of the Convention; and

Whereas the Council has adopted provisional policy guidance on the allocation of Global Navigation Satellite System (GNSS) costs to ensure an equitable treatment of all users;

The Assembly:

1. *Reminds* Contracting States that with regard to airports and air navigation services they alone remain responsible for the commitments they have assumed under Article 28 of the Convention regardless of what entity or entities operate the airports or air navigation services concerned;

2. *Urges* Contracting States to cooperate in the recovery of costs of multinational air navigation facilities and services and to consider the use of the provisional Council policy guidance on the allocation of GNSS costs;

3. *Requests* the Council to continue to develop ICAO's policy and guidance material with a view to contributing to increased efficiency and improved cost-effectiveness in the provision and operation of airports and air navigation services, including the foundation for a sound cooperation between providers and users;

4. *Requests* the Council to continue its refinement of its policy guidance on the allocation of GNSS costs and the coordination of technical, legal and economic aspects, including cost-efficient interoperability;

5. *Requests* the Council to promote ICAO's policies on user charges and related guidance material, including organizational and managerial advice, in order to increase the awareness and knowledge of these among States and commercialized and privatized airports and air navigation services entities;

6. *Requests* the Council to keep the economic situation of airports and air navigation services under review and make reports thereon to Contracting States at appropriate intervals; and

7. *Urges* Contracting States to make every effort to provide with the least possible delay the financial data relating to their airports and air navigation services to enable Council to provide such advice and prepare such reports.

APPENDIX G

Air carrier economics

Whereas there is a continuing interest among users, including international organizations with interests in tourism, aviation and trade, in the level of international air carrier costs of operation and appropriate revenue yields;

Whereas the objective studies by ICAO on international air transport costs and revenues are widely used by Contracting States and other international organizations, have promoted neutrality and have resulted in a more equitable system of revenue sharing; and

Whereas ICAO requires air carrier revenue, cost and operational data to assist the Council in assessment of the effectiveness of measures proposed for the implementation of the Strategic Objectives of the Organization, and for environmental planning, investment studies and other purposes;

The Assembly:

1. *Requests* the Council to instruct the Secretary General to issue periodically a study on regional differences in the level of international air transport operating costs, analysing how differences in operations and input prices may affect their levels and the impact that changes in costs may have on air transport tariffs; and
2. *Urges* Contracting States to make every effort to obtain from their international air carriers with the least possible delay the cost, revenue and other data requested by ICAO.

APPENDIX H

Air mail

Whereas the Assembly has given ongoing directions with regard to ICAO's work in the field of international air mail;

The Assembly:

1. *Urges* Contracting States to take into account the effects on international civil aviation whenever policy is being formulated in the field of international air mail, and particularly at meetings of the Universal Postal Union (UPU); and
2. *Directs* the Secretary General to furnish to the UPU, on request and as stipulated in relevant cooperation arrangements between UPU and ICAO, information of a factual character which may be readily available.

A37-18: Consolidated statement of continuing ICAO policies and practices related to environmental protection — General provisions, noise and local air quality

A37-19: Consolidated statement of continuing ICAO policies and practices related to environmental protection — Climate change

A37-15: Consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation

A35-15: Consolidated statement of continuing ICAO policies and practices related to a global air traffic management (ATM) system and communications, navigation and surveillance/air traffic management (CNS/ATM) systems

A29-3: Global Rule Harmonization

A29-13: Improvement of Safety Oversight

A29-14: Humanitarian Flights

A27-11: Airport and airspace congestion

A27-12: Role of ICAO in the Suppression of Illicit Transport of Narcotic Drugs by Air

PART IV. JOINT FINANCING

A1-65: Joint Support Policy

Resolved:

1. That financial and technical aid through ICAO for furthering the provision of air navigation facilities and services adequate for the safe, regular, efficient and economical operation of international air services will be rendered, under the terms of Chapter XV of the Convention, in accordance with the basic principles and general policy laid down in Annex 1 to this Resolution:

Annex 1 to Resolution A1-65

Establishment of the General Policy of ICAO relating to the Joint Support
of Air Navigation Services under Chapter XV of the Convention

1. Objective of financial and technical aid

Financial and technical aid through ICAO under the terms of Chapter XV of the *Convention on International Civil Aviation* will have the aim of furthering the provision of air navigation facilities and services adequate for the safe, regular, efficient and economical operation of international air services in areas of undetermined sovereignty, on the high seas, and in the territories of such States as are not undertaking the provision of the required facilities.

The air navigation facilities and services for which provision may be made will include, inter alia:

- 1) Aerodromes and Ground Aids to Navigation
- 2) Air Traffic Control Service
- 3) Meteorological Service
- 4) Search and Rescue Service
- 5) Telecommunications and Radio Aids to Air Navigation

Financial and technical aid through ICAO in no way precludes joint action by Contracting States for the provision, operation and maintenance of air navigation facilities without recourse to ICAO.

2. Terminology

For the purposes of this document:

“Applicant” State is a State which has requested financial or technical aid either on its own initiative or as a result of Council action under Article 69 of the Convention;

“Supported” State is a State in receipt of financial or technical aid through ICAO;

“Interested” State is a State which, in response to a query by ICAO, has stated that it is prepared to consider participation in a scheme of joint support of an air navigation facility or service;

“Contributing” State is a State which has consented to contribute to a scheme of joint support.

3. Basic principles

Financial and technical aid will be rendered in accordance with the following basic principles:

3.1 The provision of financial and technical aid through ICAO will always be based on voluntary actions on the part of Contracting States.

3.2 The International Civil Aviation Organization, through its Council, is the responsible international body to evaluate the adequacy of existing air navigation facilities and services, to ascertain the additional requirements for the operation of international air services, and to initiate expeditious action towards meeting these requirements.

3.3 Financial and technical aid through ICAO will aim to provide air navigation facilities and services adequate, but no more than adequate, to meet the requirements of international air services in accordance with the standards established and taking into account practices recommended from time to time, pursuant to the Convention.

3.4 Pursuant to Article 28 of the Convention, a Contracting State is responsible for establishing within its own territory air navigation facilities and services. A Contracting State will exhaust all possibilities of arranging directly for the provision of adequate air navigation facilities and services before applying to ICAO for aid.

3.5 ICAO will, when required, initiate collective action towards the provision of necessary facilities and services on the high seas, in areas of undetermined sovereignty and, exceptionally, in the territory of Non-contracting States.

3.6 ICAO will satisfy itself in every case that circumstances actually require financial and technical aid through the Organization.

3.7 The rendering of financial and technical aid through ICAO will depend upon the willingness of the applicant State to participate and cooperate in the economical provision of required facilities and services.

3.8 ICAO will assure contributing States that their funds will be expended under its supervision to ensure that the objective will be attained in the most economical manner.

3.9 Any agreement relating to financial and technical aid through ICAO may, in principle, provide for the payment of a reasonable charge by the user of the facilities or services in question, such charge to be determined in accordance with the general practice of the Contracting States. If the benefit derived from the facilities or services in question is, in normal practice, granted to the user free of charge, this practice may provisionally be adopted for projects of financial and technical aid by agreement between the contributing States for a certain period of time to be determined by the agreement.

3.10 ICAO will exert every effort to assist a supported State to exercise its rights under Article 75 of the Convention.

4. General policy

The actions of the Council pursuant to the terms of Chapter XV of the Convention will be guided by the following policy:

4.1. *Policy relating to finance*

4.1.1 In each case of financial and technical aid the Council will consider appropriate methods for the financing of the required air navigation facilities or services, but, in general, such financing will be furnished collectively by those States which will benefit from the provided facilities or services.

4.1.2 The assessment of contributions in cash or kind will be agreed upon between the contributing States, the supported State and ICAO. In assessing the amount of the contribution of each State, account will be taken of the benefit to be derived by such State.

4.1.3 Land necessary for the establishment or improvement of a facility or service which is provided by the supported State, pursuant to Article 72 of the Convention, will be considered as a part of its share of the contribution towards the provision of the facility or service.

4.1.4 Any arrangement made for the grant of aid may include provision, compatible with Article 75 of the Convention, for the eventual disposition of land, buildings and equipment covered by the arrangement.

4.1.5 In any arrangement made for the grant of aid, provision will be included for the reimbursement, by contributing States, of ICAO for extraordinary expenditures incurred in respect of investigations, negotiations, conferences and other actions incidental to the implementation of the project.

4.1.6 The cost of operation and maintenance of a facility or service provided through ICAO in the territory of a supported State will, insofar as possible, be borne by that State. Any user charges imposed by the supported State will be levied and employed in compliance with the terms of the agreement under which the facility or service was provided (see 3.9) or, in default of this, in compliance with recommendations to be made by the Council.

4.1.7 No custom duties or other levies will be imposed by the supported State on equipment and materials required for the construction, operation or maintenance of a facility or service provided through ICAO.

4.2. *Policy relating to the construction, operation and maintenance of air navigation facilities or services*

4.2.1 Construction, operation or maintenance of facilities or services by persons in the direct employ of ICAO will only be undertaken in a most exceptional case when considerations of efficiency or other material factors dictate such a course of action.

4.2.2 ICAO will maintain a list of technical consultants selected from nominations submitted to ICAO by Contracting States to ensure that when the need arises there may be expeditious provision of technical advice and assistance.

4.2.3 A contract for the execution of constructional work or for the operation or maintenance of a facility or service with funds supplied collectively by contributing States through ICAO will preferably be let in the name of the supported State. When, in the opinion of the Council, this is not practicable, ICAO may employ agents which will, under ICAO supervision, make all necessary arrangements, conduct surveys, negotiate contracts, and otherwise provide for the construction, operation or maintenance of the facility or service in question. Such agents may be governments, appropriate organizations or individuals acceptable to the governments of the contributing States and supported State. ICAO may, in exceptional circumstances, let contracts directly.

4.2.4 Contracts will usually be let by competitive tender but the letting authority will retain freedom to choose that competitor most appropriate to execute the task in view and will not be bound to accept the lowest tender.

4.2.5 When a contract is let in the name of the government of a supported State, the contributing States may require that ICAO approval be given prior to the letting of the contract.

4.2.6 Subject to considerations of efficiency and economy, personnel, contractors, labour and materials of the supported State will, as far as possible, be employed or utilized.

4.3. *Policy relating to training of personnel*

4.3.1 ICAO will, if necessary, assist a requesting State in the training of its nationals in the operation and maintenance of air navigation facilities and services either by arrangements with an agent or, in an exceptional case, by its own instructors. Contracts relating to training will be let in accordance with the general policy laid down by 4.2.3 and 4.2.6.

4.3.2 Such aid may include:

4.3.2.1 Training as an integral part of any project involving the construction or the operation and maintenance of facilities or services supported by aid rendered through ICAO, or

4.3.2.2 The assignment through ICAO of instructors to provide training in the territory of a State requesting such assistance, or

4.3.2.3 Training outside of the territory of the State requesting such assistance.

4.3.3 Any assistance in training provided under the terms of Chapter XV of the Convention by the government of a State or by a private organization will be conducted in the name of ICAO and in accordance with standards prescribed by ICAO.

4.4. *Policy relating to questions of procedure*

4.4.1 Before consideration by the Council of a request for financial and technical aid through ICAO, such request will be supported by documentation in justification, reciting in particular such action as has been taken by the applicant State pursuant to 3.4.

4.4.2 When a request for aid has been submitted by an applicant State and the Council considers that aid through ICAO may be necessary, or when ICAO is taking the initiative in accordance with Article 69 of the Convention, the Council will forthwith bring the case to the notice of potentially interested Contracting States and invite their comments, to be submitted within a specified period. Such comments will refer particularly to the question of whether or not the State is prepared to participate in a scheme of joint support of the facilities or services in question.

4.4.3 The Council, after investigations including, if necessary, expert examination of all the factors pertinent to the application for aid, will pursue the consultation with interested States, and, if desirable, will call a conference of those States with the object of reaching an early decision as to the action to be taken.

4.4.4 ICAO will ensure that all interested States, including the applicant State, will be kept continuously and thoroughly informed of all matters pertinent to the project and in particular the applicant State will be given an opportunity to associate itself with and partake in any investigation within its territory to be made in the course of the proceedings.

A14-37: Increased participation by “User States” in the Joint Financing Agreements

Whereas the Joint Support policy of the Organization defined in Chapter XV of the Convention and in Resolution A1-65 of the Assembly remains in force; and

Whereas, under the said policy, Agreements have been concluded for the joint financing of certain air navigation services in certain regions of the world; and

Whereas the majority of the so-called “User States”, whose aircraft fly in the said regions and therefore benefit from the said services, have signed at the outset or acceded later to these Joint Financing Agreements;

The Assembly:

1. *Notes* with satisfaction past efforts by the Council and its President to secure adherence to the Joint Financing Agreements by all the “User States”, which efforts have been successful in certain instances;
2. *Urges* those “User States” which i) are not yet making any contributions under the Joint Financing Agreements or ii) are making only partial contributions under these Agreements pursuant to previous arrangements concluded with the Council, to consider as soon as possible acceding to these Agreements or, in any event, contributing in full thereto;
3. *Directs* the Council to continue its efforts to secure the widest participation possible by the “User States” in the Joint Financing Agreements.

A16-10: Economic, financial and joint support aspects of implementation

Whereas the Assembly, in Resolutions A12-5 3, 4 and A15-5 1 and 2, set forth certain policies of the Organization regarding the economic, financial and joint support aspects of implementation and the related application of Chapter XV of the Convention;

Whereas the Assembly, in Resolution A15-2, instructed the Council to study and submit to the next session a new text classifying and consolidating the resolutions in force, including those of the 15th Session; and

Whereas the policies set forth in the aforesaid resolutions need to be consolidated into a single resolution indicating the continuing policies of the Assembly in this matter, for which purpose the original resolutions or parts of resolutions should be cancelled;

The Assembly:

1. *Urges* user and provider Contracting States to give serious consideration, in particular at regional meetings, to the economic justification of projected air navigation facilities and services, to the end that the justified requirements of international civil aviation are met without entailing costs disproportionate to the benefits derived, and, to this effect, requests the Council to assist States as far as feasible in their consideration and evaluation of the economic and financial aspects of the Regional Plans;
2. *Reminds* Contracting States that when they are unable with their own means to discharge their obligations in the implementation of Regional Plans pursuant to the Convention, they should explore the possibility of achieving such

implementation by means of loans for capital expenditures, operating agencies, technical assistance in the different forms in which it may be available, or other means compatible with the Convention, before applying to ICAO for joint financing under Chapter XV of the Convention;

3. *Invites* Contracting States to request information from ICAO, as necessary, when exploring those different possibilities;
 4. *Directs* the Council to give Contracting States guidance and assistance with respect to Clause 2 above.
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PART V. LEGAL MATTERS

A37-22: Consolidated statement of continuing ICAO policies in the legal field
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Whereas it is considered desirable to consolidate Assembly resolutions on the Organization's policies in the legal field in order to facilitate their implementation and practical application by making their texts more readily available, understandable and logically organized;

The Assembly:

1. *Resolves* that the Appendices attached to this resolution constitute the consolidated statement of continuing ICAO policies in the legal field, up to date as these policies exist at the close of the 37th Session of the Assembly;
2. *Resolves* to continue to adopt at each ordinary session a consolidated statement of continuing ICAO policies in the legal field; and
3. *Declares* that this resolution supersedes Resolution A36-26.

APPENDIX A

General Policy

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

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

The Assembly:

Reaffirms the important role of law in the avoidance and resolution of conflicts and disputes among the nations and peoples of the world and, in particular, in the achievement by the Organization of its aims and objectives.

APPENDIX B

Procedure for approval of draft conventions on international air law

The Assembly resolves:

That the following constitutes the procedure for the approval of draft conventions:

1. Any draft convention which the Legal Committee considers as ready for presentation to the States as a final draft shall be transmitted to the Council, together with a report thereon.
2. The Council may take such action as it deems fit, including the circulation of the draft to the Contracting States and to such other States and International Organizations as it may determine.
3. In circulating the draft convention, the Council may add comments and afford States and organizations an opportunity to submit comments to the Organization within a period of not less than four months.
4. Such draft convention shall be considered, with a view to its approval, by a conference which may be convened in conjunction with a session of the Assembly. The opening date of the conference shall be not less than six months after the date of transmission of the draft as provided in paragraphs 2 and 3 above. The Council may invite to such a conference any non-Contracting State whose participation it considers desirable, and shall decide whether such participation carries the right to vote. The Council may also invite international organizations to be represented at the conference by observers.

APPENDIX C

Ratification of ICAO international instruments

The Assembly:

Recalling its Resolution A36-26, Appendix C relating to the ratification of the Protocols of Amendment to the Chicago Convention and of the private air law and other instruments which have been developed and adopted under the auspices of the Organization;

Noting with concern the continuing slow progress of ratification of the aforementioned Protocols of Amendment, including in particular those introducing Articles 3 *bis* and 83 *bis* to the Chicago Convention, and the final paragraphs (relating to the Arabic and Chinese texts);

Recognizing the importance of these amendments to international civil aviation, in particular to the viability of the Chicago Convention, and the consequent urgent need to accelerate the entry into force of these amendments not yet in force;

Recognizing the need to accelerate the ratification and entry into force of air law instruments developed and adopted under the auspices of the Organization;

Conscious of the fact that only a universal participation in these Protocols of Amendment and other instruments would secure and enhance the benefits of unification of the international rules which they embody;

Urges all Contracting States which so far have not done so to ratify those Amendments to the Chicago Convention which are not yet in force [i.e. those amending the final paragraph to add Arabic and Chinese to the authentic texts of the Convention] as soon as possible;

Urges all Contracting States which have not yet done so to ratify the Protocols introducing Articles 3 *bis* and 83 *bis* and amending Articles 50(a) (1990) and 56 (1989) of the Chicago Convention;

Urges all Contracting States which so far have not done so to ratify the other international air law instruments, in particular the Montreal Convention of 1999, the Cape Town instruments of 2001, the two Montreal Conventions of 2 May 2009, the Beijing Convention and the Beijing Protocol of 2010, as soon as possible;

Urges States which have ratified the instruments in question to provide to the Secretary General copies of the text and documents they have used in the process of ratification and implementation of such instruments and which may serve as an example assisting other States in the same process; and

Directs the Secretary General to take all practical measures within the Organization's means in cooperation with States to provide assistance, if requested, to States encountering difficulties in the process of ratification and implementation of the air law instruments, including the organization of and the participation in workshops or seminars to further the process of ratification of the international air law instruments.

APPENDIX D

The teaching of air law

The Assembly, considering the undoubted importance for the Organization and the States of the specialized teaching of air law and the desirability of fostering knowledge of this important subject;

Invites the Council to take all possible action to promote the teaching of air law in those States where it is not yet available;

Urges the States to adopt appropriate measures which would further the achievement of the above objective; and

Calls upon Contracting States and interested parties to contribute to the Assad Kotaite Graduate and Postdoctoral Fellowship Fund.

APPENDIX E

Adoption of national legislation on certain offences committed on board civil aircraft (unruly/disruptive passengers)

The Assembly:

Recognizing that, under the Preamble and Article 44 of the *Convention on International Civil Aviation*, one of the aims and objectives of the Organization is to foster the planning and development of international air transport so as to meet the needs of the peoples of the world for safe, regular, efficient and economical air transport;

Noting the increase of the number and gravity of reported incidents involving unruly or disruptive passengers on board civil aircraft;

Considering the implications of these incidents for the safety of the aircraft and the passengers and crew on board these aircraft;

Mindful of the fact that the existing international law as well as national law and regulations in many States are not fully adequate to deal effectively with this problem;

Recognizing the special environment of aircraft in flight and inherent risks connected therewith, as well as the need to adopt adequate measures of national law for the purpose of enabling States to prosecute criminal acts and offences constituting unruly or disruptive behaviour on board aircraft;

Encouraging the adoption of national legal rules enabling States to exercise jurisdiction in appropriate cases to prosecute criminal acts and offences constituting unruly or disruptive behaviour on board aircraft registered in other States;

Therefore:

Urges all Contracting States to enact as soon as possible national law and regulations to deal effectively with the problem of unruly or disruptive passengers, incorporating so far as practical the provisions set out below; and

Calls on all Contracting States to submit to their competent authorities for consideration of prosecution all persons whom they have a reasonable ground to consider as having committed any of the offences set out in the national laws and regulations so enacted, and for which they have jurisdiction in accordance with these laws and regulations.

Model Legislation on Certain Offences Committed on Board Civil Aircraft

Section 1: Assault and Other Acts of Interference against a Crew Member on Board a Civil Aircraft

Any person who commits on board a civil aircraft any of the following acts thereby commits an offence:

- 1) assault, intimidation or threat, whether physical or verbal, against a crew member if such act interferes with the performance of the duties of the crew member or lessens the ability of the crew member to perform those duties;
- 2) refusal to follow a lawful instruction given by the aircraft commander, or on behalf of the aircraft commander by a crew member, for the purpose of ensuring the safety of the aircraft or of any person or property on board or for the purpose of maintaining good order and discipline on board.

Section 2: Assault and Other Acts Endangering Safety or Jeopardizing Good Order and Discipline on Board a Civil Aircraft

- 1) Any person who commits on board a civil aircraft an act of physical violence against a person or of sexual assault or child molestation thereby commits an offence.
- 2) Any person who commits on board a civil aircraft any of the following acts thereby commits an offence if such act is likely to endanger the safety of the aircraft or of any person on board or if such act jeopardizes the good order and discipline on board the aircraft:
 - a) assault, intimidation or threat, whether physical or verbal, against another person;
 - b) intentionally causing damage to, or destruction of, property;
 - c) consuming alcoholic beverages or drugs resulting in intoxication.

Section 3: Other Offences Committed on Board a Civil Aircraft

Any person who commits on board a civil aircraft any of the following acts thereby commits an offence:

- 1) smoking in a lavatory, or smoking elsewhere in a manner likely to endanger the safety of the aircraft;
- 2) tampering with a smoke detector or any other safety-related device on board the aircraft;

- 3) operating a portable electronic device when such act is prohibited.

Section 4: Jurisdiction

1. The jurisdiction of (*Name of State*) shall extend to any offence under Sections 1, 2, or 3 of this Act if the act constituting the offence took place on board:

- 1) any civil aircraft registered in (*Name of State*); or
- 2) any civil aircraft leased with or without crew to an operator whose principal place of business is in (*Name of State*) or, if the operator does not have a principal place of business, whose permanent residence is in (*Name of State*); or
- 3) any civil aircraft on or over the territory of (*Name of State*); or
- 4) any other civil aircraft in flight outside (*Name of State*), if
 - a) the next landing of the aircraft is in (*Name of State*); and
 - b) the aircraft commander has delivered the suspected offender to the competent authorities of (*Name of State*), with the request that the authorities prosecute the suspected offender and with the affirmation that no similar request has been or will be made by the commander or the operator to any other State.

2. The term “in flight” as used in this section means the period from the moment when power is applied for the purpose of takeoff until the moment when the landing run ends.

APPENDIX F

A Practical Way Forward on Legal and Institutional Aspects of Communications, Navigation, Surveillance/Air Traffic Management (CNS/ATM) Systems

Whereas the global implementation of Communications, Navigation, Surveillance/Air Traffic Management (CNS/ATM) systems, which, *inter alia*, is intended to provide safety-critical services for aircraft navigation, has made substantial progress since its inception at the 10th Air Navigation Conference in 1991 and received enthusiastic endorsement at the 11th Air Navigation Conference in 2003;

Whereas the existing legal framework for CNS/ATM systems, namely the Chicago Convention, its Annexes, Assembly Resolutions (especially including the Charter of GNSS Rights and Obligations), associated ICAO guidance (especially including the Statement of ICAO Policy on CNS/ATM Systems Implementation and Operation), regional navigation plans, and exchanges of letters between ICAO and the States operating satellite navigation constellations has enabled the technical implementation achieved thus far;

Whereas ICAO has devoted substantial resources to the study of the legal and institutional aspects of CNS/ATM systems in the ICAO Assembly, the Council, the Legal Committee, and a Panel of Legal and Technical Experts and a Study Group, building a detailed record and developing an understanding of the issues, challenges, and concerns facing the global community; and

Whereas there is a need to also consider regional initiatives to develop measures addressing any legal or institutional issues that could inhibit the implementation of CNS/ATM in the region, while ensuring that such mechanisms will be consistent with the Chicago Convention;

The Assembly:

1. *Recognizes* the importance of Item No. 3 of the General Work Programme of the Legal Committee “Consideration, with regard to CNS/ATM systems including global navigation satellite systems (GNSS) and the regional multinational organisms, of the establishment of a legal framework”, and resolutions or decisions by the Assembly and the Council relating to it;
2. *Reaffirms* that there is no need to amend the Chicago Convention for the implementation of CNS/ATM systems;
3. *Invites* Contracting States to also consider using regional organizations to develop mechanisms necessary to address any legal or institutional issues that could inhibit the implementation of CNS/ATM in the region, while ensuring that such mechanisms will be consistent with the Chicago Convention, and public international law;
4. *Encourages* the facilitation of technical assistance in implementation of CNS/ATM systems by ICAO, regional organizations and industry;
5. *Invites* Contracting States, other multilateral agencies and private financiers to consider development of additional sources of funding for assistance to States and regional groups in implementation of CNS/ATM;
6. *Directs* the Secretary General to monitor and, where appropriate, assist in the development of contractual frameworks to which parties may accede, *inter alia*, on the basis of the structure and model proposed by the Members of the European Civil Aviation Conference and the other regional civil aviation commissions, and on international law;
7. *Invites* the Contracting States to transmit regional initiatives to the Council; and
8. *Directs* the Council to register such regional initiatives, to consider their value and to make them public as soon as possible (in accordance with Articles 54, 55 and 83 of the Chicago Convention).

A37-23: Promotion of the Beijing Convention and the Beijing Protocol of 2010

Referring to its Resolution A37-22, Appendix C, relating to the ratification of instruments which have been developed and adopted under the auspices of the Organization; and

Recognizing the importance of broadening and strengthening the global aviation security regime to meet new and emerging threats;

The Assembly:

1. *Urges* all States to support and encourage the universal adoption of the *Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation* (Beijing Convention of 2010) and the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (Beijing Protocol of 2010);
2. *Urges* all States to sign and ratify the Beijing Convention and Beijing Protocol of 2010 as soon as possible; and
3. *Directs* the Secretary General to provide assistance, as appropriate, with the ratification process if so requested by a Member State.

A37-24: Promotion of the Montreal Convention of 1999

Referring to its Resolution A37-22, Appendix C, relating to the ratification of instruments which have been developed and adopted under the auspices of the Organization;

Recognizing the importance of achieving a universal regime to govern airline liability to passengers and shippers on international flights; and

Recognizing the desirability of an equitable, fair and convenient system that allows full compensation for losses;

The Assembly:

1. *Urges* all States to support and encourage the universal adoption of the *Convention for the Unification of Certain Rules for International Carriage by Air*, done at Montreal on 28 May 1999 (Montreal Convention of 1999);
2. *Urges* all States that have not done so to become Parties to the Montreal Convention of 1999 as soon as possible; and
3. *Directs* the Secretary General to provide assistance, as appropriate, with the ratification process if so requested by a State.

A7-5: Revised constitution of the Legal Committee**A37-17: Consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference****A23-2: Amendment of the Chicago Convention regarding transfer of certain functions and duties****A23-13: Lease, charter and interchange of aircraft in international operations****A29-3: Global Rule Harmonization****A35-15: Consolidated statement of continuing ICAO policies and practices related to a global air traffic management (ATM) system and communications, navigation and surveillance/air traffic management (CNS/ATM) systems**

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

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

A32-19: Charter on the Rights and Obligations of States Relating to GNSS Services

Whereas Article 44 of the *Convention on International Civil Aviation*, signed on 7 December 1944 (the “Chicago Convention”), mandates the International Civil Aviation Organization (ICAO) to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport;

Whereas the concept of the ICAO communications, navigation and surveillance/air traffic management (CNS/ATM) systems utilizing satellite-based technology was endorsed by States and International Organizations at the ICAO 10th Air Navigation Conference, and was approved by the 29th Session of the Assembly as the ICAO CNS/ATM systems;

Whereas the Global Navigation Satellite System (GNSS), as an important element of the CNS/ATM systems, is intended to provide worldwide coverage and is to be used for aircraft navigation;

Whereas GNSS shall be compatible with international law, including the Chicago Convention, its Annexes and the relevant rules applicable to outer space activities;

Whereas it is appropriate, taking into account current State practice, to establish and affirm the fundamental legal principles governing GNSS; and

Whereas the integrity of any legal framework for the implementation and operation of GNSS requires observance of fundamental principles, which should be established in a Charter;

The Assembly:

Solemnly declares that the following principles of this Charter on the Rights and Obligations of States Relating to GNSS Services shall apply in the implementation and operation of GNSS:

1. States recognize that in the provision and use of GNSS services, the safety of international civil aviation shall be the paramount principle.
2. Every State and aircraft of all States shall have access, on a non-discriminatory basis under uniform conditions, to the use of GNSS services, including regional augmentation systems for aeronautical use within the area of coverage of such systems.
3. a) Every State preserves its authority and responsibility to control operations of aircraft and to enforce safety and other regulations within its sovereign airspace.

- b) The implementation and operation of GNSS shall neither infringe nor impose restrictions upon States' sovereignty, authority or responsibility in the control of air navigation and the promulgation and enforcement of safety regulations. States' authority shall also be preserved in the coordination and control of communications and in the augmentation, as necessary, of satellite-based air navigation services.
4. Every State providing GNSS services, including signals, or under whose jurisdiction such services are provided, shall ensure the continuity, availability, integrity, accuracy and reliability of such services, including effective arrangements to minimize the operational impact of system malfunctions or failure, and to achieve expeditious service recovery. Such State shall ensure that the services are in accordance with ICAO Standards. States shall provide in due time aeronautical information on any modification of the GNSS services that may affect the provision of the services.
5. States shall cooperate to secure the highest practicable degree of uniformity in the provision and operation of GNSS services.
- States shall ensure that regional or subregional arrangements are compatible with the principles and rules set out in this Charter and with the global planning and implementation process for GNSS.
6. States recognize that any charges for GNSS services shall be made in accordance with Article 15 of the Chicago Convention.
7. With a view to facilitating global planning and implementation of GNSS, States shall be guided by the principle of cooperation and mutual assistance whether on a bilateral or multilateral basis.
8. Every State shall conduct its GNSS activities with due regard for the interests of other States.
9. Nothing in this Charter shall prevent two or more States from jointly providing GNSS services.

A32-20: Development and elaboration of an appropriate long-term legal framework to govern the implementation of GNSS

Whereas the Global Navigation Satellite System (GNSS), as an important element of the ICAO CNS/ATM systems, is intended to provide safety-critical services for aircraft navigation with worldwide coverage;

Whereas GNSS shall be compatible with international law, including the Chicago Convention, its Annexes and the relevant rules applicable to outer space activities;

Whereas the complex legal aspects of the implementation of CNS/ATM, including GNSS, require further work by ICAO in order to develop and build mutual confidence among States regarding CNS/ATM systems and to support the implementation of CNS/ATM systems by Contracting States;

Whereas the worldwide CNS/ATM systems implementation Conference in Rio de Janeiro in May 1998 recommended that a long-term legal framework for GNSS be elaborated, including the consideration of an international convention, while recognizing that regional developments may contribute to the development of such a legal framework; and

Whereas the recommendations adopted by the worldwide CNS/ATM systems implementation Conference in Rio de Janeiro in May 1998 as well as the recommendations formulated by the Panel of Legal and Technical Experts on GNSS (LTEP) provide important guidance for the development and implementation of a global legal framework for CNS/ATM and in particular GNSS;

The Assembly:

1. *Recognizes* the importance of regional initiatives regarding the development of the legal and institutional aspects of GNSS;
2. *Recognizes* the urgent need for the elaboration, both at a regional and global level, of the basic legal principles that should govern the provision of GNSS;
3. *Recognizes* the need for an appropriate long-term legal framework to govern the implementation of GNSS;
4. *Recognizes* the decision of the Council on 10 June 1998 authorizing the Secretary General to establish a Study Group on Legal Aspects of CNS/ATM systems; and
5. *Instructs* the Council and the Secretary General, within their respective competencies, and beginning with a Secretariat Study Group, to:
 - a) ensure the expeditious follow-up of the recommendations of the worldwide CNS/ATM Systems Implementation Conference, as well as those formulated by the LTEP, especially those concerning institutional issues and questions of liability; and
 - b) consider the elaboration of an appropriate long-term legal framework to govern the operation of GNSS systems, including consideration of an international Convention for this purpose, and to present proposals for such a framework in time for their consideration by the next ordinary session of the Assembly.

A33-20: Coordinated approach in providing assistance in the field of aviation war risk insurance

Whereas Article 44 of the *Convention on International Civil Aviation* refers to the objective of ensuring safe, regular, efficient and economical air transport;

Whereas the tragic events of 11 September 2001 have affected the operations of airline operators around the world;

Whereas insurance coverage for airline operators and for other service providers in the area of war risk insurance is presently no longer fully available on the global insurance markets;

Whereas by State letter dated 21 September 2001, ICAO has appealed to all its Contracting States to take such measures as necessary to ensure that aviation and air transport services are not disrupted and to support the airline operators and, as required, the other parties, by providing a commitment to cover the risks left open by the above developments, until such time as the insurance markets stabilize;

Whereas many Contracting States around the world have acted upon this appeal and have provided assistance to the airline operators and the other parties;

Whereas the measure adopted by Contracting States in providing assistance to the airline operators and the other parties are mostly short-term measures which differ from one another;

Whereas therefore it is desirable to develop a coordinated approach in the short- and medium-term providing assistance to airline operators and the other parties in the field of aviation war risk insurance;

The Assembly:

1. *Urges* Contracting States to work together to develop a more enduring and coordinated approach to the important problem of providing assistance to airline operators and to other service providers in the field of aviation war risk insurance;
 2. *Directs* the Council to urgently establish a Special Group to consider the issues referred to in the preceding paragraph and to report back to the Council with recommendations as soon as possible; and
 3. *Invites* the Council and the Secretary General to take any other measures considered necessary or desirable.
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PART VI. TECHNICAL COOPERATION

A36-17: Consolidated statement of ICAO policies on technical cooperation

Whereas measures towards a new technical cooperation policy have been applied and A33-21, reconfirmed by A35-20, directed the Council to prepare for its consideration a consolidated resolution regarding all technical cooperation activities and programmes;

The Assembly:

1. *Resolves* that the Appendices attached to this resolution constitute the consolidated statement of ICAO policies on technical cooperation, as these policies exist at the close of the 36th Session of the Assembly;
2. *Declares that* this resolution supersedes A16-7, A24-17, A26-16, A27-18, A27-20, A35-20 and A35-21.

APPENDIX A

The ICAO Technical Cooperation Programme

Whereas the growth and improvement of civil aviation can make an important contribution to the economic development of States;

Whereas civil aviation is important to the technological, economic, social and cultural advancement of all countries and especially of developing countries and their subregional, regional and global cooperation;

Whereas ICAO can assist States in advancing their civil aviation and at the same time promote the realization of its Strategic Objectives;

Whereas Resolution 222 (IX)A of 15 August 1949 of the United Nations Economic and Social Council, approved by the General Assembly in its Resolution of 16 November 1949 and endorsed by the ICAO Assembly in its Resolution A4-20, entrusted all Organizations of the United Nations system to participate fully in the Expanded Programme of Technical Assistance for Economic Development, and that ICAO, as the United Nations specialized agency for civil aviation, began the execution of technical cooperation projects in 1951 with funding from the United Nations Special Account for Technical Assistance, established pursuant to the above Resolution;

Whereas the large deficits experienced from 1983 to 1995 required the definition of a new policy on technical cooperation and a new organizational structure for the Technical Co-operation Bureau;

Whereas the implementation of the New Policy on technical cooperation, endorsed by the 31st Session of the Assembly, based on the progressive implementation of the core staff concept, the integration of the Technical Co-operation Bureau into the Organization's structure, and the establishment of the ICAO Objectives Implementation Funding Mechanism, as well as the new organizational structure for the Technical Co-operation Bureau implemented in the 1990s, significantly reduced costs and substantially improved the financial situation of the Technical Cooperation Programme;

Whereas the objectives of the New Policy emphasized the importance of the Technical Cooperation Programme in the global implementation of ICAO Standards and Recommended Practices (SARPs) and Air Navigation Plans (ANPs) as well as the development of the civil aviation infrastructure and human resources of developing States in need of assistance from ICAO;

Whereas A35-21 encouraged the Council and the Secretary General to adopt a structure and mechanism that would use commercially oriented practices to allow fruitful partnerships with funding partners and recipient States;

Whereas the Council agreed that greater operational flexibility should be accorded to the Technical Co-operation Bureau with the appropriate oversight and control over technical cooperation activities;

Whereas all technical cooperation activities of the Organization continue to be based on the principle of cost recovery and measures should be taken to minimize administrative and operational costs to the extent possible; and

Whereas standardization and monitoring of SARPs implementation remain important functions of the Organization and emphasis has been placed on ICAO's role towards implementation and support to Contracting States.

The Assembly:

Technical Cooperation Programme

1. *Recognizes* the importance of the Technical Cooperation Programme for promoting the achievement of the Strategic Objectives of the Organization;
2. *Reaffirms* that the Technical Cooperation Programme, implemented within the rules, regulations and procedures of ICAO, is a permanent priority activity of ICAO that complements the role of the Regular Programme in providing support to States in the effective implementation of SARPs and ANPs as well as in the development of their civil aviation administration infrastructure and human resources;
3. *Reaffirms* that, within the existing financial means, the ICAO Technical Cooperation Programme should be strengthened, at Regional Office and field level, in order to allow the Technical Co-operation Bureau to play its role more efficiently and effectively with the understanding that no increase in project costs will be incurred;
4. *Reaffirms* that the Technical Co-operation Bureau is one of the main instruments of ICAO to assist States in remedying their deficiencies in the field of civil aviation for the benefit of the international civil aviation community as a whole;
5. *Affirms* that improved coordination of ICAO's technical cooperation activities should be achieved through clear delineation of each Bureau's mandate and activities, and enhanced cooperation, as well as closer coordination of the Technical Cooperation Programme and other ICAO assistance programmes for the avoidance of duplication and redundancy;
6. *Reaffirms* that, in the event that the Administrative and Operational Services Cost (AOSC) operation for any given financial year ends in a financial deficit, such deficit should first be met from the accumulated surplus of the AOSC Fund and a call for support from the Regular Programme Budget would be the last resort;
7. *Requests* the Secretary General to implement greater efficiency measures leading to a gradual reduction of administrative support costs charged to technical cooperation projects;

ICAO as the recognized agency for civil aviation

8. *Recommends* to donor States, financing institutions and other development partners, including the aviation industry and the private sector, wherever appropriate, to give preference to ICAO for the identification, formulation, analysis,

implementation and evaluation of civil aviation projects in the field of technical assistance, and *requests* the Secretary General to continue communication with such entities and with potential recipient States, with a view to allocating funds for the development of civil aviation, using ICAO as executing agency;

9. *Recommends* to Contracting States with bilateral or other government-sponsored aid programmes to consider the value of using the ICAO Technical Cooperation Programme in helping to implement their programmes of assistance to civil aviation;

Expansion of ICAO Technical Cooperation Activities

10. *Reaffirms* that in adopting commercially oriented practices for the Technical Co-operation Bureau, there is a need to ensure that the good reputation of ICAO is maintained;

11. *Reaffirms* the need to expand the provision of technical cooperation by ICAO to the non-State entities (public or private) directly involved in civil aviation, in furtherance of ICAO Strategic Objectives, such assistance to encompass, inter alia, those activities that were traditionally provided by national civil aviation administrations and are being privatized to some degree, where the State shall, nonetheless, continue to be responsible under the Chicago Convention for the quality of the services provided and their compliance with ICAO SARPs, and *requests* the Secretary General to inform the civil aviation authority concerned of the technical aspects of the project immediately upon the start of negotiations with non-State entities;

12. *Reaffirms* that ICAO should expand the provision of technical cooperation services, upon request, to non-State entities (public and private) that are implementing projects in Contracting States in the field of civil aviation which aim at enhancing the safety, security and efficiency of international air transport, and *directs* the Secretary General to consider, on a case-by-case basis, the requests of such entities for ICAO assistance in the traditional technical cooperation areas, with particular regard to project compliance with ICAO SARPs and, as applicable, to relevant national policies and regulations promulgated by the recipient State;

Technical Cooperation Agreements

13. *Reaffirms* that ICAO, within the framework of its Technical Cooperation Programme, uses Trust Fund (TF) Agreements, Management Services Agreements (MSA), the Civil Aviation Purchasing Service (CAPS) and other framework agreements and funding arrangements as may be necessary to provide maximum assistance to stakeholders implementing civil aviation projects; and

14. *Views with satisfaction* the initiative of States to make greater use of these arrangements to obtain technical and operational assistance in the field of civil aviation.

APPENDIX B

Funding of the Technical Cooperation Programme

Whereas funds available for technical assistance in the field of civil aviation are insufficient to meet the needs of civil aviation, especially in the developing countries;

Whereas civil aviation administrations of Least Developed Countries are, in particular, those needing the most support while, at the same time, relying mostly on financial institutions and sector industry to fund their technical cooperation projects;

Whereas UNDP funding is directed mainly to development sectors other than civil aviation, and its financial contribution to civil aviation activities has considerably decreased to a level where it represents less than one per cent of the ICAO Technical Cooperation Programme, but UNDP continues to provide administrative support to ICAO at the country level;

Whereas rapid technical development in civil aviation requires from developing States substantial expenditures in aviation ground facilities to match that development, and continues to increase requirements for training of national aeronautical personnel that are beyond their financial resources and training facilities;

Whereas the Assembly introduced the ICAO Objectives Implementation Funding Mechanism with a view to mobilizing additional resources for technical cooperation projects identified as required to support the implementation of SARPs and the facilities and services listed in the ANPs, as well as the implementation of ICAO audit-related recommendations and the rectification of identified deficiencies;

Whereas funding institutions expect from those implementing the projects they finance, expedient and effective project execution as well as detailed and real-time information on project activities and finances;

Whereas the Assembly established the International Financial Facility for Aviation Safety to encourage voluntary contributions for projects aiming at the rectification of safety-related deficiencies;

The Assembly:

1. *Recognizes and encourages* the action taken by the Council in the field of technical cooperation, which has been effectively provided with the limited funds available and making use of all available appropriate funding sources and facilities;
2. *Requests* financing institutions, donor States and other development partners, including the industry and the private sector, to give higher priority to the development of the air transport sub-sector in developing countries and *requests* the President of the Council, the Secretary General and the Secretariat to intensify their contacts with UNDP to increase its contribution to ICAO's technical cooperation projects;
3. *Draws the attention* of financing institutions, donor States and other development partners to the fact that ICAO is the Specialized Agency of the United Nations concerned with civil aviation and, as such, is accepted by the United Nations as the expert authority in carrying out technical cooperation for developing countries in civil aviation projects;
4. *Urges* Contracting States that are associated with funding sources to draw the attention of their representatives to these organizations towards the value of providing assistance to civil aviation projects, particularly where these are necessary for the provision of the vital air transport infrastructure and/or the economic development of a country;
5. *Urges* Contracting States to give high priority to civil aviation development, and, when seeking external assistance for this purpose, to stipulate to financing institutions through an appropriate level of government that they wish ICAO to be associated as executing agency with civil aviation projects which may be funded;
6. *Encourages* the actions of developing countries in seeking funds for the development of their civil aviation from all appropriate sources to complement funds available from national budgets, financial institutions, donor States and other development partners so that such development may progress at the maximum feasible rate;
7. *Recognizes* that extra-budgetary contributions from donors will allow the Technical Cooperation Programme to expand its services to States in relation to safety, security and efficiency in civil aviation, thus further contributing to the achievement of the Strategic Objectives, in particular to the implementation of SARPs and the rectification of deficiencies identified by audits;
8. *Authorizes* the Secretary General to receive, on behalf of the ICAO Technical Cooperation Programme, financial and in-kind contributions to technical cooperation projects, including voluntary contributions in the form of scholarships, fellowships, training equipment and funds for training, from States, financing institutions and other public and private sources and to act as an intermediary between States regarding the granting of scholarships, fellowships and provision of training equipment;

9. *Urges* those States which are in a position to do so to provide additional funds to the ICAO Technical Cooperation Programme for the provision of civil aviation fellowships in cash or in kind;
10. *Encourages* States and other development partners, including the industry and the private sector, to contribute to the ICAO Objectives Implementation Funding Mechanism which allows them to participate in the implementation of ICAO's civil aviation projects; and
11. *Requests* the Council to advise and assist developing countries to secure the support of financing institutions, donor States and other development partners in implementing ICAO regional and subregional safety and security programmes, such as the Co-operative Operational Safety and Continuing Airworthiness Programme (COSCAP) and Cooperative Aviation Security Programme (CASP).

APPENDIX C

Implementation of the Technical Cooperation Programme

Whereas the aim of ICAO is to ensure the safe and orderly growth of international civil aviation throughout the world;

Whereas the implementation of technical cooperation projects complements the Regular Programme efforts towards the achievements of ICAO's Strategic Objectives;

Whereas Contracting States increasingly call upon ICAO to provide advice and assistance to implement SARPs and develop their civil aviation through the strengthening of their administration, the modernization of their infrastructure and the development of their human resources;

Whereas, on an urgent basis, there is a need for effective follow-up and remedial action as a result of the ICAO Universal Safety Oversight Audit Programme (USOAP) and Universal Security Audit Programme (USAP) audits in order to provide support to States in addressing the identified deficiencies;

Whereas extra-budgetary funding provided to the Technical Cooperation Programme allows ICAO, through its Technical Co-operation Bureau, to provide initial support to States requiring assistance to address the deficiencies identified in the USOAP and USAP audits;

Whereas implementation of projects in compliance with ICAO SARPs by the Technical Co-operation Bureau or any other third party outside ICAO results in substantially enhanced safety, security and efficiency of civil aviation worldwide;

Whereas ex-post evaluations could constitute a valuable tool for establishing the impact of projects on aviation and for the planning of future projects;

Whereas non-State entities (public and private) implementing projects for Contracting States in the field of civil aviation increasingly call upon ICAO, through the Technical Co-operation Bureau, to provide advice and assistance in the traditional technical cooperation fields and ensure project compliance with ICAO SARPs;

The Assembly:

1. *Draws the attention* of Contracting States requesting assistance to the advantages to be derived from well-defined projects based on civil aviation master plans;
2. *Draws the attention* of Contracting States to the assistance provided through subregional and regional projects executed by ICAO, such as COSCAPs and CASPs and *urges* the Council to continue to give high priority to management and implementation of such projects through the Technical Cooperation Programme in view of the great benefit such projects represent;

3. *Urges* States to give high priority to the training of their national civil aviation technical, operational and management personnel through the development of a comprehensive training programme and *reminds* States of the importance of making adequate provision for such training and of the need to provide suitable incentives to retain the services, in their respective fields, of such personnel after they have completed their training;
4. *Encourages* States to concentrate their efforts upon the further development of existing training centres and to support Regional Training Centres which are located in their area for the advanced training of their national civil aviation personnel where such training is not available nationally, so as to promote a self-reliant capability within that region;
5. *Urges* States receiving assistance through ICAO to avoid project implementation delays by ensuring timely decisions regarding experts, training and procurement components in accordance with the terms of the project agreements;
6. *Draws the attention* of Contracting States to the Civil Aviation Purchasing Service (CAPS), which is a facility provided by ICAO to developing countries to purchase high value items of civil aviation equipment and to contract for technical services;
7. *Requests* that Contracting States, in particular, developing countries, encourage fully qualified technical experts to apply for inclusion in ICAO's Technical Cooperation Programme roster of experts;
8. *Encourages* States to make use of the quality assurance services offered by the Technical Co-operation Bureau, on a cost-recovery basis, for the supervision of projects implemented by third parties outside the Technical Cooperation Programme of ICAO, including the review of their compliance with ICAO SARPs; and
9. *Encourages* States and donors to include, and provide funding for, ex-post evaluations of their civil aviation projects as an integral part of project planning and implementation.

A22-7: Statute of the Joint Inspection Unit

A22-11: International assistance in re-establishing operation of international airports and related air navigation facilities

Whereas the aim of ICAO is to ensure the safe and orderly growth of international civil aviation throughout the world;

Whereas the provision of airports, air navigation, meteorological and communications services and other air navigation facilities is essential to facilitate international air navigation;

Whereas there have been instances where airports and related air navigation facilities have been damaged or disrupted by major disasters, and the States concerned were unable, without international cooperation, to re-establish the operation of such airports and facilities; and

Whereas it is in the interests of all Contracting States that the operation of such international airports and related facilities be re-established as soon as possible;

The Assembly:

1. *Urges* all those States able to do so to provide, at the request of the State concerned addressed to the Council, immediate assistance to that State through the provision of qualified staff and operational equipment, to permit speedy resumption of full operation of the international airport, including those facilities that were damaged or destroyed, until such time as the service in the country involved has been fully restored;
2. *Directs* the Council to establish at the earliest possible date a contingency plan of operational experts and emergency equipment to render, at the request of the State concerned and at its expense, immediate assistance for the speedy resumption of operation of an international airport and related facilities that were damaged or destroyed, to be in effect until the replaced service is restored in the country concerned;
3. *Directs* the Council to use all means at its disposal to accommodate any such requests by States;
4. *Invites* all Contracting States to make available for this purpose, at the request of the Council, the necessary personnel and equipment to assist the States concerned in the speedy re-establishment of the operation of international airports and related air navigation facilities.

A37-15, Appendix D: Implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS)

A37-15, Appendix H: Aviation training

A37-17, Appendix F: Assistance to States in establishing aviation security oversight capacity for the protection of international civil aviation

A22-19: Assistance and advice in the implementation of Regional Plans

A29-13: Improvement of Safety Oversight

A32-11: Establishment of an ICAO universal safety oversight audit programme

A33-9: Resolving deficiencies identified by the Universal Safety Oversight Audit Programme and encouraging quality assurance for technical cooperation projects

A35-15: Consolidated statement of continuing ICAO policies and practices related to a global air traffic management (ATM) system and communications, navigation and surveillance/air traffic management (CNS/ATM) systems

A32-12: Follow-up to the 1998 Worldwide CNS/ATM Systems Implementation Conference

A37-3: Protecting information from safety data collection and processing systems in order to improve aviation safety

A37-4: ICAO global planning for safety

A37-5: The Universal Safety Oversight Audit Programme (USOAP) continuous monitoring approach

A37-8: Regional cooperation and assistance to resolve safety-related deficiencies

A37-10: Proficiency in the English language used for radiotelephony communications

PART VII. UNLAWFUL INTERFERENCE

GENERAL

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

Witnessing the abhorrent terrorist acts which occurred in the United States on 11 September 2001 resulting in the loss of numerous innocent lives, human suffering and great destruction;

Expressing its deepest sympathy to the United States, to the more than seventy other States worldwide which lost nationals and to the families of the victims of such unprecedented criminal acts;

Recognizing that such terrorist acts are not only contrary to elementary considerations of humanity but constitute also use of civil aircraft for an armed attack on civilized society and are incompatible with international law;

Recognizing that the new type of threat posed by terrorist organizations requires new concerted efforts and policies of cooperation on the part of States;

Recalling its Resolutions A22-5, A27-9 and A32-22 on acts of unlawful interference and terrorism aimed at the destruction of civil aircraft in flight;

Recalling United Nations General Assembly Resolution 55/158 on *measures to eliminate international terrorism* and United Nations Security Council Resolutions 1368 and 1373 on *condemning and combatting international terrorism*;

The Assembly:

1. *Strongly condemns* these terrorist acts as contrary to elementary considerations of humanity, norms of conduct of society and as violations of international law;

Solemnly

2. *Declares* that such acts of using civil aircraft as weapons of destruction are contrary to the letter and spirit of the *Convention on International Civil Aviation*, in particular its preamble and Articles 4 and 44, and that such acts and other terrorist acts involving civil aviation or civil aviation facilities constitute grave offences in violation of international law;

3. *Urges* all Contracting States to ensure, in accordance with Article 4 of the Convention, that civil aviation is not used for any purpose inconsistent with the aims of the *Convention on International Civil Aviation*, and to hold accountable and punish severely those who misuse civil aircraft as weapons of destruction, including those responsible for planning and organizing such acts or for aiding, supporting or harbouring the perpetrators;

4. *Urges* all Contracting States to strengthen cooperation in order to assist in the investigation of such acts and in the apprehension and prosecution of those responsible and to ensure that those who participated in these terrorist acts, whatever the nature of their participation, find no safe haven anywhere;

5. *Urges* all Contracting States to intensify their efforts in order to achieve the full implementation and enforcement of the multilateral conventions on aviation security, as well as of the ICAO Standards and Recommended Practices (SARPs) and Procedures relating to aviation security, to monitor such implementation, and to take within their territories appropriate additional security measures commensurate to the level of threat in order to prevent and eradicate terrorist acts involving civil aviation;
6. *Urges* all Contracting States to make contributions in the form of financial or human resources to ICAO's AVSEC mechanism to support and strengthen the combat against terrorism and unlawful interference in civil aviation; *calls on* Contracting States to agree on special funding for urgent action by ICAO in the field of aviation security referred to in paragraph 7 below; and *directs* the Council to develop proposals and take appropriate decisions for a more stable funding of ICAO action in the field of aviation security, including appropriate remedial action;
7. *Directs* the Council and the Secretary General to act urgently to address the new and emerging threats to civil aviation, in particular to review the adequacy of the existing aviation security conventions; to review the ICAO aviation security programme, including a review of Annex 17 and other related Annexes to the Convention; to consider the establishment of an ICAO Universal Security Oversight Audit Programme relating to, inter alia, airport security arrangements and civil aviation security programmes; and to consider any other action which it may consider useful or necessary, including technical cooperation; and
8. *Directs* the Council to convene, at the earliest date, if possible, in the year 2001, an international high-level, ministerial conference on aviation security in Montreal with the objectives of preventing, combatting and eradicating acts of terrorism involving civil aviation; of strengthening ICAO's role in the adoption of SARPs in the field of security and the audit of their implementation; and of ensuring the necessary financial means as referred to in paragraph 6 above.

A17-1: Declaration by the Assembly

Whereas international civil air transport helps to create and preserve friendship and understanding among the peoples of the world and promotes commerce between nations;

Whereas acts of violence directed against international civil air transport and airports and other facilities used by such air transport jeopardize the safety thereof, seriously affect the operation of international air services and undermine the confidence of the peoples of the world in the safety of international civil air transport; and

Whereas Contracting States, noting the increasing number of acts of violence against international air transport, are gravely concerned with the safety and security of such air transport;

The Assembly:

Condemns all acts of violence which may be directed against aircraft, aircraft crews and passengers engaged in international air transport;

Condemns all acts of violence which may be directed against civil aviation personnel, civil airports and other facilities used by international civil air transport;

Urgently calls upon States not to have recourse, under any circumstances, to acts of violence directed against international civil air transport and airports and other facilities serving such transport;

Urgently calls upon States, pending the coming into force of appropriate international conventions, to take effective measures to deter and prevent such acts and to ensure, in accordance with their national laws, the prosecution of those who commit such acts;

Adopts the following declaration:

The Assembly of the International Civil Aviation Organization,

Meeting in Extraordinary Session to deal with the alarming increase in acts of unlawful seizure and of violence against international civil air transport aircraft, civil airport installations and related facilities;

Mindful of the principles enunciated in the *Convention on International Civil Aviation*;

Recognizing the urgent need to use all of the Organization's resources to prevent and deter such acts;

Solemnly

1. Deplores acts which undermine the confidence placed in air transport by the peoples of the world.
2. Expresses regret for the loss of life and injury and damage to important economic resources caused by such acts.
3. Condemns all acts of violence which may be directed against aircraft, crews and passengers engaged in, and against civil aviation personnel, civil airports and other facilities used by, international civil air transport.
4. Recognizes the urgent need for a consensus among States in order to secure widespread international cooperation in the interests of the safety of international civil air transport.
5. Requests concerted action on the part of States towards suppressing all acts which jeopardize the safe and orderly development of international civil air transport.
6. Requests application, as soon as possible, of the decisions and recommendations of this Assembly so as to prevent and deter such acts.

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

**A34-1: Use of funds in the separate account established
under Resolving Clause 3 of Assembly Resolution
A33-27**

**CONTINUING ICAO POLICY RELATED
TO UNLAWFUL INTERFERENCE**

**A37-17: Consolidated statement on the continuing ICAO
policies related to the safeguarding of international
civil aviation against acts of unlawful interference**

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

Whereas in Resolution A36-20 the Assembly resolved to adopt at each session a consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference; and

Whereas the Assembly has reviewed proposals by the Council for the amendment of the consolidated statement of continuing ICAO policies in Resolution A36-20, Appendices A to H inclusive, and has amended the statement to reflect the decisions taken during the 37th Session;

The Assembly:

1. *Resolves* that the Appendices attached to this resolution constitute the consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference, as these policies exist at the close of the 37th Session of the Assembly;
2. *Resolves* to request that the Council submit for review at each ordinary session a consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference; and
3. *Declares* that this resolution supersedes Resolution A36-20.

APPENDIX A

General policy

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

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

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

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

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

Noting actions taken so far by the Council, in particular the adoption of the ICAO Aviation Security Plan of Action in June 2002, as well as the new preventive measures, strengthening the means available to the Organization in order to counter new and existing threats to civil aviation; and

Endorsing the ICAO Comprehensive Aviation Security Strategy and its seven strategic focus areas, as adopted by the Council on 17 February 2010, which provides the framework for ICAO's aviation security activities for the next two triennia (2011-2016), to succeed the current Aviation Security Plan of Action;

The Assembly:

1. *Strongly condemns* all acts of unlawful interference against civil aviation wherever and by whomsoever and for whatever reason they are perpetrated;
2. *Notes with abhorrence* acts and attempted acts of unlawful interference aimed at the destruction in flight of civil aircraft in commercial service including any misuse of civil aircraft as a weapon of destruction and the death of persons on board and on the ground;
3. *Reaffirms* that aviation security must continue to be treated as a matter of highest priority and appropriate resources should be made available by ICAO and its Member States;
4. *Calls upon* all Contracting States to confirm their resolute support for the established policy of ICAO by applying the most effective security measures, individually and in cooperation with one another, to prevent acts of unlawful interference and to punish the perpetrators, planners, sponsors, and financiers of conspirators in any such acts;
5. *Reaffirms* ICAO's responsibility to facilitate the consistent and uniform resolution of questions which may arise between Contracting States in matters affecting the safe and orderly operation of international civil aviation throughout the world;
6. *Directs* the Council to continue, as an urgent priority, its work relating to measures for prevention of acts of unlawful interference, on the basis of the strategic direction provided under the ICAO Comprehensive Aviation Security Strategy, and ensure that this work is carried out with the highest efficiency and responsiveness;
7. *Expresses appreciation* to Contracting States for the voluntary contributions in the form of human and financial resources to the Aviation Security Plan of Action during the 2008-2010 triennium and encourages the continuation of such voluntary contributions in order to fund additional aviation security activities beyond those budgeted for under the regular programme; and
8. *Urges* all Contracting States to continue to financially support the Organization's aviation security activities through the ICAO Comprehensive Aviation Security Strategy.

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

Whereas the protection of civil aviation from acts of unlawful interference has been enhanced by the *Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Tokyo, 1963), by the *Convention for the Suppression of Unlawful Seizure of Aircraft* (The Hague, 1970), by the *Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation* (Montréal, 1971), by the *Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation* (Montréal, 1988), by the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* (Montréal, 1991), by the *Convention for the Suppression of Unlawful Acts Relating to International Civil Aviation* (Beijing, 2010), by the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (Beijing, 2010), and by bilateral agreements for the suppression of such acts;

The Assembly:

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

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

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

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

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

The Assembly:

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

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

APPENDIX C

Implementation of technical security measures

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

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

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

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

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

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

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

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

The Assembly:

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

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

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

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

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

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

- a) broaden existing cooperation mechanisms amongst States and industry, as appropriate, for information exchange and the early detection of security threats to civil aviation operations;
- b) share expertise, best practices and information relating to preventive security measures, including screening and inspection techniques, the detection of explosives, airport security behavioural detection, screening and credentialing of airport staff, human resource development and the research and development of relevant technologies;

- c) utilize modern technologies to detect prohibited materials and to prevent the carriage of such materials on board aircraft while respecting the privacy and safety of individuals; and
 - d) replace restrictions on the carriage of liquids, aerosols and gels (LAGs) by the screening of LAGs when appropriate explosive detection technology becomes more widely available;
7. *Calls upon* Contracting States to examine information exchange mechanisms including the use of liaison officers and further use of Advance Passenger Information (API) provided by air carriers, to reduce the risk to passengers, while ensuring the protection of privacy and civil liberties;
8. *Calls upon* Contracting States, while respecting their sovereignty, to minimize disruption to air travel resulting from confusion or inconsistent interpretation of standards by cooperating and coordinating actions in order to implement SARPs and guidance consistently, efficiently and effectively and by providing clear, well-timed and readily available information to the travelling public;
9. *Calls upon* Contracting States, when requesting another State to apply security measures to protect aircraft flying into its territory, to take fully into account the security measures already in place in the requested State and, where appropriate, to recognize those measures as equivalent;
10. *Urges* those Contracting States that have not already done so, to begin issuing only machine readable passports in accordance with the specifications of Doc 9303, Part 1;
11. *Requests* the Council to direct the Secretary General to:
- a) ensure that the provisions of Annex 17 and Annex 9 — *Facilitation* are compatible with and complementary to each other, provided that the effectiveness of security measures is not compromised;
 - b) where relevant, include items dealing with aviation security on the agenda of ICAO meetings;
 - c) continue to promote the adoption of effective security processes and concepts, through awareness raising regional and subregional aviation security events at the request of States concerned;
 - d) develop and update the ICAO Training Programme for Aviation Security and Aviation Security Training Packages (ASTPs);
 - e) oversee, develop and promote the aviation security training centres (ASTCs) network within the existing framework to ensure training standards are maintained and sound levels of cooperation are achieved;
 - f) continue to work with the Aviation Security Panel to address new and existing threats to civil aviation, and to develop appropriate preventive measures, including the screening of airport staff with access to secured airport facilities, enhanced screening of passengers and baggage, appropriate security controls for cargo, the supply chain and service providers, as well as the selection and training of persons executing and implementing security measures; and
 - g) promote the development of mutual recognition processes with the goal of assisting States in achieving mutually beneficial arrangements, including one-stop security arrangements;
12. *Directs* the Council to require the Secretary General to update and amend at appropriate intervals the Security Manual and develop new guidance material, including detailed guidance material on liquids, aerosols and gels, and human factors, as required, designed to assist Contracting States in responding to new and existing threats to aviation and implementing the specifications and procedures related to civil aviation security;

13. *Directs* the Council to instruct the Aviation Security Panel to identify and develop a risk assessment methodology for aviation security and to include risk-based assessment with any recommendations for the adoption of new or amended aviation security measures in Annex 17 or in any other ICAO document; and

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

APPENDIX D

Action of States concerned with an act of unlawful interference

a) *Acts of unlawful interference*

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

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

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

The Assembly:

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

2. *Recalls* in this regard the relevant provisions of the Chicago, Tokyo, The Hague, and Montréal Conventions, and the 1988 Supplementary Protocol to the Montréal Convention;

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

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

5. *Urges* Contracting States to ensure that an aircraft subjected to an act of unlawful seizure which has landed in its territory is detained on the ground unless its departure is necessitated by the overriding duty to protect human life;

6. *Recognizes* the importance of consultations between the State where an aircraft subjected to an act of unlawful seizure has landed and the State of the operator of that aircraft as well as notification by the State where the aircraft has landed to the States of assumed or stated destination;

7. *Urges* Contracting States to cooperate for the purpose of providing a joint response in connection with an act of unlawful interference, as well as utilizing, if necessary, the experience and capabilities of the State of the operator, the State of manufacture and the State of registration of an aircraft which has been subjected to an act of unlawful interference, while taking measures in their territory to free the passengers and crew members of that aircraft;

8. *Condemns* any failure by a Contracting State to fulfil its obligations to return without delay an aircraft which is being illegally detained and to submit to competent authorities or extradite without delay the case of any person accused of an act of unlawful interference with civil aviation;

9. *Condemns* the reporting of false threats to civil aviation and *calls upon* Contracting States to prosecute the perpetrators of such acts in order to prevent the disruption of civil aviation operations; and

10. *Calls upon* Contracting States to continue to assist in the investigation of such acts and in the apprehension and prosecution of those responsible.

b) *Reporting on acts of unlawful interference*

Whereas official reports filed by States concerned with acts of unlawful interference should provide credible information and constitute the basis for evaluation and analysis of acts; and

Whereas the ICAO online database of acts of unlawful interference is an effective tool for the prompt dissemination of information related to aviation security incidents, and is readily accessible by Contracting States;

The Assembly:

1. *Notes* with concern that many States experiencing acts of unlawful interference often do not provide the Council with the official reports on such acts;

2. *Urges* States to fulfil their obligations under Article 11 of The Hague Convention and Article 13 of the Montréal Convention as well as under Annex 17, following occurrences of unlawful interference, to forward to the Council, as soon as possible, all relevant information required by those Articles and SARPs in order to enable the Secretariat to retain accurate and complete information and to analyse trends and new threats to civil aviation;

3. *Directs* the Council to direct the Secretary General, within a reasonable time from the date of a specific occurrence of unlawful interference, to request that concerned States forward to the Council in accordance with their national law all relevant information concerning such an occurrence, including, particularly, information relating to extradition or other legal proceedings; and

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

APPENDIX E

The ICAO Universal Security Audit Programme

Whereas the ICAO Universal Security Audit Programme (USAP) has been successful in meeting the mandate of Resolution A36-20, Appendix E;

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

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

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

Recalling that the 36th Session of the Assembly directed the Council to ensure the continuation of the USAP following the initial cycle of audits at the end of 2007 focusing, wherever possible, on a State's capability to provide appropriate

national oversight of its aviation security activities through the effective implementation of the critical elements of a security oversight system; and expanding future audits to include relevant security-related provisions of Annex 9 — *Facilitation*;

Considering that the USAP has proven to be instrumental in the identification of aviation security concerns and in providing recommendations for their resolution, and that the programme has validated an increased level of implementation of ICAO security Standards;

Recognizing that the effective implementation of State corrective action plans to address the deficiencies identified through the audit is an integral and crucial part of the audit process in order to achieve the overall objective of enhancing global aviation security;

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

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

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

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

Recognizing the need to consider the future nature and direction of the USAP following the completion of the current audit cycle in 2013 and the direction given by the Council to conduct a study to assess the feasibility of extending the continuous monitoring approach (CMA) to the USAP after the conclusion of the current audit cycle;

The Assembly:

1. *Notes* with satisfaction that the ICAO Universal Security Audit Programme (USAP) has proven to be instrumental in the identification of aviation security concerns and in providing recommendations for their resolution;
2. *Expresses its appreciation* to Member States for their cooperation in the audit process and for making available security experts to be certified as USAP auditors to serve as short-term experts in the conduct of audits, as well as long-term experts to act as USAP audit team leaders;
3. *Requests* the Council to establish a mechanism to validate the implementation of State corrective action plans through the conduct of ICAO coordinated validation missions or other means when sufficient evidence is presented by a State to warrant such a mission;
4. *Endorses* the policy of transparency of security audit results for the second cycle of the USAP, particularly relating to the prompt notification of the existence of significant security concerns;
5. *Urges* all Member States to give full support to ICAO by:
 - a) accepting the audit missions as scheduled by the Organization, in coordination with relevant States;
 - b) facilitating the work of the audit teams;
 - c) preparing and submitting to ICAO the required pre-audit documentation; and

- d) preparing and submitting an appropriate corrective action plan to address deficiencies identified during the audit, as well as other post-audit documentation;
6. *Urges* all Member States, if requested by another State, to share the results of the audit carried out by ICAO and the corrective actions taken by the audited State, as appropriate and consistent with their sovereignty; and
 7. *Requests* that the Council report to the next ordinary session of the Assembly on the overall implementation of the USAP, including its decision with regard to the study to assess the feasibility of extending the CMA to the USAP after the conclusion of the current audit cycle in 2013.

APPENDIX F

Assistance to States in establishing aviation security oversight capacity for the protection of international civil aviation

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

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

The Assembly:

1. *Directs* the Council to request the Secretary General to facilitate and coordinate technical assistance and support for States that need to improve their security oversight and airport security as identified in the Universal Security Audit Programme (USAP) reports;
2. *Invites* developed countries to give assistance to the countries which are not able to implement programmes of recommended technical measures for the protection of aircraft on the ground and, in particular, in the processing of passengers, their cabin and hold baggage, and cargo, mail, courier and express parcels;
3. *Invites* Contracting States to consider requesting assistance from ICAO and other international organizations to meet their technical assistance requirements arising from the need to protect international civil aviation;
4. *Invites* Contracting States to take advantage of ICAO short-term remedial assistance and longer-term State assistance projects to remedy deficiencies identified during audits;
5. *Directs* the Council to request the Secretary General to assess the quality and effectiveness of ICAO assistance projects;
6. *Urges* all States that have the means to do so to increase technical, financial and material assistance to countries in need of such assistance to improve aviation security through bilateral and multilateral efforts, that are fully coordinated, through ICAO;
7. *Urges* Contracting States to utilize ICAO ASTCs for security training;
8. *Urges* Contracting States and organizations to share with ICAO information on their assistance programmes and activities in order to promote the efficient and effective use of resources;
9. *Directs* the Council to request the Secretary General to facilitate the coordination of assistance programmes and activities by collecting information on such initiatives; and

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

APPENDIX G

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

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

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

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

The Assembly:

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

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

3. *Urges* all Contracting States, who have not yet done so, to participate in the ICAO Aviation Security Point of Contact (PoC) Network, established for the communication of imminent threats to civil air transport operations, with the objective of providing a network of international aviation security contacts within each State;

4. *Urges* the Council to request the Secretary General to promote initiatives which enable the establishment of technological platforms for the exchange of aviation security information among Contracting States;

5. *Requests* that the Council continue to:

- a) gather the results of States' experience in cooperating with each other to prevent acts of unlawful interference with international civil aviation;
- b) analyse differing circumstances and trends in preventing threats to international civil aviation in different regions of the world; and
- c) prepare recommendations for strengthening measures to deter and prevent such acts of unlawful interference; and

6. *Directs* the Council to act with the requisite urgency and expedition to address new and existing threats to civil aviation, seeking to mitigate unnecessary disruption to air travel as a result of confusion or inconsistent implementation or interpretation of necessary measures, facilitating a common and consistent response by States, and encouraging clear communication by States to the travelling public.

APPENDIX H

International and regional cooperation in the field of aviation security

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

The Assembly:

1. *Invites* the Civil Air Navigation Services Organization (CANSO), the International Atomic Energy Agency (IAEA), the International Criminal Police Organization (ICPO/INTERPOL), the Organization for Security and Cooperation for Europe (OSCE), the United Nations Office on Drugs and Crime (UNODC), the Universal Postal Union (UPU), the International Air Transport Association (IATA), Airports Council International (ACI), the International Federation of Airline Pilots' Associations (IFALPA) and other stakeholders to continue their cooperation with ICAO, to the maximum extent possible, to safeguard international civil aviation against acts of unlawful interference;
2. *Directs* the Council to take into account the G8 Secure and Facilitated International Travel Initiative (SAFTI) and to continue its collaboration with this group and other relevant groups of States such as the Asia-Pacific Economic Cooperation Secure Trade in the Asia and Pacific Region (STAR) initiative in its work relating to development of countermeasures against the threat posed by man-portable air defence systems (MANPADS) and encourage their implementation by all Contracting States; and
3. *Directs* the Council to continue its cooperation with the United Nations Counter-Terrorism Committee (CTC), in the global effort to combat terrorism.

Declaration on Aviation Security

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

- 1) strengthen and promote the effective application of ICAO Standards and Recommended Practices, with particular focus on Annex 17 — *Security*, and develop strategies to address current and emerging threats;
- 2) strengthen security screening procedures, enhance human factors and utilize modern technologies to detect prohibited articles and support research and development of technology for the detection of explosives, weapons and prohibited articles in order to prevent acts of unlawful interference;
- 3) develop enhanced security measures to protect airport facilities and improve in-flight security, with appropriate enhancements in technology and training;
- 4) develop and implement strengthened and harmonized measures and best practices for air cargo security, taking into account the need to protect the entire air cargo supply chain;
- 5) promote enhanced travel document security and the validation thereof using the ICAO Public Key Directory (PKD) in conjunction with biometric information, and the commitment to report on a regular basis, lost and stolen passports to the INTERPOL Lost and Stolen Travel Documents Database to prevent the use of such travel documents for acts of unlawful interference against civil aviation;

- 6) improve Member States' ability to correct deficiencies identified under the Universal Security Audit Programme (USAP) by ensuring the appropriate availability of audit results among Member States, which would enable better targeting of capacity-building and technical assistance efforts;
- 7) provide technical assistance to States in need, including funding, capacity-building and technology transfer to effectively address security threats to civil aviation, in cooperation with other States, international organizations and industry partners;
- 8) promote the increased use of cooperation mechanisms among Member States and with the civil aviation industry, for information exchange on security measures in order to avoid redundancy, where appropriate, and for early detection and dissemination of information on security threats to civil aviation, including through the collection and transmission of advance passenger information (API) and passenger name record (PNR) data, as an aid to security, whilst ensuring the protection of passengers' privacy and civil liberties; and
- 9) share best practices and information in a range of key areas, such as: screening and inspection techniques, including assessments of advanced screening technology for the detection of weapons and explosives; document security and fraud detection; behaviour detection and threat-based risk analysis; screening of airport employees; the privacy and dignity of persons; and aircraft security.

A36-18: Financial contributions to the Aviation Security Plan of Action
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Whereas the development of international civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world, yet its abuse can become a threat to general security;

Whereas the threat of terrorist acts, unlawful seizure of aircraft and other acts of unlawful interference against civil aviation, including acts aimed at destruction of aircraft, as well as acts aimed at using the aircraft as a weapon of destruction, have a serious adverse effect on the safety, efficiency and regularity of international civil aviation, endanger the lives of persons on board and on the ground and undermine the confidence of the peoples of the world in the safety of international civil aviation;

Recalling its Resolution A35-10;

Endorsing the Aviation Security Plan of Action adopted by the Council, to urgently address the new and emerging threats to civil aviation, in particular the establishment of an ICAO Universal Security Audit Programme relating to, inter alia, airport security arrangements and civil aviation security programmes, the review of the adequacy of the existing aviation security conventions and the review of the ICAO aviation security programme, including a review of Annex 17 and other related Annexes to the Convention;

Convinced that aviation security remains a critical and priority programme of ICAO and of the need to establish and implement work programmes in the next triennium to address the issues identified under Assembly Resolution A35-10; and

Noting that the Secretary General had integrated close to 50 per cent of the Aviation Security Plan of Action into the Regular Budget and that the funding required to implement the work programme relating to aviation security could not be fully included within the Regular Budget for 2008-2010 due to budgetary and financial constraints;

The Assembly:

1. *Expresses* its appreciation to the Contracting States for the voluntary contributions in the form of human and financial resources expected to reach at least US\$4.6 million by the end of 2008 for the implementation of the Aviation Security Plan of Action during the 2008-2010 triennium;
2. *Urges* all Contracting States, as soon as possible, and preferably as part of their 2008 assessment, to provide voluntary contributions to finance the implementation of the Aviation Security Plan of Action, the suggested contributions to be based upon the 2008 scales of assessments approved by the Assembly for the Regular Budget;
3. *Urges* all Contracting States to make pledges of voluntary contributions in advance and make contributions early in 2008 so as to ensure the proper planning and implementation of the Aviation Security Plan of Action;
4. *Urges* the Council to support the long-term sustainability of the Aviation Security Plan of Action by continuing to incorporate the funding requirements within the Regular Budget progressively, and accordingly *requests* that the Secretary General make specific proposals for their complete integration in Programme budgeting for 2011-2013; and
5. *Declares* that this resolution supersedes Assembly Resolution A35-10.

A27-9: Acts of unlawful interference aimed at the destruction of civil aircraft in flight
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Considering the recent acts of unlawful interference against international civil aviation which have resulted in the deaths of many innocent people and the destruction of civil aircraft, and expressing its most heartfelt sympathy to the families of all those who have died as a result of these criminal acts;

Noting with abhorrence repeated acts of unlawful interference aimed at the total destruction of civil aircraft in flight and the deaths of all on board;

Recognizing that all acts of unlawful interference against international civil aviation constitute serious crimes in violation of international law;

Recalling its Resolutions A17-1 and A27-7;

Noting Resolution 635 of the Security Council of the United Nations;

The Assembly:

1. *Condemns* energetically all recent criminal acts of destruction of civil aircraft in flight;
2. *Urges* Member States to intensify their efforts to implement fully the Standards, Recommended Practices and Procedures related to aviation security developed by ICAO and to take any appropriate additional security measures whenever an increase in the level of threat so requires;
3. *Requests* Member States, in a position to do so, to increase technical, financial and material assistance to States which need it to ensure universal application of these provisions;
4. *Urgently requests* Member States to accelerate studies and research related to security equipment and to the detection of explosives, with a view to their widespread application as soon as practicable, and to take an active part in the development of an international regime for the marking of explosives for detectability;

5. *Directs* the Council to take the necessary measures for the resumption of its work and that of its subsidiary bodies as soon as possible following the Assembly, in order to complete in the shortest possible time the whole programme which it adopted in its Resolution of 16 February 1989, and to undertake any other action which it considers necessary.

OTHER MATTERS RELATED TO UNLAWFUL INTERFERENCE

A36-19: Threat to civil aviation posed by man-portable air defence systems (MANPADS)

Expressing its deep concern regarding the global threat posed to civil aviation by terrorist acts, in particular the threat posed by man-portable air defence systems (MANPADS), other surface-to-air missiles systems, light weapons and rocket-propelled grenades;

Recalling United Nations General Assembly resolutions 61/66 on the illicit trade in small arms and light weapons in all its aspects, 60/77 on prevention of the illicit transfer and unauthorized access to and use of man-portable air defence systems, 61/71 on assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them and 60/288 on the United Nations Global Counter-Terrorism Strategy;

Noting the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (A/60/88) and the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, Elements for Export Controls of MANPADS, and the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Material;

Noting with satisfaction the ongoing efforts of other international and regional organizations aimed at developing a more comprehensive and coherent response to the threat to civil aviation posed by MANPADS; and

Recognizing that the specific threat posed by MANPADS requires a comprehensive approach and responsible policies on the part of States;

The Assembly:

1. *Urges* all Contracting States to take the necessary measures to exercise strict and effective controls on the import, export, transfer or retransfer and stockpile management of MANPADS and associated training and technologies, as well as limiting the transfer of MANPADS production capabilities;
2. *Calls upon* all Contracting States to cooperate at the international, regional and subregional levels with a view to enhancing and coordinating international efforts aimed at implementing countermeasures carefully chosen with regard to their effectiveness and cost, and combating the threat posed by MANPADS;
3. *Calls upon* all Contracting States to take the necessary measures to ensure the destruction of non-authorized MANPADS in their territory, as soon as possible;
4. *Urges* all Contracting States to implement the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons as referred to in the United Nations General Assembly resolution 61/66 on the illicit trade in small arms and light weapons in all its aspects;
5. *Urges* all Contracting States to apply the principles defined in the Elements for Export Controls of MANPADS of the Wassenaar Arrangement;

6. *Directs* the Council to request that the Secretary General monitor on an ongoing basis the threat to civil aviation posed by MANPADS, continuously develop appropriate countermeasures to this threat, and periodically request that Contracting States inform the Organization regarding the status of implementation of the resolution and the measures taken to fulfil its requirements; and
7. *Declares* that this resolution supersedes Resolution A35-11.

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

Recognizing the importance of the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* in the prevention of unlawful acts against civil aviation;

Conscious of the current proposal made by the International Explosives Technical Commission to amend the Technical Annex to the Convention for the purpose of increasing the required minimum concentration of the detection agent 2,3-Dimethyl-2,3-Dinitrobutane (DMNB) from 0.1 to 1.0 per cent by mass;

Bearing in mind the desirability of maintaining a uniform regime for the detection system of the explosives, particularly after the amendment to the Technical Annex; and

Noting the recommendation of the Legal Committee as approved by the Council that Article IV of the Convention should be applied *mutatis mutandis* to the explosives which are not marked in accordance with the amended Technical Annex;

The Assembly:

Urges the ICAO Contracting States which are Parties to the Convention to apply Article IV of the Convention in their mutual relations in the following manner:

- 1) The explosives which, at the time of manufacture, met the requirements in Part 2 of the Technical Annex but which no longer meet the requirements of Part 2 because of the above-mentioned amendment to the Technical Annex, namely to increase the minimum concentration of the detection agent DMNB from 0.1 to 1.0 per cent by mass, shall be subjected to the provisions of Article IV, paragraphs (2) and (3), from the entry into force of that amendment.
- 2) Accordingly, when such an amendment to Part 2 of the Technical Annex enters into force, each State Party not having expressly objected to the amendment shall take the necessary measures to ensure that:
 - a) all stocks of those explosives in its territory referred to in the preceding paragraph are destroyed or consumed for purposes not inconsistent with the objectives of this Convention, marked or rendered permanently ineffective within a period of three years from the entry into force of the amendment, if these explosives are not held by its authorities performing military or police functions; and
 - b) all stocks of those explosives referred to in sub-paragraph (a) held by its authorities performing military or police functions and that are not incorporated as an integral part of duly authorized military devices are destroyed or consumed for purposes not inconsistent with the objectives of this Convention, marked or rendered permanently ineffective within a period of fifteen years from the entry into force of the amendment.
- 3) The foregoing paragraph shall apply to any State Party that withdraws its objection to the amendment as from the date it expresses its consent to be bound.

- 4) The above paragraphs shall apply *mutatis mutandis* to any future amendment to the Technical Annex unless any Contracting State notifies all other Contracting States and the Council that it does not agree to such application. Such notification shall take place within the 90-day period referred to in paragraph 3 of Article VII of the Convention.

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

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

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

PART VIII. ORGANIZATION AND PERSONNEL

ORGANIZATIONAL MATTERS

A31-2: Increasing the effectiveness of ICAO

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

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

A22-7: Statute of the Joint Inspection Unit

GENERAL PERSONNEL POLICY

A1-51: Personnel policy

Whereas the Assembly has reviewed the actions taken by the Interim Council in establishing and developing policies and regulations governing the terms and conditions of service for the staff of the Interim Organization;

Whereas it is necessary that the Council determine the terms and conditions of service for the staff of the Permanent Organization; and

Whereas the Assembly notes that it has not been possible for the Interim Organization to achieve the measure of internationalism in appointments to the Secretariat which is desirable;

The Assembly therefore:

1. *Endorses* in principle the personnel policies and regulations developed by the Interim Council and their continuation until changed by action of the Council;
2. *Directs* that a permanent personnel policy and regulations governing service thereunder be developed on the basis of the interim regulations, with particular regard to the recommendations on this subject contained in the report of Commission 5 (Doc 4383, A1-AD/29); and

3. *Directs* the Council to establish procedures whereby specially qualified persons may be seconded by Contracting States for service in the Secretariat, wherever this policy would be in the best interests of the Organization.

**A36-28: Term limits for the Offices of Secretary General and
the President of the Council**

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

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

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

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

Acknowledging that it would be desirable and appropriate to establish term limits for the offices of Secretary General and of President of the Council because such limits, while giving office holders a reasonable period of time in which to achieve the objectives set by the Council before entering office, will also help to ensure that, periodically, ICAO will benefit from an injection of fresh insights and expertise at top level, and from the greater range of leadership styles and cultural and regional diversity which a regular change in the top office holders will bring; and

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

The Assembly:

1. *Notes* the Council's decision to introduce a limit of two terms for the office of Secretary General, while maintaining the flexibility to vary the length of such terms between three and four years on the understanding that a four-year term would only apply in exceptional cases;
2. *Requests* the Council to maintain this decision in force;
3. *Urges* Contracting States not to nominate, and *requests* the Council not to admit as a candidate for the office of the President of the Council, anyone who, by the date on which the office is to commence, will have served two full terms as President; and
4. *Urges* Contracting States not to nominate, and *requests* the Council not to admit as a candidate for the office of either President of the Council or Secretary General, anyone who, by the date on which the term of office is to end, would have served for a total of more than two full terms in both offices combined.

A21-12: International Civil Service Commission

A2-27: Privileges and immunities for ICAO

RECRUITMENT AND STAFFING

A4-31: National distribution in the Secretariat

Whereas the Assembly, pursuant to Article 58 of the Convention, may lay down the rules governing the determination by Council of the method of appointment and of termination of appointment of the Secretary General and other personnel of the Organization;

Whereas the principles contained in the ICAO Service Code (Part I — General Policy, A.-Recruitment Policy) include a provision that recruitment shall be on as wide a geographical basis as possible and shall be directed toward the achievement, so far as practicable, of a balanced distribution among nationals of Contracting States throughout the Secretariat; and

Whereas it is apparent from the report of the Council to this Assembly (Doc 6980, A4-AD/1) that it has not been possible to achieve full implementation of these principles up to the present time and that the internationally recruited personnel belongs, in a large proportion, to a group of States of the same historical and political origin, which make use of a common language;

The Assembly directs:

The Council to take, without prejudice to the essential of efficiency, or to the express responsibility which devolves upon the Secretary General, appropriate measures to insure a balanced distribution among nationals of Contracting States in the personnel of the Organization.

A14-6: Compliance with the principle of equitable geographical representation in posts of the ICAO Secretariat and Regional Offices

Whereas Article 58 of the Chicago Convention provides that, subject to any rules laid down by the Assembly, the Council shall determine the method of appointment of the personnel of the Organization;

Whereas the Council is at present studying the structure of the Secretariat, recruitment policy and conditions of service;

Whereas the main burden of direction and administration of the ICAO Secretariat has so far been borne by personnel recruited from the more advanced Contracting States;

Whereas other less advanced Contracting States may soon have available in increasing numbers personnel suitable for recruitment at all levels; and

Whereas it is most desirable for personnel from as many of these States as practicable to participate in the work of the ICAO Secretariat;

The Assembly resolves that:

1. When recruiting staff or renewing contracts with existing staff, the principle of equitable geographical distribution be given weight with all other relevant factors;
2. Except in the categories of the General and Language Services, Council pursue a recruitment policy which would provide a greater proportion of short-term contracts of not more than three years initially, with the possibility of extension from time to time for further periods not exceeding three years in the case of each such extension; and
3. In cases where it is desired to recruit a person from the Government Service of a Contracting State, the Secretary General shall take all practical steps to obtain the consent and cooperation of that State and, if appropriate, its advice as to the suitability of the person for the position in question.

A24-20: Compliance with and implementation of the principle of equitable geographical representation in the posts of the Secretariat of ICAO

Acting in accordance with Assembly Resolution A14-6, and in particular its Clause 2, concerning the principle of equitable geographical representation in the posts of the ICAO Secretariat;

Bearing in mind that it is highly desirable to observe this principle together with other criteria in the recruitment of personnel and the renewal of staff contracts;

Acknowledging the desire of Contracting States to have better understanding and cooperation by further promoting the international character of the Organization; and

Reaffirming the general interest of Contracting States in maintaining a high standard of technical competence and efficiency;

The Assembly:

1. Resolves that the Council should, as a matter of urgency:
 - a) adopt measures to provide for more equitable geographical distribution of posts in the ICAO Secretariat so that the various regions of the world are, as far as possible, able to achieve adequate representation;
 - b) establish recruitment policies, including policies in respect of selection, promotion, renewal of contracts, duration of contracts, extension of service, termination of appointments and ancillary matters, in order to achieve the principle of a balanced representation among the nationals of all Contracting States in the regions;
 - c) review the current practice in appointments and promotions and adopt principles, policies and methods governing appointments, termination of appointments, promotions, extension of service, renewal and duration of contracts in respect of key posts in the Secretariat;
 - d) adopt new measures for effective and timely implementation of the policies, methods and procedures established in pursuance of a), b) and c) above; and

- e) report to the session of the Assembly in 1986 on the measures taken to implement this resolution, on the basis of an annual progress report presented to it by the Secretary General.
2. *Invites* Contracting States to encourage qualified candidates to apply for vacancies in the professional staff.

A36-27: Gender Equality

The Assembly:

Recalling various UN declarations and conventions that require States to eliminate discrimination against women, and which inter alia call for the advancement of women in all fields, and in particular require States to ensure women participate in the formulation of government policy and the implementation thereof, and to hold public office and perform all public functions at all levels of government;

Recalling that the 35th Session of the Assembly, inter alia:

- a) noted that the Council will continue to monitor the steps taken in the implementation of the targets and the action plan for the recruitment and status of women in ICAO;
- b) noted that the Secretary-General of the United Nations has urged the International Organizations and Specialized Agencies of the United Nations, such as ICAO, to establish programmes in order to reach the ideal proportion of 50 per cent of female representation in the United Nations system;
- c) instructed the Secretary General to develop an affirmative action programme along the lines of that of equitable geographical representation;
- d) instructed the Council to amend Staff Regulation 4.1 of the ICAO Service Code to reflect the much-needed affirmative action programme as required by the Secretary-General of the United Nations; and
- e) instructed the Secretary General to carefully study and establish family-friendly policies, in the context of the ICAO Secretariat;

Noting the actions already undertaken by the Secretary General in accordance with these directives and in particular that Staff Regulation 4.1 of the Service Code has been amended to reflect the fact that “equal gender representation” must also be ensured when considering the appointment and promotion of staff; and that women have been appointed to consultative bodies;

Noting the appointment of a woman to a post of Regional Director for the first time in 2006;

Noting the appointment of three women to positions of Director at Headquarters in 2007, thereby increasing the level of representation of women at the Director level from 0 to 60 per cent;

Noting that the number of women appointed to technical posts had risen from two to six between 31 December 2004 and 31 December 2006, representing an increase from 22 to 35 per cent of the total appointments made;

Noting that in 2006, the Secretary General established an Advisory Body on Gender Equality and Gender Equity and that in January 2007, this Advisory Body had presented a Policy Framework on Gender Equality and Gender Mainstreaming, which contained a number of recommendations to the Secretary General;

Noting that all Contracting States had been contacted and their collaboration sought in identifying and encouraging qualified women to apply for positions in the ICAO Secretariat;

Therefore:

- 1) *Resolves* that:
 - a) the Council should continue to monitor and provide support for the steps being taken with respect to improving gender equality in ICAO and is also encouraged to support proposals made by the Secretary General subsequent to the recommendations of the Advisory Body on Gender Equality and Gender Equity;
 - b) every effort should continue to be made by ICAO to attain gender equality and equity, with full respect for the principle of equitable geographical representation; bearing in mind that the Secretary-General of the United Nations has urged International Organizations and Specialized Agencies of the United Nations, such as ICAO, to establish programmes in order to achieve the goal of 50/50 gender balance at all levels;
 - c) the Council and the Secretary General should continue to advance the work on the Affirmative Action Programme, which should be renamed the Gender Equality Programme, taking into account ongoing developments of the United Nations, particularly with respect to gender mainstreaming;
 - d) the family-friendly policies already being established should continue to be developed in the context of the ICAO Secretariat;
- 2) *Reaffirms* its strong commitment to gender equality and gender equity, in line with the targets and goals of the United Nations, the ICAO Assembly and the ICAO Council and requests the Council to report to the next Assembly on developments made in this regard;
- 3) *Encourages* States to appoint women as their Representatives at the Assembly, in the Council, and in other meetings or bodies of the Organization.

A37-15, Appendix T: The Headquarters' and Regional Offices' technical Secretariat

A1-51, Clause 3: Secondment

APPOINTMENTS AND PROMOTIONS

A1-8: Appointments and promotions in ICAO

Whereas Article 58 of the *Convention on International Civil Aviation* provides that subject to any rules laid down by the Assembly of ICAO and to the provisions of the Convention, the Council shall determine the method of appointment and of termination of appointment, the training and the salaries, allowances and conditions of service of the Secretary General and other personnel of ICAO, and may employ or make use of the nationals of any Contracting State;

Whereas this Assembly considers that it is desirable to define more precisely the method of appointment and promotion of the staff of ICAO; and

Whereas the procedure adopted by the Interim Council of PICAQ, whereby Appointment and Promotion Boards were established to review the qualifications of candidates and to advise concerning appointments and promotions, meets with the approval of the Assembly;

Now therefore the Assembly resolves:

- a) That appointments and promotions of personnel on the staff of the Organization other than the Secretary General shall be made by the Secretary General after considering the advice of Appointment and Promotion Boards, which shall be established for this purpose by the Council and consist of such members of the Secretariat as the Council may determine and function in accordance with such rules of procedure as the Council may lay down; and
- b) That appointments and promotions to such senior positions on the staff as the Council may determine shall be subject to the approval of the President of the Council.

MISCELLANEOUS

A3-9: Staff Provident Fund and Pension Plan

The Third Assembly:

5. *Decides* to invest in the Council the authority to choose members of the ICAO Staff Pension Committee on behalf of the Assembly, pursuant to Article 21 of the United Nations Staff Pension Fund Regulations, and to determine the number of members to comprise this Committee.

A1-14, Clause 5: ICAO Familiarization Programme

PART IX. LANGUAGES AND ADMINISTRATIVE SERVICES

LANGUAGES

A37-25: ICAO Policy on the language services

Whereas the provision of adequate levels of service in the working languages of ICAO pursuant to the relevant Assembly resolutions and decisions is highly important to the world-wide dissemination of ICAO documentation, in particular the Standards and Recommended Practices (SARPs), and to the proper functioning of the Organization and its standing bodies;

Whereas it is essential to maintain parity and quality of service in all working languages of the Organization; and

Whereas it is vitally important to ensure a unified and harmonized understanding of ICAO publications by all Contracting States in all ICAO working languages, in order to maintain the safety and security of international civil aviation and to minimize the impact of aviation on the environment;

The Assembly:

1. *Reaffirms* that multilingualism is one of the fundamental principles to achieve goals of ICAO as the specialized UN agency;
2. *Reaffirms* its previous resolutions regarding the strengthening of the working languages of ICAO;
3. *Recognizes* that language services are an integral part of any ICAO programme;
4. *Resolves* that parity and quality of service in all of the working languages of ICAO be the continuous objective of the Organization;
5. *Resolves* that the introduction of a new language should not affect the quality of service in the other working languages of the Organization;
6. *Resolves* that the Council continue to monitor language services, which will be a subject of review;
7. *Requests* the Secretary General to develop and implement a quality management system in the field of language services;
8. *Requests* the Secretary General of ICAO to adhere to UN best practices related to the language Services, including temporary recruitment of staff at peak periods and the level of outsourcing translations and interpretation;
9. *Requests* the Council to consider the need for amendment of Doc 7231/11 "ICAO Publications Regulations" to provide dissemination of ICAO publications in all working languages of ICAO;

10. *Invites* those Member States who represent ICAO's working languages, if they so desire, to support ICAO through the establishment of officially recognized centres for translation of ICAO publications and by the secondment of competent staff to the ICAO Secretariat, including the Regional Offices, in order to reduce backlogs and support special events; and

11. *Declares* that this Resolution supersedes Assembly Resolution A31-17.

A22-30: Review of all aspects of language services

The Assembly:

Considering the need to maintain the effectiveness of ICAO in all matters concerning international civil aviation, and

Taking note of the comments in the Executive Committee which made reference to findings of the Joint Inspection Unit Report No. JIU/REP/77/5 of July 1977 concerning the rising costs of language services, and the growing burden of the language services on ICAO budgets,

Recommends that the Council:

1. keep under review all aspects of the language services in ICAO;
2. consider in consultation with States and make suggestions of ways in which the ICAO budget might be relieved of the rising cost of language services; and

A22-29: Use of languages in the Air Navigation Commission

The Assembly:

Considering that the Assembly, at its 21st Session, requested the Council to study all the financial aspects of language services in ICAO, particularly the introduction of additional working languages;

Considering that the Council has examined this question at its 83rd, 84th, and 90th Sessions and, in WP/17, has made a very complete study of the use of languages both in ICAO and in the United Nations and its specialized agencies and also of the functional and budgetary implications of multilingualism;

Considering that according to Rule 23 of the Rules of Procedure of the Air Navigation Commission, the Council determines the languages in which "the discussions of the Commission shall be conducted and its documentation drawn";

Considering that, while simultaneous interpretation in the four languages of the Organization is provided for the discussions of the Air Navigation Commission, the documentation of the Commission is prepared and circulated in one of the four languages only, English;

Considering that according to Rules 64 and 65 of the Standing Rules of Procedure of the Assembly of ICAO all preparatory documentation as well as recommendations, resolutions and decisions of the Assembly shall be prepared and circulated in the English, French, Russian and Spanish languages and "speeches made in any of the four languages shall be interpreted into the three other languages"; that the same applies to the Council pursuant to Rules 56 and 57 of its Rules of Procedure;

that the Council has furthermore decided, in application of Rule 38 of the Rules of Procedure of its standing committees, that, according to Rule 44 of the Rules of Procedure of the Legal Committee, the documentation of that Committee shall be prepared and circulated in those same languages;

Considering, furthermore, that according to Article 51 of the Rules of Procedure of the United Nations General Assembly, the official languages and the working languages of the General Assembly are also used in its commissions and sub-commissions; that this rule is constantly referred to in the rules of the conferences convened under the aegis of the United Nations;

Considering that this rule is applied in all the Specialized Agencies and that it is evident from Appendix C to WP/17 that the non-translation of the documentation of the Air Navigation Commission is a unique exception in the United Nations System;

Considering that such a practice is detrimental not only to the members of the Commission, but also to the national administrations interested in its work, and that a revision of this situation would enable States to participate more fully in one of the essential activities of ICAO;

Considering that it appears necessary and practicable to undertake such a revision while maintaining a balanced budgetary position in ICAO, and keeping within reasonable limits the expenses required for implementation; and

Considering that it is essential, therefore, that provisions to be made for this revision be gradually implemented;

1. *Decides* the principle of the preparation and circulation of the working papers of the Air Navigation Commission in the four working languages of the Organization; and
2. *Charges* the Council, in accordance with its responsibilities under Rule 23 of the Rules of Procedure of the Air Navigation Commission, to monitor the progressive application of this decision, in making every effort to maintain and if possible increase the efficiency of the Commission's work.

A16-16: French and Spanish text of the Convention

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

A21 Decision: Limited use of the Arabic language

(see Doc 9113, A21-EX, page 52, paragraph 44:5)

A23 Decision: Use of Arabic language at sessions of the Assembly

(see Doc 9311, A23-EX, Vol. 1, page 18, paragraph 7:29)

A26 Decision: Extension of Arabic language services in ICAO

(see Doc 9489, A26-EX, page 25, paragraph 7:40)

**A29-21: Strengthening the use of Arabic Language
in ICAO**

The Assembly:

Recalling decisions taken at its 21st, 24th, 26th and 27th Sessions on the adoption of the Arabic language and extension of its use in ICAO;

Noting that a number of Arab States have made voluntary contributions to strengthen the use of Arabic in the Organization; and

Noting the desire of the Arabic-speaking States and interested States to extend the use of Arabic to include all activities of ICAO including the Council;

1. *Requests* the Council and the Secretary General to take the necessary measures to intensify the progressive use of the Arabic language in interpretation and translation services starting January 1st, 1993, including in the Council;
2. *Requests* the Council to closely monitor these measures with the objective of achieving the utilization of the Arabic language in ICAO on the same level as the other languages in the Organization by the end of 1998;
3. *Requests* the Council to submit a progress report on the implementation of this Resolution to the next ordinary session of the ICAO Assembly.

A22 Decision: Introduction of the Chinese language in ICAO

(see Doc 9210, A22-EX, page 51, paragraphs 17:1 and 17:2)

A31-16: Strengthening the use of Chinese Language in ICAO

The Assembly:

Recalling decisions taken at its 22nd Session of the Assembly and 140th Session of the Council on the adoption of the Chinese language and extension of its use in ICAO;

Noting that the use of Chinese language is only limited to oral interpretation at sessions of the Assembly and the Council;

Noting that the People's Republic of China had made voluntary contributions to strengthen the use of Chinese in the Organization; and

Noting the importance of extension of the use of the Chinese language to include all activities of ICAO;

1. *Requests* the Council and the Secretary General to take the necessary measures to intensify the progressive use of the Chinese language in interpretation and translation services as soon as possible;
2. *Requests* the Council to closely monitor these measures with the objective of achieving the utilization of the Chinese language in ICAO on the same level as the other languages in the Organization by the end of year 2001 within the resources of the Organization;

3. *Requests* the Secretary General to prepare the Authentic Chinese text of the Chicago Convention for its adoption at an international conference convened during the next session of the Assembly; and
4. *Requests* the Council to submit a progress report on the implementation of this resolution to the next ordinary session of the ICAO Assembly.

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

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

ADMINISTRATIVE SERVICES

A31-1: Official emblem and seal of ICAO

A37-15, Appendix D: Implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS)

A37-15, Appendix E: ICAO technical manuals and circulars

A1-54: ICAO publications

Whereas it is essential to the attainment of the objectives of the Organization to make available to the Contracting States in a suitable published form the results of the work of the Organization and information concerning its activities; and

Whereas, with respect to such published material, the Assembly is concerned to reduce delays in production and distribution, to avoid duplication of contents and to minimize expense;

The Assembly therefore resolves:

1. That it shall be the policy of the Organization to publish a monthly bulletin, proceedings, standards, regional manuals, multi-language glossaries and such other material as the Council, upon the recommendations of the Publications Committee, may determine to be essential to meet the objectives of the Organization, within the budgetary appropriation for the fiscal year;
2. That the Council establish regulations governing all phases of preparation and distribution of published materials; these regulations shall define relations between the appropriate standing committees of the Council and a central publications authority in the Secretariat having full responsibility for coordinating all aspects of the publications programme; and

3. That the Secretary General submit to the Council recommendations, for its guidance in establishing such regulations, with particular reference to the format, typography, size and method of reproducing publications, having due regard to the needs of the users and the considerable economies which may be effected by the use of an offset printing process, the establishment of a standing order system with purchasers to reduce wastage, the advantages of local reproduction of certain publications at points outside Canada, the preparation and public sale of a comprehensive index of ICAO publications, the establishment of uniformity in pricing policy, and the designation of agencies in various parts of the world for the sale of ICAO publications.

A24-21: Publication and Distribution of Documentation

Whereas in accordance with Resolution A1-54, the Assembly has from the earliest days of the Organization recognized its interest in reducing delays in the production and distribution of ICAO publications and documentation;

Bearing in mind the need to exercise economies and search for efficiency in the work of the Organization, the distribution of documentation and the conduct of meetings;

Whereas there exist rules and agreements in ICAO concerning working languages;

Whereas it is of capital importance to recognize effectively that, for publications and documentation, the agreed working languages are of equal importance in all fields and aspects of the life of the Organization;

Whereas there are already other Assembly resolutions providing for the languages used in the Air Navigation Commission, in categorical recognition of this principle of equality; and

Whereas there must be a fair and equal opportunity for all user States to consult the documentation produced by the Organization, in the various agreed working languages;

The Assembly:

1. *Adopts* simultaneous distribution in all the working languages of ICAO as a principle of policy for the publications and documentation of the Organization according to the conditions determined by the Assembly and the Council;
2. *Directs* the Council:
 - a) In close contact with the Secretary General, to apply the above-mentioned principle of simultaneous distribution in the agreed languages and closely monitor compliance therewith;
 - b) To inform future sessions of the Assembly as to the effective and complete implementation of the foregoing principle; and
3. *Invites* Contracting States to cooperate with the Organization in achieving the objectives of this resolution.

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

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

A3-5: Dispatch of documentation for ICAO meetings

The Third Assembly resolves:

2. That the Council maintain as far as practicable its present practice of dispatching main supporting documentation* for agenda of meetings at least 90 days prior to the opening date of a meeting.

A37-15, Appendix B: Air navigation meetings of worldwide scope

A37-15, Appendix K: Regional air navigation (RAN) meetings

* By "main supporting documentation" is meant the Secretariat's review of the problem plus any pertinent material of sufficient importance to warrant inclusion with the Secretariat's review. Any subsequent documentation, such as comments by Contracting States on the agenda, should be distributed as soon as possible.

PART X. FINANCE

FINANCIAL REGULATIONS

A36-35: Amendment of the Financial Regulations

Whereas the Council has approved the establishment of an Ancillary Revenue Generation Fund to provide greater impetus and sustainability of revenue generating activities while, at the same time, increasing transparency and accountability for the operations;

Whereas the Council has approved the principle of Results-Based Budgeting to better align the financial requirements of the Organization to its planned results;

Whereas the Council has approved the adoption of internationally recognized accounting standards approved by the United Nations and the United Nations System's Chief Executive Board for application on or before 1 January 2010 to improve the quality, comparability and credibility of the United Nations system's financial reporting;

Whereas the Council has approved further amendments to the Financial Regulations to improve clarity and to better reflect current and future processes and practices with the implementation of a new financial system;

The Assembly:

1. *Resolves* that the amendments as set out below to Financial Regulations 5.2 and 6.2 are approved effective 1 January 2008;
2. *Confirms* the Financial Regulations approved by the Council effective 1 January 2008 as set out in the Appendix to A35-WP/45, AD/11;
3. *Notes* that this Resolution supersedes, effective 1 January 2008, all previous resolutions on the Financial Regulations (A12-35, A14-54, A14-55, A18-27, A21-35, A24-29, A32-29, A33-29 and A35-25); and
4. *Approves* the following changes to A36-WP/45, AD/11:

Financial Regulation 5.2

- c) irrespective of a) and b) above, up to the amount by which, for one or more financial years not yet submitted to the Assembly, actual miscellaneous income exceeds the amount of income taken into account by the Assembly in approving the appropriations for that year or those years to finance expenditure on projects related to the efficient delivery of the Organization's Business Plan.

Financial Regulation 6.2

A cash surplus is defined as the difference between accumulated surplus shown in the financial statements under the General Fund and assessments receivable from Contracting States. A cash surplus may be used to meet expenditures

and to finance deficits in the Revolving Fund established under Financial Regulation 7.8, subject to Council approval except that cash surplus at the end of the year prior to the year in which the Assembly is held shall be disposed of in the manner to be decided by the Assembly.

A37-29: Amendment of the Financial Regulations

Whereas the Council is respectful of the position of the Assembly in approving the Budgets and Appropriations of the Organization;

Whereas the Council is able to meet on a regular basis to deal with exigencies and developments affecting the amounts appropriated; and

Whereas the Council requires the flexibility between Assembly sessions to accommodate changes in the financing needs;

The Assembly resolves that:

1. The amendments as set out in the Appendix of A37-WP/57, AD/14 to Financial Regulation 5.2 are approved effective 1 January 2011 and to other Financial Regulations are confirmed pursuant to Financial Regulation 14.1.

ASSESSMENTS

A36-31: Apportionment of the expenses of ICAO among Contracting States (Principles to be applied in the determination of scales of assessment)

The Assembly resolves:

1. that scales of assessments for the apportionment of expenses of the Organization shall be determined on the basis of the principles set out below:

- a) The general principles determining the basis of apportionment of expenses among Contracting States are:
 - 1) capacity of Contracting States to pay, as measured by national income, taking into consideration national income per head of population;
 - 2) a Contracting State's interest and importance in civil aviation;
 - 3) the use of a percentage system to apportion each State's share of the expenses of the Organization out of the total of 100 per cent;
 - 4) the determination of a minimum and a maximum contribution.
- b) In respect of the principles at paragraph a):
 - 1) the percentage system shall express the contributions of States to two places of decimals;

- 2) the minimum contribution of any one Contracting State shall be .06 per cent for a full financial year;
 - 3) the maximum contribution to be paid by any one Contracting State in any one year shall not, as a matter of principle, exceed 25 per cent of the total contribution.
- c) In the application of the principles at paragraph a), the following shall be taken into account:
- 1) in the computation of the scale, capacity to pay shall carry a weight of 75 per cent and interest and importance in civil aviation a weight of 25 per cent, and from these shall be obtained coefficient figures for each State expressed as percentages of the whole;
 - 2) in taking account of the capacity of Contracting States to pay, only total national income and per capita income shall be considered as being subject to quantitative evaluation and to inclusion in the computed scale;
 - 3) the adjustment to each State's national income shall be based on the arrangements in force in this regard in the United Nations at the time that the scales of assessments of the Organization are prepared by the Secretary General;
 - 4) interest and importance in civil aviation shall be measured by the capacity tonne-kilometres available on each State's scheduled air services;
 - 5) capacity tonne-kilometres shall be given a weight of 75 per cent for international services and 25 per cent for domestic services.
- d) The difference between the maximum contribution by application of the principles and the fixed maximum contribution shall be distributed over the remaining Contracting States by applying the same principles.
- e) The increase in a State's contribution as compared with the previous year's, expressed in per cent of the total contribution, shall not exceed 20 per cent of the previous year's contribution for the year 2008 and no further limitation principle will be applied for subsequent years.
2. that the approved scales of assessments shall not be adjusted to include the assessments of new Member States joining the Organization in the interval between Assemblies; the assessments of these new States shall be kept in addition to the existing 100 per cent scale and their contributions shall be credited to the General Fund;
3. that the draft scales of assessments for each successive triennial period shall be prepared by the Secretary General on the basis of the principles set out in Clause 1 above; and
4. that this resolution consolidates the existing assessment principles of the Organization and supersedes, effective 1 January 2008, resolutions A21-33 and A23-24.

A26-23: Ways and means of overcoming delays in payment of assessments
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The Assembly notes that:

1. in accordance with Resolution A24-28, Clause 5, the Council has reported upon and the Assembly has considered ways and means of overcoming delays in the payment of assessments;

2. while long-term arrears create financial difficulties for the Organization, of particular concern are the delays in payment of current year contributions which give rise to cash shortages and threaten the Organization's ability to meet its current obligations;

3. in preparing the Budget, provision should only be made for interest income which is expected to be earned from investment of unutilized Working Capital Funds. No provision should be made for other interest income which would be dependent on the timing of contribution payments by Contracting States, since the timing of contribution payments is outside of the Organization's control.

Resolves:

1. that the current policy of making direct representations to States for timely payment of current year assessments, informing them of the serious repercussions of delays in assessment payments on the functioning of the Organization be intensified;

2. that a scheme of incentives be implemented effective 1 January 1987 to encourage timely payment of assessed contributions, whereby amounts of realized surplus in each of the three financial years preceding the year of the Assembly, up to a maximum equivalent to the Organization's interest earnings on investments in each of these years would be distributed to Contracting States according to a weighted scale on the basis of the dates and amounts of current year contributions paid-in as well as the share of undistributed surpluses accrued from previous years' budgets;

3. that following adoption of the audited accounts by the Assembly, an incentive amount equivalent to the interest earned for the three years will be apportioned among the Contracting States according to the incentive points accumulated over the three-year period. If the amount of surplus available for distribution is less than the interest earned, only the amount available for distribution will be apportioned. The appropriate share of incentive so calculated will be distributed to Contracting States along with other budget surpluses distributed in accordance with Financial Regulation 6.2 (a).

A36:34: Working Capital Fund

A36-32: Assessments to the General Fund for 2008, 2009 and 2010

The Assembly:

1. *Resolves* that the amounts to be assessed on Contracting States for 2008, 2009 and 2010 pursuant to Article 61, Chapter XII, of the Convention shall be determined in accordance with the scales set out below.

	<i>2008</i> <i>per cent</i>	<i>2009</i> <i>per cent</i>	<i>2010</i> <i>per cent</i>
Afghanistan	0.06	0.06	0.06
Albania	0.06	0.06	0.06
Algeria	0.08	0.08	0.08
Andorra	0.06	0.06	0.06
Angola	0.06	0.06	0.06

	<i>2008</i> <i>per cent</i>	<i>2009</i> <i>per cent</i>	<i>2010</i> <i>per cent</i>
Antigua and Barbuda	0.06	0.06	0.06
Argentina	0.33	0.31	0.31
Armenia	0.06	0.06	0.06
Australia	1.77	1.71	1.71
Austria	0.74	0.71	0.71
Azerbaijan	0.06	0.06	0.06
Bahamas	0.06	0.06	0.06
Bahrain	0.07	0.09	0.09
Bangladesh	0.08	0.08	0.08
Barbados	0.06	0.06	0.06
Belarus	0.06	0.06	0.06
Belgium	0.83	0.80	0.80
Belize	0.06	0.06	0.06
Benin	0.06	0.06	0.06
Bhutan	0.06	0.06	0.06
Bolivia	0.06	0.06	0.06
Bosnia and Herzegovina	0.06	0.06	0.06
Botswana	0.06	0.06	0.06
Brazil	0.92	0.89	0.89
Brunei Darussalam	0.06	0.06	0.06
Bulgaria	0.06	0.06	0.06
Burkina Faso	0.06	0.06	0.06
Burundi	0.06	0.06	0.06
Cambodia	0.06	0.06	0.06
Cameroon	0.06	0.06	0.06
Canada	2.48	2.39	2.39
Cape Verde	0.06	0.06	0.06
Central African Republic	0.06	0.06	0.06
Chad	0.06	0.06	0.06
Chile	0.26	0.25	0.25
China	2.42	3.67	3.67
Colombia	0.21	0.20	0.20
Comoros	0.06	0.06	0.06
Congo	0.06	0.06	0.06
Cook Islands	0.06	0.06	0.06

	<i>2008</i> <i>per cent</i>	<i>2009</i> <i>per cent</i>	<i>2010</i> <i>per cent</i>
Costa Rica	0.06	0.06	0.06
Côte d'Ivoire	0.06	0.06	0.06
Croatia	0.06	0.06	0.06
Cuba	0.07	0.07	0.07
Cyprus	0.06	0.06	0.06
Czech Republic	0.18	0.22	0.22
Democratic People's Republic of Korea	0.06	0.06	0.06
Democratic Republic of the Congo	0.06	0.06	0.06
Denmark	0.56	0.54	0.54
Djibouti	0.06	0.06	0.06
Dominican Republic	0.06	0.06	0.06
Ecuador	0.06	0.06	0.06
Egypt	0.17	0.16	0.16
El Salvador	0.06	0.06	0.06
Equatorial Guinea	0.06	0.06	0.06
Eritrea	0.06	0.06	0.06
Estonia	0.06	0.06	0.06
Ethiopia	0.07	0.06	0.06
Fiji	0.06	0.06	0.06
Finland	0.48	0.47	0.47
France	5.17	5.00	5.00
Gabon	0.06	0.06	0.06
Gambia	0.06	0.06	0.06
Georgia	0.06	0.06	0.06
Germany	7.08	6.85	6.85
Ghana	0.06	0.06	0.06
Greece	0.46	0.44	0.44
Grenada	0.06	0.06	0.06
Guatemala	0.06	0.06	0.06
Guinea	0.06	0.06	0.06
Guinea-Bissau	0.06	0.06	0.06
Guyana	0.06	0.06	0.06
Haiti	0.06	0.06	0.06
Honduras	0.06	0.06	0.06
Hungary	0.14	0.19	0.19

	<i>2008</i> <i>per cent</i>	<i>2009</i> <i>per cent</i>	<i>2010</i> <i>per cent</i>
Iceland	0.07	0.06	0.06
India	0.54	0.55	0.55
Indonesia	0.29	0.28	0.28
Iran (Islamic Republic of)	0.18	0.19	0.19
Iraq	0.06	0.06	0.06
Ireland	0.42	0.50	0.50
Israel	0.47	0.45	0.45
Italy	3.71	3.59	3.59
Jamaica	0.06	0.06	0.06
Japan	12.16	11.75	11.75
Jordan	0.06	0.06	0.06
Kazakhstan	0.06	0.06	0.06
Kenya	0.06	0.06	0.06
Kiribati	0.06	0.06	0.06
Kuwait	0.19	0.18	0.18
Kyrgyzstan	0.06	0.06	0.06
Lao People's Democratic Republic	0.06	0.06	0.06
Latvia	0.06	0.06	0.06
Lebanon	0.06	0.06	0.06
Lesotho	0.06	0.06	0.06
Liberia	0.06	0.06	0.06
Libyan Arab Jamahiriya	0.06	0.06	0.06
Lithuania	0.06	0.06	0.06
Luxembourg	0.38	0.36	0.36
Madagascar	0.06	0.06	0.06
Malawi	0.06	0.06	0.06
Malaysia	0.57	0.55	0.55
Maldives	0.06	0.06	0.06
Mali	0.06	0.06	0.06
Malta	0.06	0.06	0.06
Marshall Islands	0.06	0.06	0.06
Mauritania	0.06	0.06	0.06
Mauritius	0.07	0.06	0.06
Mexico	1.46	1.63	1.63
Micronesia (Federated States of)	0.06	0.06	0.06

	<i>2008</i> <i>per cent</i>	<i>2009</i> <i>per cent</i>	<i>2010</i> <i>per cent</i>
Monaco	0.06	0.06	0.06
Mongolia	0.06	0.06	0.06
Montenegro	0.06	0.06	0.06
Morocco	0.09	0.08	0.08
Mozambique	0.06	0.06	0.06
Myanmar	0.06	0.06	0.06
Namibia	0.06	0.06	0.06
Nauru	0.06	0.06	0.06
Nepal	0.06	0.06	0.06
Netherlands	1.96	1.90	1.90
New Zealand	0.37	0.36	0.36
Nicaragua	0.06	0.06	0.06
Niger	0.06	0.06	0.06
Nigeria	0.06	0.06	0.06
Norway	0.57	0.55	0.55
Oman	0.11	0.11	0.11
Pakistan	0.16	0.16	0.16
Palau	0.06	0.06	0.06
Panama	0.06	0.06	0.06
Papua New Guinea	0.06	0.06	0.06
Paraguay	0.06	0.06	0.06
Peru	0.10	0.10	0.10
Philippines	0.18	0.17	0.17
Poland	0.42	0.41	0.41
Portugal	0.47	0.45	0.45
Qatar	0.16	0.24	0.24
Republic of Korea	2.45	2.37	2.37
Republic of Moldova	0.06	0.06	0.06
Romania	0.07	0.08	0.08
Russian Federation	0.73	0.79	0.79
Rwanda	0.06	0.06	0.06
Saint Kitts and Nevis	0.06	0.06	0.06
Saint Lucia	0.06	0.06	0.06
Saint Vincent and the Grenadines	0.06	0.06	0.06
Samoa	0.06	0.06	0.06

	<i>2008</i> <i>per cent</i>	<i>2009</i> <i>per cent</i>	<i>2010</i> <i>per cent</i>
San Marino	0.06	0.06	0.06
Sao Tome and Principe	0.06	0.06	0.06
Saudi Arabia	0.71	0.69	0.69
Senegal	0.06	0.06	0.06
Serbia	0.06	0.06	0.06
Seychelles	0.06	0.06	0.06
Sierra Leone	0.06	0.06	0.06
Singapore	1.24	1.20	1.20
Slovakia	0.06	0.06	0.06
Slovenia	0.07	0.07	0.07
Solomon Islands	0.06	0.06	0.06
Somalia	0.06	0.06	0.06
South Africa	0.46	0.45	0.45
Spain	2.38	2.30	2.30
Sri Lanka	0.08	0.08	0.08
Sudan	0.06	0.06	0.06
Suriname	0.06	0.06	0.06
Swaziland	0.06	0.06	0.06
Sweden	0.77	0.75	0.75
Switzerland	1.00	0.97	0.97
Syrian Arab Republic	0.06	0.06	0.06
Tajikistan	0.06	0.06	0.06
Thailand	0.56	0.54	0.54
The former Yugoslav Republic of Macedonia	0.06	0.06	0.06
Timor-Leste	0.06	0.06	0.06
Togo	0.06	0.06	0.06
Tonga	0.06	0.06	0.06
Trinidad and Tobago	0.06	0.06	0.06
Tunisia	0.06	0.06	0.06
Turkey	0.44	0.43	0.43
Turkmenistan	0.06	0.06	0.06
Uganda	0.06	0.06	0.06
Ukraine	0.06	0.06	0.06
United Arab Emirates	0.64	0.88	0.88
United Kingdom	5.94	5.74	5.74

	2008 per cent	2009 per cent	2010 per cent
United Republic of Tanzania	0.06	0.06	0.06
United States	25.00	25.00	25.00
Uruguay	0.06	0.06	0.06
Uzbekistan	0.06	0.06	0.06
Vanuatu	0.06	0.06	0.06
Venezuela	0.16	0.15	0.15
Viet Nam	0.07	0.09	0.09
Yemen	0.06	0.06	0.06
Zambia	0.06	0.06	0.06
Zimbabwe	0.06	0.06	0.06
	100.00	100.00	100.00

**A37-27: Assessments to the General Fund for 2011,
2012 and 2013**

The Assembly:

1. *Resolves* that the amounts to be assessed on Contracting States for 2011, 2012 and 2013 pursuant to Article 61, Chapter XII, of the Convention shall be determined in accordance with the scales set out below.

	2011 per cent	2012 per cent	2013 per cent
Afghanistan	0.06	0.06	0.06
Albania	0.06	0.06	0.06
Algeria	0.11	0.11	0.11
Andorra	0.06	0.06	0.06
Angola	0.06	0.06	0.06
Antigua and Barbuda	0.06	0.06	0.06
Argentina	0.25	0.25	0.25
Armenia	0.06	0.06	0.06
Australia	1.72	1.72	1.72
Austria	0.65	0.65	0.65
Azerbaijan	0.06	0.06	0.06
Bahamas	0.06	0.06	0.06
Bahrain	0.13	0.13	0.13
Bangladesh	0.06	0.06	0.06
Barbados	0.06	0.06	0.06

	2011 per cent	2012 per cent	2013 per cent
Belarus	0.06	0.06	0.06
Belgium	0.82	0.82	0.82
Belize	0.06	0.06	0.06
Benin	0.06	0.06	0.06
Bhutan	0.06	0.06	0.06
Bolivia (Plurinational State of)	0.06	0.06	0.06
Bosnia and Herzegovina	0.06	0.06	0.06
Botswana	0.06	0.06	0.06
Brazil	1.33	1.33	1.33
Brunei Darussalam	0.06	0.06	0.06
Bulgaria	0.06	0.06	0.06
Burkina Faso	0.06	0.06	0.06
Burundi	0.06	0.06	0.06
Cambodia	0.06	0.06	0.06
Cameroon	0.06	0.06	0.06
Canada	2.55	2.55	2.55
Cape Verde	0.06	0.06	0.06
Central African Republic	0.06	0.06	0.06
Chad	0.06	0.06	0.06
Chile	0.28	0.28	0.28
China	4.06	4.06	4.06
Colombia	0.22	0.22	0.22
Comoros	0.06	0.06	0.06
Congo	0.06	0.06	0.06
Cook Islands	0.06	0.06	0.06
Costa Rica	0.06	0.06	0.06
Côte d'Ivoire	0.06	0.06	0.06
Croatia	0.07	0.07	0.07
Cuba	0.07	0.07	0.07
Cyprus	0.06	0.06	0.06
Czech Republic	0.27	0.27	0.27
Democratic People's Republic of Korea	0.06	0.06	0.06
Democratic Republic of the Congo	0.06	0.06	0.06
Denmark	0.56	0.56	0.56
Djibouti	0.06	0.06	0.06

	2011 <i>per cent</i>	2012 <i>per cent</i>	2013 <i>per cent</i>
Dominican Republic	0.06	0.06	0.06
Ecuador	0.06	0.06	0.06
Egypt	0.17	0.17	0.17
El Salvador	0.06	0.06	0.06
Equatorial Guinea	0.06	0.06	0.06
Eritrea	0.06	0.06	0.06
Estonia	0.06	0.06	0.06
Ethiopia	0.08	0.08	0.08
Fiji	0.06	0.06	0.06
Finland	0.50	0.50	0.50
France	4.92	4.92	4.92
Gabon	0.06	0.06	0.06
Gambia	0.06	0.06	0.06
Georgia	0.06	0.06	0.06
Germany	6.56	6.56	6.56
Ghana	0.06	0.06	0.06
Greece	0.50	0.50	0.50
Grenada	0.06	0.06	0.06
Guatemala	0.06	0.06	0.06
Guinea	0.06	0.06	0.06
Guinea-Bissau	0.06	0.06	0.06
Guyana	0.06	0.06	0.06
Haiti	0.06	0.06	0.06
Honduras	0.06	0.06	0.06
Hungary	0.22	0.22	0.22
Iceland	0.06	0.06	0.06
India	0.73	0.73	0.73
Indonesia	0.26	0.26	0.26
Iran (Islamic Republic of)	0.20	0.20	0.20
Iraq	0.06	0.06	0.06
Ireland	0.65	0.65	0.65
Israel	0.39	0.39	0.39
Italy	3.52	3.52	3.52
Jamaica	0.06	0.06	0.06
Japan	9.08	9.08	9.08

	2011 <i>per cent</i>	2012 <i>per cent</i>	2013 <i>per cent</i>
Jordan	0.06	0.06	0.06
Kazakhstan	0.06	0.06	0.06
Kenya	0.06	0.06	0.06
Kiribati	0.06	0.06	0.06
Kuwait	0.23	0.23	0.23
Kyrgyzstan	0.06	0.06	0.06
Lao People's Democratic Republic	0.06	0.06	0.06
Latvia	0.06	0.06	0.06
Lebanon	0.06	0.06	0.06
Lesotho	0.06	0.06	0.06
Liberia	0.06	0.06	0.06
Libyan Arab Jamahiriya	0.09	0.09	0.09
Lithuania	0.06	0.06	0.06
Luxembourg	0.31	0.31	0.31
Madagascar	0.06	0.06	0.06
Malawi	0.06	0.06	0.06
Malaysia	0.47	0.47	0.47
Maldives	0.06	0.06	0.06
Mali	0.06	0.06	0.06
Malta	0.06	0.06	0.06
Marshall Islands	0.06	0.06	0.06
Mauritania	0.06	0.06	0.06
Mauritius	0.06	0.06	0.06
Mexico	1.72	1.72	1.72
Micronesia (Federated States of)	0.06	0.06	0.06
Monaco	0.06	0.06	0.06
Mongolia	0.06	0.06	0.06
Montenegro	0.06	0.06	0.06
Morocco	0.10	0.10	0.10
Mozambique	0.06	0.06	0.06
Myanmar	0.06	0.06	0.06
Namibia	0.06	0.06	0.06
Nauru	0.06	0.06	0.06
Nepal	0.06	0.06	0.06
Netherlands	1.85	1.85	1.85

	2011 per cent	2012 per cent	2013 per cent
New Zealand	0.30	0.30	0.30
Nicaragua	0.06	0.06	0.06
Niger	0.06	0.06	0.06
Nigeria	0.06	0.06	0.06
Norway	0.61	0.61	0.61
Oman	0.07	0.07	0.07
Pakistan	0.15	0.15	0.15
Palau	0.06	0.06	0.06
Panama	0.06	0.06	0.06
Papua New Guinea	0.06	0.06	0.06
Paraguay	0.06	0.06	0.06
Peru	0.10	0.10	0.10
Philippines	0.16	0.16	0.16
Poland	0.59	0.59	0.59
Portugal	0.48	0.48	0.48
Qatar	0.41	0.41	0.41
Republic of Korea	2.41	2.41	2.41
Republic of Moldova	0.06	0.06	0.06
Romania	0.15	0.15	0.15
Russian Federation	1.46	1.46	1.46
Rwanda	0.06	0.06	0.06
Saint Kitts and Nevis	0.06	0.06	0.06
Saint Lucia	0.06	0.06	0.06
Saint Vincent and the Grenadines	0.06	0.06	0.06
Samoa	0.06	0.06	0.06
San Marino	0.06	0.06	0.06
Sao Tome and Principe	0.06	0.06	0.06
Saudi Arabia	0.77	0.77	0.77
Senegal	0.06	0.06	0.06
Serbia	0.06	0.06	0.06
Seychelles	0.06	0.06	0.06
Sierra Leone	0.06	0.06	0.06
Singapore	1.07	1.07	1.07
Slovakia	0.11	0.11	0.11
Slovenia	0.07	0.07	0.07

	2011 per cent	2012 per cent	2013 per cent
Solomon Islands	0.06	0.06	0.06
Somalia	0.06	0.06	0.06
South Africa	0.42	0.42	0.42
Spain	2.47	2.47	2.47
Sri Lanka	0.07	0.07	0.07
Sudan	0.06	0.06	0.06
Suriname	0.06	0.06	0.06
Swaziland	0.06	0.06	0.06
Sweden	0.74	0.74	0.74
Switzerland	0.95	0.95	0.95
Syrian Arab Republic	0.06	0.06	0.06
Tajikistan	0.06	0.06	0.06
Thailand	0.50	0.50	0.50
The Former Yugoslav Republic of Macedonia	0.06	0.06	0.06
Timor-Leste	0.06	0.06	0.06
Togo	0.06	0.06	0.06
Tonga	0.06	0.06	0.06
Trinidad and Tobago	0.06	0.06	0.06
Tunisia	0.06	0.06	0.06
Turkey	0.63	0.63	0.63
Turkmenistan	0.06	0.06	0.06
Uganda	0.06	0.06	0.06
Ukraine	0.10	0.10	0.10
United Arab Emirates	1.07	1.07	1.07
United Kingdom	5.68	5.68	5.68
United Republic of Tanzania	0.06	0.06	0.06
United States	25.00	25.00	25.00
Uruguay	0.06	0.06	0.06
Uzbekistan	0.06	0.06	0.06
Vanuatu	0.06	0.06	0.06
Venezuela (Bolivarian Republic of)	0.22	0.22	0.22
Viet Nam	0.10	0.10	0.10
Yemen	0.06	0.06	0.06
Zambia	0.06	0.06	0.06
Zimbabwe	0.06	0.06	0.06
	100.00	100.00	100.00

BUDGETS

A36-29: Budgets for 2008, 2009 and 2010

A. *The Assembly*, with respect to the Budget 2008-2009-2010, *notes* that:

1. in accordance with Article 61 of the Convention, the Council has submitted and the Assembly has considered annual budget estimates [indicative estimates for the Administrative and Operational Services Costs of the Technical Cooperation Programme (AOSC)] for each of the financial years 2008, 2009 and 2010;

2. in accordance with Articles 49 (e) and 61 of the Convention, the Assembly approves the budgets of the Organization.

B. *The Assembly*, with respect to the Technical Cooperation Programme:

Recognizing that the AOSC are mainly financed by fees from implementation of projects assigned to ICAO for execution by external funding sources such as Governments, the United Nations Development Programme and other sources;

Recognizing that the Technical Cooperation Programme cannot be determined with a high degree of precision until such time as the Governments of donor and recipient countries have decided on the relevant projects;

Recognizing that due to the situation cited above, the annual AOSC net budget figures shown below in Canadian dollars for the years 2008, 2009 and 2010 represent indicative budget estimates only:

2008	2009	2010
9 723 000	9 827 000	10 328 000

Recognizing that technical cooperation is an important means of fostering the development and safety of civil aviation;

Recognizing the circumstances facing the Technical Cooperation Programme of the Organization and the necessity to take continuing measures; and

Recognizing that in the event that the AOSC operation for any given financial year ends in a financial deficit, such deficit should first be met from the accumulated surplus of the AOSC Fund and a call for support from the Regular Programme Budget would be the last resort;

Resolves that the Indicative Budget Estimates of the Administrative and Operational Services Costs of the Technical Cooperation Programme are hereby approved on the understanding that subsequent adjustments to the Indicative Budget Estimates shall be made within the framework of the annual AOSC Budget Estimates in accordance with the provisions of Article IX of the Financial Regulations, provided that the overall requirements shall not at any time exceed the funds placed at the disposal of the Organization for this purpose.

C. *The Assembly*, with respect to the Regular Programme:

Resolves that:

1. for the financial years 2008, 2009 and 2010, there are hereby authorized for expenditure in accordance with the Financial Regulations, and subject to the provisions of this Resolution, the following amounts in Canadian dollars for the Regular Programme, separately for the years stated:

	<u>2008</u>	<u>2009</u>	<u>2010</u>
Programme			
A – SAFETY	14 415 000	15 014 000	16 185 000
B – SECURITY	5 019 000	6 532 000	8 778 000
C – ENVIRONMENT	1 674 000	1 672 000	1 755 000
D – EFFICIENCY	20 640 000	21 436 000	21 304 000
E – CONTINUITY	1 951 000	2 114 000	2 046 000
F – LAW	607 000	658 000	790 000
Management and Administration	18 670 000	18 582 000	19 638 000
Programme Support	<u>14 086 000</u>	<u>14 001 000</u>	<u>14 871 000</u>
Organizational realignment	<u>2 889 000</u>	<u>76 000</u>	<u>140 000</u>
TOTAL AUTHORIZED APPROPRIATION	<u>79 951 000</u>	<u>80 085 000</u>	<u>85 507 000</u>
Operational	79 386 000	79 692 000	85 371 000
Capital	565 000	393 000	136 000

2. the separate annual Total Authorized Appropriation be financed as follows in Canadian dollars, in accordance with the Financial Regulations:

	<u>2008</u>	<u>2009</u>	<u>2010</u>
a) by Assessments on Contracting States in accordance with Resolution on the Scale of Assessments	74 184 000	74 060 000	79 204 000
b) by Miscellaneous Income	1 916 000	1 917 000	1 917 000
c) Ancillary Revenue Generation Fund Surplus	<u>3 851 000</u>	<u>4 108 000</u>	<u>4 386 000</u>
TOTAL	<u>79 951 000</u>	<u>80 085 000</u>	<u>85 507 000</u>

3. the Council shall review the method of assessing Contracting States, consistent with Financial Regulation 6.6, in order to determine whether the Secretary General should routinely seek contributions in more than one currency beginning in 2008, given the need to manage exchange rate risk effectively and also avoid imposing inordinate administrative burdens on either Contracting States or the Secretariat.

A37-26: Budgets for 2011, 2012 and 2013

A. *The Assembly*, with respect to the Budget 2011-2012-2013, *notes* that:

1. in accordance with Article 61 of the Convention, the Council has submitted and the Assembly has considered annual budget estimates [indicative estimates for the Administrative and Operational Services Costs of the Technical Co-operation Programme (AOSC)] for each of the financial years 2011, 2012 and 2013;
2. in accordance with Articles 49 (e) and 61 of the Convention, the Assembly approves the budgets of the Organization.

B. *The Assembly*, with respect to the Technical Co-operation Programme:

Recognizing that the AOSC are mainly financed by fees from implementation of projects assigned to ICAO for execution by external funding sources such as Governments, the United Nations Development Programme and other sources;

Recognizing that the Technical Co-operation Programme cannot be determined with a high degree of precision until such time as the Governments of donor and recipient countries have decided on the relevant projects;

Recognizing that due to the situation cited above, the annual AOSC net budget figures shown below in Canadian dollars (CAD) for the years 2011, 2012 and 2013 represent indicative budget estimates only:

2011	2012	2013
10 700 000	11 000 000	11 600 000

Recognizing that technical co-operation is an important means of fostering the development and safety of civil aviation;

Recognizing the circumstances facing the Technical Co-operation Programme of the Organization and the necessity to take continuing measures; and

Recognizing that in the event that the AOSC operation for any given financial year ends in a financial deficit, such deficit should first be met from the accumulated surplus of the AOSC Fund and a call for support from the Regular Programme Budget would be the last resort;

Resolves that the Indicative Budget Estimates of the Administrative and Operational Services Costs of the Technical Co-operation Programme are hereby approved on the understanding that subsequent adjustments to the Indicative Budget Estimates shall be made within the framework of the annual AOSC Budget Estimates in accordance with the provisions of Article IX of the Financial Regulations.

C. *The Assembly*, with respect to the Regular Programme:

Resolves that:

1. separately for the financial years 2011, 2012 and 2013, the following amounts in Canadian dollars, requiring an outlay of funds, are hereby authorized for expenditure for the Regular Programme in accordance with the Financial Regulations, and subject to the provisions of this Resolution:

Programme	2011	2012	2013	Total
SAFETY	22 815 000	23 437 000	24 913 000	71 165 000
SECURITY	13 403 000	13 771 000	13 866 000	41 040 000
ENVIRONMENTAL PROTECTION AND SUSTAINABLE DEVELOPMENT OF AIR TRANSPORT	11 431 000	11 843 000	12 311 000	35 585 000
Programme Support	19 748 000	20 714 000	22 143 000	62 605 000
Management and Administration	13 265 000	13 475 000	14 080 000	40 820 000
Management and Administration — Governing Bodies	6 932 000	7 004 000	7 951 000	21 887 000
TOTAL AUTHORIZED APPROPRIATION	87 594 000	90 244 000	95 264 000	273 102 000
Operational	86 555 000	89 554 000	94 681 000	270 790 000
Capital	1 039 000	690 000	583 000	2 312 000

2. the separate annual Total Authorized Appropriation be financed as follows in Canadian dollars, in accordance with the Financial Regulations:

	2011	2012	2013	Total
a) Assessments on States	82 024 000	84 256 000	88 727 000	255 007 000
b) Transfer from ARGF Surplus	4 370 000	4 688 000	5 082 000	14 140 000
c) Miscellaneous Income	1 200 000	1 300 000	1 455 000	3 955 000
TOTAL:	87 594 000	90 244 000	95 264 000	273 102 000

3. separately for the financial years 2011, 2012 and 2013, the following additional amounts in Canadian dollars, requiring an outlay of funds, are hereby authorized for expenditure for the Regular Programme in accordance with the Financial Regulations, and subject to the provisions of this Resolution to be financed without increasing Assessment of States through Reimbursement from AOSC fund of \$5 311 500 and by the Transfer from Incentive Scheme for Long-Outstanding Arrears Account of \$2 202 200:

Programme	2011	2012	2013	Total
SAFETY	119 000	977 000	888 000	1 984 000
SECURITY	71 000	73 000	76 000	220 000
ENVIRONMENTAL PROTECTION AND SUSTAINABLE DEVELOPMENT OF AIR TRANSPORT	48 000	49 000	51 000	148 000
Programme Support	387 000	399 000	425 000	1 211 000
Management and Administration	1 262 000	1 295 000	1 349 000	3 906 000
Management and Administration — Governing Bodies	14 000	15 000	16 000	45 000
TOTAL AUTHORIZED APPROPRIATION	1 901 000	2 808 000	2 805 000	7 514 000

WORKING CAPITAL FUND**A37-28: Working Capital Fund**

The Assembly:

1. *Notes that:*

- a) in accordance with Resolution A36-34, the Council has reported upon, and the Assembly has considered, the adequacy of the level of the Working Capital Fund and the related borrowing authority;
- b) in recent years, the accumulation of contributions in arrears has constituted, together with the delays in payment of current year contributions, a growing obstacle to the implementation of the work programme while creating financial uncertainty;
- c) the relatively long budgetary cycle of ICAO, namely three years, has a bearing on the determination of the prudent level of the Working Capital Fund and borrowing authority, as only the Assembly can levy assessments on Contracting States;
- d) given the number of permanent staff in ICAO, there is an irreducible minimum which the Organization has to pay out each month to meet the staff costs. This amount is not amenable to short-term reduction through adjusting the work programme, since permanent staff remain in post and have to be paid in any event;
- e) on average, by September of each year, the cumulative receipt of assessments was short of estimated disbursement by an average of 10.0 per cent compared to 5.0 per cent for the last triennium;
- f) based on past trends, there is only a limited risk that the level of the Working Capital Fund may not be sufficient to cover the needs in the foreseeable future;
- g) experience has shown that payments are not made at the beginning of the year when contributions are due and that ICAO cannot rely on contributions being paid even by the end of the year to which they relate and that such unacceptable avoidance of their financial obligations under the Convention by some Contracting States is leading to a financial crisis within the Organization that could impact all Contracting States;
- h) as long as the cash flow remains uncertain, ICAO would need the Working Capital Fund as a buffer on which it could draw to meet its unavoidable cash commitments; and
- i) the Council reviewed the level of the Working Capital Fund in November 2009 and determined that the need for the increase in the level of \$ 6.0 million was not needed for the present time.

2. *Resolves that:*

- a) the level of the Working Capital Fund remain at \$ 6.0 million;
- b) the Council shall review the level of the Working Capital Fund no later than November 2010, 2011, 2012 and 2013, to determine if an increase is urgently needed during that year or for the following year;
- c) if the Council determines that it is warranted, the level of the Working Capital Fund shall be established at a level no higher than \$ 8.0 million, subject to increases resulting from advances paid by new States

becoming members of the Organization after approval of the scales. Such adjustment to the Working Capital Fund will be based on the scales of assessment in effect for the year for which the increase in the level of the Working Capital Fund is approved;

- d) the Secretary General be authorized, with the prior approval of the Finance Committee of the Council, to finance regular and supplementary appropriations that cannot be financed from the General Fund and the Working Capital Fund, by borrowing externally amounts needed to meet immediate obligations of the Organization, and that the Secretary General be required to repay such amounts as rapidly as possible; the outstanding total of such indebtedness of the Organization at no time to exceed \$3.0 million during the triennium;
- e) the Council shall report to the next ordinary session of the Assembly:
 - i) on the adequacy of the level of the Working Capital Fund in the light of experience during 2010, 2011 and 2012;
 - ii) whether the financial position of the General Fund and the Working Capital Fund would indicate the need for assessing Contracting States for cash deficits caused by arrears of contributions; and
 - iii) on the appropriateness of the level of the borrowing authority; and
- f) Resolution A36-34 is no longer effective and is hereby superseded; and

3. *Urges:*

- a) all Contracting States to pay their assessments as early as possible in the year in which they fall due in order to lessen the likelihood of the Organization having to draw on the Working Capital Fund and resort to external borrowing; and
- b) the Contracting States in arrears to meet their obligations to the Organization as promptly as possible, as called for by Resolution A37-32.

CONTRIBUTIONS IN ARREARS

A37-32: Discharge by Contracting States of financial obligations to the Organization and action to be taken in case of their failure to do so

Whereas Article 62 of the *Convention on International Civil Aviation* provides that the Assembly may suspend the voting power in the Assembly and in the Council of any Contracting State that fails to discharge, within a reasonable period, its financial obligations to the Organization;

The Assembly:

Considering that Article 6.5 of the *ICAO Financial Regulations* provides that contributions from Contracting States shall be considered due and payable in full as of the first day of the financial year to which they relate;

Noting that in recent years the accumulation of contributions in arrears has increased considerably and has constituted, together with the delays in payment of current year contributions, an obstacle to the implementation of the work programme and created serious cash flow difficulties;

Urges that all Contracting States in arrears make suitable arrangements for liquidating their arrears; and

Urges all Contracting States and, in particular, the States elected to the Council, to take all necessary measures to pay their contributions on time;

Resolves that, with effect from 1 January 2011:

1. all Contracting States should recognize the necessity to pay their contributions at the beginning of the year in which they fall due, in order to avoid the need for the Organization to draw on the Working Capital Fund to make good the shortfall;
2. the Secretary General be directed to dispatch to all Contracting States, at least three times in the year, schedules showing the current amounts due for the current year and up to 31 December of the previous year;
3. the Council be authorized to discuss and conclude arrangements with Contracting States, whose contributions are in arrears for three or more years, for the settlement of accumulated arrears to the Organization, any such settlements or arrangements to be reported to the next session of the Assembly;
4. all Contracting States that are three years or more in arrears in payment of their contributions should:
 - a) effect without delay payment of the amounts outstanding with respect to advances to the Working Capital Fund, the current year contribution, and partial settlement of their arrears in the amount of 5 per cent of the arrears; and
 - b) conclude within six months of the date of the payment referred to in sub-paragraph a) above, if they have not already done so, an agreement with the Organization for the settlement of the balance of their arrears, such agreement to provide for the payment annually, in full, of their current contributions and the balance of the arrears in instalments over a period of no more than ten years, which period may, at the discretion of the Council, be extended, to a maximum of twenty years in respect of special cases, i.e. those Contracting States which are classified by the United Nations as Least Developed Countries;
5. the Council should further intensify the current policy of inviting Contracting States in arrears to make settlement proposals for the liquidation of long-outstanding arrears of contributions in accordance with the provisions of Resolving Clause 4 above, taking full account of the economic position of the States concerned including the possibility of accepting other currencies in accordance with the provisions of Article 6.6 of the Financial Regulations, to the extent that the Secretary General can use these currencies;
6. the voting power in the Assembly and the Council be suspended for those Contracting States in arrears for an amount equal to or in excess of the total assessments for the three preceding financial years and of those Contracting States not in compliance with agreements entered into in accordance with Resolving Clause 4 b) above, such suspension to be revoked immediately upon the settlement of outstanding amounts due under agreements; and
7. the voting power of a Contracting State suspended under Resolving Clause 6 may also be restored by action of the Assembly or the Council provided:
 - a) it has already concluded with the Council an agreement that provides for the settlement of its outstanding obligations and for the payment of current contributions and has complied with the terms of that agreement; or

- b) the Assembly is satisfied that the State's willingness to reach an equitable settlement of its financial obligations to the Organization has been demonstrated;
8. any State whose voting power has been suspended by the Assembly under Article 62 of the Convention may have it restored by the Council under the conditions stipulated in Resolving Clause 7 a) above, provided that a willingness on its part to reach an equitable settlement of its financial obligations to the Organization has been demonstrated;
9. the following additional measures be applied to those Contracting States whose voting rights have been suspended under Article 62 of the Convention:
- a) lose eligibility to host meetings, conferences, workshops and seminars which are funded, in whole or in part, by the Regular Programme;
 - b) receive only the same free documentation as that provided to non-Contracting States, including those available in electronic media, and any other documents that are essential for safety, regularity or efficiency of international air navigation;
 - c) Nationals or Representatives lose eligibility for nomination to elected offices;
 - d) for purposes of recruitment to posts in the Secretariat, if all other circumstances are equal, candidates from States in arrears would be considered as having the status of candidates from a State that has already achieved the desired level of representation (under equal geographical representation principles), even if it has not achieved that level; and
 - e) lose the right to participate in the ICAO Familiarization Course;
10. only those States which have no outstanding annual assessed contributions except for the current year's assessment will be eligible for election to the Council, Committees, and bodies;
11. the Secretary General be directed to report to Council any voting rights deemed to be suspended and suspension revoked under Clause 6, and to apply measures stipulated in Clause 9 accordingly; and
12. this Resolution supersedes Assembly Resolution A36-33.

A35-27: Incentives for the settlement of long-outstanding arrears
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The Assembly,

Recalling the concern expressed by previous Assemblies at the increase in the contributions in arrears;

Reiterating the necessity of all Contracting States to pay their contributions on the date on which they fall due;

Noting that a number of States have had their voting power suspended in the Assembly and the Council in accordance with Assembly Resolution A35-26;

Reaffirming the extreme importance of participation by all States in the activities of the Organization;

Noting that the cash surplus has traditionally been distributed to those Contracting States which have paid their contributions for the financial years for which the surpluses had been determined; and

Wishing to encourage States to liquidate their arrears and at the same time providing incentives for doing so;

Resolves that:

1. the distribution of cash surpluses be restricted to Contracting States that, at the date of the distribution of the surpluses, have paid their contributions for the financial years for which the surpluses had been determined and that the entitlement to the surpluses be terminated for States that have outstanding contributions for the years concerned, except for those States with agreements and that have complied with the terms of their agreements;
2. Contracting States with arrears of three full years or more and that either have existing agreements or enter into agreements for settlement of long-outstanding arrears, and that have complied with the terms of their agreements, shall have their share of cash surpluses distributed even though they have not paid the assessments for the financial years for which the surpluses had been determined;
3. with effect from 1 January 2005, only that portion of a payment from a Contracting State that is in excess of the sum of the three preceding years' assessments and all instalments due under agreements entered into under Resolving Clause 4 of Assembly Resolution A35-26 shall be retained in a separate account to finance expenditure on aviation security activities, and new and unforeseen projects related to aviation safety, and/or to the enhancement of the efficient delivery of ICAO programmes, such action to be under the control of the Council and reported to the next ordinary session of the Assembly;
4. the Council be requested to closely monitor the question of outstanding contributions and the effects of the incentive schemes on payment of arrears by States, and report to the next ordinary session of the Assembly on the results of their efforts including other measures to be considered; and
5. this resolution supersedes Assembly Resolution A33-27.

<p>A34-1: Use of funds in the separate account established under Resolving Clause 3 of Assembly Resolution A33-27</p>
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The Assembly,

Considering that Assembly Resolution A33-27, Resolving Clause 3, provides that payments of contributions in arrears by Contracting States with arrears of three full years or more will be retained in a separate account to finance expenditure on aviation security activities, and new and unforeseen projects related to aviation safety, and/or to the enhancement of the efficient delivery of ICAO programmes, such action to be under the control of the Council and reported to the next ordinary session of the Assembly;

Recalling that Assembly Resolution A33-10 endorses the concept of an International Financial Facility for Aviation Safety (IFFAS) with the objective of financing safety-related projects for which States cannot otherwise provide or obtain the necessary financial resources, with the principal area of application being safety-related deficiencies identified through the ICAO Universal Safety Oversight Audit Programme (USOAP) as an element of the Global Aviation Safety Plan (GASP);

Recalling further that Assembly Resolution A33-10, Resolving Clause 5 a) encourages Contracting States to consider voluntary contributions to finance preparatory work in development of the IFFAS;

Noting that the Council considered at its 167th and 168th Sessions the question of the use of funds from the separate account established under Resolution A33-27, Resolving Clause 3, to finance in particular aviation security activities and IFFAS;

Noting that it is essential for the proper functioning of ICAO that Contracting States pay their contributions on the date they fall due, and that the use of the funds in the separate account should not create an incentive for Contracting States to withhold their contributions in order to direct those contributions to a particular use;

Taking into account the view of the Council that this Extraordinary Session of the Assembly should be invited to decide, as a policy matter without prejudice to the aforesaid resolutions, on the use of the funds currently standing in the separate account;

Therefore:

1. *Agrees* to apply, on a non-recurring basis, the funds presently held pursuant to Resolving Clause 3 of Assembly Resolution A33-27, amounting to US\$3.14 million plus accrued interest, as follows:
 - a) one third of the total amount so held to finance aviation security activities of a general nature and intended to benefit all or a substantial number of Contracting States;
 - b) one third of the total amount so held to finance the enhancement of the efficient delivery of ICAO programmes including USOAP; and
 - c) one third of the total amount so held to finance IFFAS-related activities involving the establishment, operation and administration of IFFAS, including pilot projects, in whole or in part, which are to be carried out under the auspices of IFFAS for the benefit of a specified group or groups of States at the regional or subregional level, but in no case to be made available to any single State as a sole borrower or grantee under IFFAS;
2. *Reaffirms* that such action shall be under the control of the Council and shall be reported to the next ordinary session of the Assembly;
3. *Agrees* therefore to review this matter at the next ordinary session of the Assembly to be held in 2004; and
4. *Urges* all Contracting States to consider making voluntary contributions to finance the development of IFFAS.

A37-28: Working Capital Fund

ACCOUNTS AND AUDITS

A37-30: Approval of the accounts of the Organization for the financial years 2007, 2008 and 2009 and examination of the Audit Reports thereon

Whereas the accounts of the Organization for the financial years 2007, 2008 and 2009 and the Audit Reports thereon, submitted by the Auditor General of Canada (2007) and the Cour des comptes of France (2008 and 2009) — a member of the Joint Panel of External Auditors of the United Nations and Specialized Agencies — as the External Auditor of ICAO, have been submitted to the Assembly after being circulated to Contracting States;

Whereas the Council has examined the Audit Reports and submitted them to the Assembly for its review; and

Whereas in accordance with Chapter VIII Article 49 (f) of the Convention, expenditures have been reviewed:

The Assembly:

1. *Notes* the Report of the External Auditor on the audited accounts for the financial year 2007 and the comments by the Secretary General in response to the recommendations in the Audit Report;
2. *Notes* the Report of the External Auditor on the audited accounts for the financial year 2008 and the comments by the Secretary General in response to the recommendations in the Audit Report;
3. *Notes* the Report of the External Auditor on the audited accounts for the financial year 2009 with related comments by the Secretary General in response to the recommendations in the Audit Report, and the report on the status of the implementation of the External Auditor's prior years' recommendations;
4. *Approves* the audited accounts for the financial year 2007;
5. *Approves* the audited accounts for the financial year 2008; and
6. *Approves* the audited accounts for the financial year 2009.

A5-10: Joint audit procedure

Whereas ICAO since the beginning has had recourse to the services of professional auditors;

Whereas a Joint Panel of Auditors for the United Nations and the Specialized Agencies has, pursuant to UN Resolution 347 (IV), been established;

Whereas under the Agreement between the United Nations and ICAO there is obligation to secure as much uniformity as is practicable with respect to administrative and financial operations and practices; and

Whereas it has proved impracticable to proceed with an alternative scheme in which the two systems would have been associated;

The Assembly resolves:

1. to revoke the action taken in Resolution A1-63 authorizing the appointment of the Auditors of the Organization; and
2. to confirm the decision taken by the Council of ICAO to appoint as External Auditor of ICAO a member of the Joint Panel of Auditors for the United Nations and Specialized Agencies.

A36-38: Appointment of the External Auditor*The Assembly:*

1. *Notes* that:
 - a) the Financial Regulations provide that, subject to confirmation by the Assembly, the Council shall appoint an External Auditor to the Organization; and

- b) the Council reviewed the nominations submitted by Contracting States in 2007 and approved the appointment of Mr. Philippe Séguin, the First President of the Cour des comptes of France, a member of the Panel of External Auditors of the United Nations and Specialized Agencies, as the External Auditor of ICAO for the financial years 2008, 2009 and 2010 in accordance with Financial Regulation 13.1.
2. *Expresses* its sincere appreciation to Mrs. Sheila Fraser, Auditor General of Canada, for the high quality of her service to the Organization as its External Auditor and for her effective and cooperative assistance to the officials and organs of ICAO during her tenure of office and takes this opportunity to again express sincere appreciation to her predecessors, also Auditors General of Canada; and
3. *Confirms* the action taken by the Council in appointing Mr. Philippe Séguin, the First President of the Cour des comptes of France, as the External Auditor of ICAO for the financial years 2008, 2009 and 2010.

A37-31: Appointment of the External Auditor

The Assembly:

1. *Notes that:*
- a) the Financial Regulations provide that, subject to confirmation by the Assembly, the Council shall appoint an External Auditor to the Organization; and
- b) the Council approved the extension of appointment to the First President of the Cour des Comptes as External Auditor of ICAO for 2011, 2012 and 2013 for the same fee as charged for the current triennium.
2. *Confirms* the action taken by the Council in appointing Mr. Didier Migaud, First President of the Cour des Comptes, as the External Auditor of ICAO for the financial years 2011, 2012 and 2013.

MISCELLANEOUS

A36-39: Study on the apportionment of costs between the Administrative and Operational Service Cost (AOSC) Fund and the Regular Programme Budget

The Assembly requests the Council to consider and approve a cost-recovery policy and work with the Secretariat to ensure the pilot project provides accurate and timely information for the Council's decision.

A33-24: Information and Communication Technology (ICT) Fund

Whereas the Council considers that improvements to information and communication systems of the Organization are important means to improve the efficiency and effectiveness of the Organization set forth in Assembly Resolutions A31-2 and A32-1;

Whereas the Assembly has noted that the current accounting system is over 30 years old and that improvements are necessary to meet the information requirements of Contracting States for the Regular and Technical Cooperation Programmes;

Whereas the Assembly has noted the comments of the External Auditor relating to inadequacy and risks of ICAO's current financial system contained in A33WP/28, AD/12 (Doc 9780); and

Recognizing that programme budget estimates do not include significant investments in information and communication technology;

The Assembly:

1. *Requests* States to make voluntary contributions in cash or in kind for ICT at ICAO;
2. *Decides* to use interest on the General Fund in excess to the amounts included in the budget under miscellaneous income for the years 2001 and 2002 for improvements to the ICT and specifically for the implementation of a new financial system;
3. *Decides* that the balance of unobligated appropriations including supplementary appropriations related to Council's authority under Financial Regulations 5.2 at 31 December 2001 be also used to fund improvements in ICT at ICAO;
4. *Resolves* to create an ICT Fund with the resources noted above;
5. *Instructs* the Secretary General to accord high priority to the modernization of financial systems, the enhancement of ICAO Web Sites and consolidation of file servers; and
6. *Requests* the Council to monitor progress achieved through the use of the ICT Fund and report at the next ordinary session of the Assembly on use of the ICT fund.

A35-32: Information and Communication Technology (ICT) Fund
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The Assembly,

Recalling that:

1. improvements to the information and communication systems of the Organization are important means to improve the efficiency and effectiveness of the Organization set forth in Assembly Resolutions A31-2 and A32-1;
2. the current accounting system is over 30 years old and improvements are necessary to meet the information requirements of Contracting States for the Regular and Technical Cooperation Programmes;
3. programme budget estimates do not include significant investments in information and communication technology; and
4. under Assembly Resolution A33-24, an Information and Communication Technology (ICT) Fund was established to fund the modernization of financial systems, the enhancement of ICAO websites and the consolidation of file servers;

Notes the Report on the ICT Fund and the progress made on the three projects and the expenditure incurred thereon to date;

Notes that:

1. the \$2.5 million allocated to date would be insufficient to fund the modernization of the financial and related systems;
2. the preliminary estimated cost of implementing a modern integrated financial and related systems amounts to approximately \$8 million; and
3. another \$500 000 could be required to maintain and enhance the development of the ICAO website;

Resolves:

1. to authorize the transfer of an amount of \$2 million from the accumulated funds of the Administrative and Operational Services Costs of the Technical Cooperation Programme to the ICT Fund to fund part of the cost of modernizing the financial and related systems;
2. to authorize the Council to transfer from the Incentive for Settlement of Long-Outstanding Arrears Account to the ICT Fund such amounts as are available and are deemed appropriate to fund the modernization of the financial and other related systems after carefully examining its estimated costs and taking into account the needs of the Organization.

Requests:

1. States to make voluntary contributions in cash or in kind for the modernization of the financial and related systems and the further development of the ICAO websites;
2. the Council to monitor progress achieved through the use of the ICT Fund and report at the next ordinary session of the Assembly on the use of the ICT Fund;
3. the External Auditor to pay particular attention to the appropriate use of the funds allocated to the modernization of financial and related systems in the course of her audit.

A22-30: Review of all aspects of language services

A36-18: Financial contributions to the Aviation Security Plan of Action

Appendix A

RESERVATIONS TO RESOLUTIONS ADOPTED BY THE ICAO ASSEMBLY

(commencing with the 36th Session)

This Appendix indicates reservations to the resolutions adopted by the ICAO Assembly. For each reservation cited, reference is made to the Resolution number and title, and, where applicable, that part of the Resolution to which the reservation refers, to the State(s) making the reservation, and to the document(s) which contain(s) the reservation and, where given, the accompanying supporting statement of the Member State(s).

Resolution	State	References
Resolution A36-22: Consolidated statement of continuing ICAO policies and practices related to environmental protection — Appendix L: Market-based measures, including emissions trading	Portugal [on behalf of the Member States of the EC and the other States of the European Civil Aviation Conference (ECAC) (forty-two States in total)]	1) <i>www.icao.int</i> extracts from: – <i>Minutes of the Plenary Meetings of the Assembly — 36th Session, Montréal, 18–28 September 2007 (Doc 9891, A36-Min. P/1-9)</i> – <i>Report and Minutes of the Executive Committee of the Assembly — 36th Session, Montréal, 18–28 September 2007 (Doc 9892, A36-EX)</i> 2) <i>Report of the Executive Committee on Agenda Item 17 (A36-WP/355, P/53, 27/9/07, paragraph 17.4.2.38)</i>
Resolution A36-24: Non-chemical disinsection of the aircraft cabin and flight deck for international flights	Australia	<i>www.icao.int</i> extract from: – <i>Minutes of the Plenary Meetings of the Assembly — 36th Session, Montréal, 18–28 September 2007 (Doc 9891, A36-Min. P/1-9)</i>
Resolution A36-28: Term limits for the Offices of Secretary General and the President of the Council	Argentina	1) <i>www.icao.int</i> extracts from: – <i>Minutes of the Plenary Meetings of the Assembly — 36th Session, Montréal, 18–28 September 2007 (Doc 9891, A36-Min. P/1-9)</i> – <i>Report and Minutes of the Executive Committee of the Assembly — 36th Session, Montréal, 18–28 September 2007 (Doc 9892, A36-EX)</i> 2) <i>Report of the Executive Committee on Agenda Items 23 and 24 (A36-WP/368, P/66, 27/9/07, paragraphs 24.4 and 24.11)</i>

Resolution	State	References
Resolution A37-19: Consolidated statement of continuing ICAO policies and practices related to environmental protection — Climate change	Argentina, Bolivia, Brazil, Cuba, India, Iran, Iraq, Libyan Arab Jamahiriya, Pakistan, Saudi Arabia, Venezuela	Paragraphs 6, 12, 14, 15, 16
	Australia	Paragraphs 6 c), 15
	Belgium on behalf of EU and its member States and the other ECAC members	Paragraphs 6, 14, 15, 17
	Canada	Paragraphs 6 c), 15
	China	Paragraphs 6, 14, 15
	Japan	Paragraph 6 c)
	Russian Federation	Paragraphs 12, 15
	Singapore, United Arab Emirates	Paragraph 15
	United States	Paragraphs 6, 15

Appendix B

LIST OF RESOLUTIONS RESULTING FROM CONSOLIDATIONS, WITH AN INDICATION OF THEIR ORIGIN

<i>Resolution</i>	<i>Resulting from consolidation of</i>	<i>Resolution</i>	<i>Resulting from consolidation of</i>
A16-6*	A4-20, A10-6, A12-8, A14-3, A15-4, A15-19	A21-9*	A16-37, A17-2, A17-3, A17-8, A18-9
A16-9*	A12-5, A15-5, A15-8, Appendix H	A21-10*	A16-56, A18-7
A16-10	A12-5, A15-5	A21-33*	A12-30, A18-24, A18-25, A19-3, A19-4, A19-5
A16-13	A4-6, A14-4	A22-12*	A18-11, A21-19
A16-14*	A2-8, A4-4, A10-9	A22-13*	A16-3, A18-12
A16-23*	A14-32, A15-19, A15-20	A23-13	A18-16, A21-22, A22-28
A16-26*	A1-44, A10-33	A26-7*	A17-5, A17-6, A17-7, A17-9, A17-10, A17-11, A17-13, A17-14, A17-16, A17-17, A17-23, A20-2, A21-9, A22-16, A22-17, A23-21, A23-22, A24-18, A24-19
A16-27*	A10-35, A12-21, A14-36, A15-23	A31-6*	A29-8, A29-9
A16-28*	A10-35, A12-21, A14-36, A15-23	A31-11*	A16-4, A22-12, A22-13, A22-14, Directive Clauses 1 c) and 3 a) 1) ii), A22-15, A23-10, A28-3, A29-12
A16-29*	A2-15, A10-35, A12-21, A14-36	A31-15*	A7-6, A10-40, A16-36, A27-3
A16-30*	A1-40, A10-35, A12-21, A14-36	A32-17*	A2-9, A4-19, A7-14, A7-15, A10-32, A10-36, A12-18, A12-19, A15-5, A15-22, A16-22, A16-26, A16-27, A16-28, A16-29, A16-30, A16-31, A16-33, A16-34, A18-20, A18-21, A21-26, A21-28, A22-24, A24-12, A24-14, A26-13, A27-4, A27-15, A29-18, A31-12, A31-13
A16-32*	A1-45, A2-22, A15-21		
A16-33*	A2-13, A4-17		
A16-34*	A10-38, A12-20, A14-35		
A16-36*	A10-39, A12-23, A14-38		
A16-54*	A11-14, A14-48, A15-36		
A16-56*	A6-2, A7-1, A8-7, A9-6		
A18-20*	A14-34, A15-17		

* No longer in force. See <http://www.icao.int/assembly37/docs/> for resolutions no longer in force.

Appendix C

LIST OF RESOLUTIONS THAT HAVE BEEN CONSOLIDATED, WITH AN INDICATION OF THE RESULTING RESOLUTION

<i>Resolution</i>	<i>Consolidated in</i>	<i>Resolution</i>	<i>Consolidated in</i>
A1-40	A16-30*	A14-48	A16-54*
A1-44	A16-26*		
A1-45	A16-32*		
A2-8	A16-14*	A15-4	A16-6*
A2-13	A16-33*	A15-5	A16-9* and A16-10
A2-15	A16-29*	A15-8,	
A2-22	A16-32*	Appendix H	A16-9*
A4-4	A16-14*	A15-17	A18-20*
A4-6	A16-13	A15-19	A16-6* and A16-23*
A4-17	A16-33*	A15-20	A16-23*
A4-20	A16-6*	A15-21	A16-42*
		A15-23	A16-27* and A16-28*
		A15-36	A16-54*
A6-2	A16-56*		
		A16-3	A22-13*
A7-1	A16-56*	A16-4	A31-11*
A7-6	A31-15*	A16-36	A31-15*
		A16-37	A21-9*
		A16-56	A21-10*
A8-7	A16-56*		
		A17-2	A21-9*
A9-6	A16-56*	A17-3	A21-9*
		A17-5	A26-7*
A10-6	A16-6*	A17-6	A26-7*
A10-9	A16-14*	A17-7	A26-7*
A10-33	A16-26*	A17-8	A21-9*
A10-35	A16-27*, A16-28*, A16-29* and A16-30*	A17-9	A26-7*
		A17-10	A26-7*
A10-38	A16-34*	A17-11	A26-7*
A10-39	A16-36*	A17-13	A26-7*
A10-40	A31-15*	A17-14	A26-7*
		A17-16	A26-7*
		A17-17	A26-7*
A11-14	A16-54*	A17-23	A26-7*
A12-5	A16-9* and A16-10	A18-7	A21-10*
A12-8	A16-6*	A18-9	A21-9*
A12-20	A16-34*	A18-11	A22-12*
A12-21	A16-27*, A16-28*, A16-29* and A16-30*	A18-12	A22-13*
A12-23	A16-36*	A18-16	A23-13*
A12-30	A21-33*	A18-24	A21-33*
		A18-25	A21-33*
A14-3	A16-6*	A19-3	A21-33*
A14-4	A16-13	A19-4	A21-33*
A14-32	A16-23*	A19-5	A21-33*
A14-34	A18-20*		
A14-35	A16-34		
A14-36	A16-27*, A16-28*, A16-29* and A16-30*		
A14-38	A16-36*		

* No longer in force. See <http://www.icao.int/assembly37/docs/> for resolutions no longer in force.

<i>Resolution</i>	<i>Consolidated in</i>	<i>Resolution</i>	<i>Consolidated in</i>
A20-2	A26-7*	A23-22	A26-7*
A21-9	A26-7*	A24-18	A26-7*
A21-19	A22-12*	A24-19	A26-7*
A21-22	A23-13		
		A27-3	A31-15*
A22-12	A31-11		
A22-13	A31-11	A28-3	A31-11*
A22-14, Directive clauses 1 c) and 3 a) 1) ii)	A31-11*	A29-8	A31-6*
A22-15	A31-11*	A29-9	A31-6*
A22-16	A26-7*	A29-12	A31-11*
A22-17	A26-7*		
A22-28	A23-13		
A23-10	A31-11*		
A23-21	A26-7*		

* No longer in force. See <http://www.icao.int/assembly37/docs/> for resolutions no longer in force.

Appendix D

SUBJECT INDEX OF RESOLUTIONS IN FORCE

Accidents

accidents and incidents records: non-disclosure: A37-2 (I-100)
assistance to victims: regulations and programmes A32-7 (I-104)
investigation: A37-15, Appendix U (II-21); A36-10 (I-99)
prevention: A36-10 (I-99)

Administrative and Operational Service Cost: A36-39 (X-27)

Agreements and arrangements

bilateral, implementation of regional plans: A22-19 (II-27)
ICAO-UN: A1-2 (I-45)
UN laissez-passer: A2-25 (I-46)

Air carrier economics: A37-20, Appendix G (III-15)

Air law

conventions: A37-22, Appendix B (V-1)
teaching: A37-22, Appendix D (V-3)

Air mail: A37-20, Appendix H (III-15)

Air Navigation Commission

composition: A22-4 (I-21)
membership: A18-2 (I-20); A27-2 (I-21)
panels: A37-15, Appendix C (II-5)
use of language: A22-29 (IX-2)

Air navigation facilities and services

economic justification: A16-10 (IV-5)
implementation: A22-19 (II-27); A37-15, Appendix L (II-13)
joint financing: A1-65 (IV-1)
regional plans and SUPPS: A37-15, Appendix J (II-11)
SARPs and PANS: A37-15, Appendix A (II-3)
search and rescue: A37-15, Appendix N (II-15)

Air navigation policies: A15-9 (II-2); A37-15 (II-2)

Air quality: A37-18, Appendix H (I-66)

Air routes: cross-polar routes, use of: A36-14 (II-24)

Air traffic

coordination, civil/military: A37-15, Appendix O (II-17)
services, airspaces delimitation: A37-15, Appendix M (II-14)
services, provision: A37-15, Appendix W (II-23)

Air transport

consolidated statement: ICAO policies: A37-20 (III-1)
services: A27-13 (I-80)

Aircraft

design code: A33-11 (I-82)
disinsection: A37-14 (I-79)
lease, charter and interchange: A23-13 (II-38)
new types, systems planning: A23-14 (II-35)
noise: policies and programmes: A37-18, Appendix C (I-58)
noise: subsonic: A37-18, Appendix D (I-60)
supersonic: A37-18, Appendix G (I-65)

Aircraft engine emissions: A37-19 (I-67)

Airport and airspace congestion: A27-11 (II-36)

Airports

noise: A37-18, Appendix E (I-62)
provision: A37-15, Appendix P (II-18)
re-establishment of operation: A22-11 (VI-6)

Airports and air navigation services: A37-20, Appendix F (III-13)

Airspace congestion

see Airport and airspace congestion

Airworthiness certificates: A33-11 (I-82); A37-15, Appendix G (II-8)

Alcohol: abuse: testing programmes: A33-12 (II-41)

Arrears: settlement: A34-1 (X-24); A35-27 (X-23); A37-32 (X-21)

Assembly

extraordinary sessions: A14-5 (I-24)
invitations: A5-3 (I-27)
resolutions, consolidation: Appendices B and C
resolutions in force: Appendix E
resolutions in force: subject index: Appendix D
resolutions, reservations: Appendix A
rules of procedure: (I-25)
Arabic text: A25 Decision (I-26)
Russian text: A22 Decision (I-26)
sessions, frequency and site: A8-1 (I-23); A16-13 (I-26); A22 Decision (I-26)

Assessments

payment, delays: A26-23 (X-3)
principles: A36-31 (X-2)
scales 2008-2010: A36-32 (X-4)
scales 2011-2013: A37-27 (X-10)

Assistance to States (*See also* Technical cooperation)

financing regional plans: A16-10 (IV-5)
implementation of regional plans: A16-10 (IV-5); A22-19 (II-27); A37-15, Appendix J (II-11)
implementation of SARPs and PANS: A37-15, Appendix D (II-6)
missions, technical secretariat: A37-15, Appendix U (II-21)
personnel and equipment, re-establishment of operation of airports: A22-11 (VI-6)
search and rescue services: A37-15, Appendix N (II-15)

Audit reports: A37-30 (X-25)

Aviation Security Plan of Action: financial contributions: A36-18 (VII-15)

Aviation training: A37-15, Appendix H (II-9)

Aviation war risk insurance: assistance: A33-20 (V-10)

Balanced approach

see Noise

Budgets

2008-2009-2010: A36-29 (X-16)

2011-2012-2013: A37-26 (X-18)

Certificates

airworthiness: A37-15, Appendix G (II-8)

flight crew, competency and licences: A21-24 (II-40); A37-15, Appendix G (II-8)

foreign operators: A36-6 (I-91)

Chicago Convention, 1944

amendment policy: A4-3 (I-2)

Article 3 *bis* — addition: A25-1 (I-9); A25-2 (I-11); A27-1 (I-11)

Article 45 — permanent seat: A8-4 (I-27); A8-5 (I-28)

Article 48(a) — Assembly extraordinary sessions: A14-5 (I-24)

Article 50(a) — Council membership: A13-1 (I-15); A17A-1 (I-16); A21-2 (I-17); A28-1 (I-18);
A28-2 (I-19)

Article 56 — Air Navigation Commission: A18-2 (I-20); A22-4 (I-21); A27-2 (I-21)

Article 83 *bis* — addition: A23-3 (I-9)

Article 83 *bis* — transfer of certain functions and duties: A23-2 (I-7)

Article 93 *bis* — ICAO membership: A1-3 (I-13)

Articles 48(a), 49(e) and 61 — Assembly sessions: A8-1 (I-23)

authentic text, Chinese: A32-2 (I-6)

authentic text, French and Spanish: A16-16 (I-3)

authentic text, Russian: A22-2 (I-4)

Final Clause, amendment: A22-3 (I-5); A24-3 (I-5); A31-29 (I-6); A32-3 (I-7)

Circulars: A37-15, Appendix E (II-7)

Civil aircraft: misuse: declaration: A33-1 (VII-1)

Civil aviation: environmental impact: A37-18, Appendix H (I-66)

Climate change: A37-19 (I-67)

- Commercial rights
 - see Agreements and arrangements
- Communicable diseases: protection and prevention:
 - air travel: A37-13 (I-78)
 - passengers and crews: A35-12 (I-77)
- Communications, navigation, surveillance/air traffic management (CNS/ATM)
 - consolidated statement: ICAO policies and practices: A35-15 (I-83)
 - follow-up to the 1998 Conference: A32-12 (I-86)
 - global air-ground communications: legal aspects: A29-19 (I-12)
 - Global Navigation Satellite System (GNSS):
 - Charter on the Rights and Obligations of States: A32-19 (V-8)
 - implementation: legal aspects: A32-20 (V-9); A37-22, Appendix F (V-5)
 - legal and institutional aspects: A37-22, Appendix F (V-5)
- Contracting States
 - action regarding Technical cooperation: A36-17 (VI-1)
 - cooperation: investigations: aircraft accidents: A37-15, Appendix U (II-21)
 - cooperation, civil aviation safety: A25-3 (I-12)
 - cooperation, re-establishment of operation of airports: A22-11 (VI-6)
 - discharge of financial obligations see Arrears
 - employment of ground personnel: A37-15, Appendix R (II-19)
 - participation in technical work: A37-15, Appendix S (II-20)
 - relations with ICAO: A1-14 (I-35); A1-15 (I-38); A2-26 (I-35); A2-27 (I-36)
- Controlled flight into terrain (CFIT) prevention programme: implementation: A31-9 (I-97)
- Convention on International Civil Aviation, 1944
 - see Chicago Convention, 1944
- Convention on the Marking of Plastic Explosives for the Purpose of Detection:
 - Article IV: application: A35-2 (VII-18)
- Conventions and Protocols: promotion:
 - Beijing Convention of 2010: A37-23 (V-6)
 - Beijing Protocol of 2010: A37-23 (V-6)
 - Montreal Convention of 1999: A37-24 (V-7)
- Cooperation among Contracting States: safety of civil aviation: A25-3 (I-12)
- Council
 - arbitral body: A1-23 (I-26)
 - extraordinary session: A24-5 (I-40)
 - Member States' obligations: A4-1 (I-19)
 - membership increase: A13-1 (I-15); A17A-1 (I-16); A21-2 (I-17); A28-1 (I-18); A28-2 (I-19)
- Cuban aircraft, sabotage and destruction: A22-5 (I-41)
- Differences (SARPs and PANS): A37-15, Appendix D (II-6)
- Disinsection of aircraft: A37-14 (I-79)
- Disputes, settlement: A1-23 (I-26)

Documentation

dispatch: A3-5 (IX-7); A37-15, Appendix B (II-4)
publication and distribution: A24-21 (IX-6)

Economic development: A36-17 (VI-1)

Economic regulation: A37-20, Appendix A (III-2)

Emblem and seal of ICAO: A31-1 (I-34)

Emissions trading: A37-19 (I-67)

Environmental protection

climate change: A37-19 (I-67)
general: A37-18, Appendix A (I-55)
ICAO policies and practices: A37-18 (I-54); A37-19 (I-67)
invasive alien species, prevention: A36-21 (I-74)

Experts

regional offices: A37-15, Appendix T (II-20)
technical assistance: A36-17 (VI-1)

External auditor: A5-10 (X-26); A36-38 (X-26)
appointment: A36-38 (X-26); A37-31 (X-27)

Facilitation: A37-20, Appendix D (III-9)

Fellowships and scholarships: A36-17, Appendix B (VI-3)

Financial regulations: A36-35 (X-1); A37-29 (X-2)

Flight crew, certificates of competency and licences: A37-15, Appendix G (II-8)

Forecasting and economic planning: A37-20, Appendix C (III-8)

Global air-ground communications

see Communications, navigation and surveillance/air traffic management (CNS-ATM)

Global Air Navigation Plan (GANP): A37-12 (I-85)

Global planning for safety: A37-4 (II-29)

Global Aviation Safety Plan (GASP): A37-4, Appendix (II-29)

Global rule harmonization: A29-3 (I-81)

GNSS

see Communications, navigation, surveillance/air traffic management (CNS/ATM)

Ground personnel employment conditions: A37-15, Appendix R (II-19)

Halon replacement: A37-9 (II-44)

Headquarters: permanent seat: A8-4 (I-27); A8-5 (I-28)

Hijacking

see Unlawful interference

Humanitarian flights: A29-14 (I-103)

ICAO

emblem and seal: A31-1 (I-34)

50th Anniversary Celebrations (1994): A29-1 (I-1)

increasing the effectiveness: A31-2 (I-29); A32-1 (I-32); A33-3 (I-33)

membership: A1-3 (I-13); A1-9 (I-14)

permanent seat: A8-4 (I-27); A8-5 (I-28)

policies: legal field: A37-22 (V-1)

policies: legal field: general policy: A37-22, Appendix A (V-1)

Implementation of regional plans

assistance and advice: A22-19 (II-27)

aviation safety in Africa: A37-7 (II-25)

Information and Communication Technology (ICT) Fund: A33-24 (X-27); A35-32 (X-28)

Intergovernmental Panel on Climate Change: A37-19 (I-67)

International Civil Service Commission: A21-12 (I-50)

International Day of Peace: A24-1 (I-81)

International Financial Facility and Aviation Safety (IFFAS): A34-1 (X-24)

International Instruments, ICAO

ratification, status: A37-22, Appendix C (V-2)

International organizations

relations with ICAO: A1-10 (I-44); A1-11 (I-45); A5-3 (I-27)

United Nations see United Nations

Invitations to participate in future sessions of the Assembly: A5-3 (I-27)

Iraqi invasion of Kuwait: aeronautical consequences: A28-7 (I-42)

Israel: A19-1 (I-39); A20-1 (I-39)

Jerusalem airport: A21-7 (I-40); A23-5 (I-40)

Joint financing: A1-65 (IV-1); A14-37 (IV-5); A16-10 (IV-5)

Joint Inspection Unit: A22-7 (I-50)

Laissez-passer: A2-25 (I-46)

Land-use: planning and management: A37-18, Appendix F (I-64)

Language proficiency requirements for radiotelephony communications: A37-10 (II-42)

Languages

- Arabic, extension of services in ICAO: A26 Decision: (IX-3); A29-21 (IX-4)
 - limited use: A21 Decision (IX-3)
 - use at Assembly sessions: A23 Decision (IX-3)
- Chinese, extension of services in ICAO: A31-16 (IX-4)
 - introduction: A22 Decision (IX-4)
 - services: A22-30 (IX-2); A37-25 (IX-1)
 - use, Air Navigation Commission: A22-29 (IX-2)

Law of Treaties: 1986 Vienna Convention: confirmation: A33-5 (I-37)

Lebanese aircraft diverted and seized: A20-1 (I-39)

Legal Committee: A7-5 (I-22)

Libyan aircraft shot down: A19-1 (I-39)

Licences, flight crew: A21-24 (II-40); A37-15, Appendix G (II-8)

Manuals, technical: A37-15, Appendix E (II-7)

Meetings

- air navigation: A37-15, Appendix B (II-4)
- documentation: A3-5 (IX-7); A37-15, Appendix B (II-4)
- ICAO, participation of PLO as observer: A22-6 (I-51)
- informal: A22-19, clause c) (II-27)
- preparation and conduct: A11-16 (I-34)
- Specialized Agencies, invitations to liberation movements: A21 Decision (I-51)

Narcotic drugs

- suppression of illicit transport by air: ICAO role A27-12 (I-75)
- testing programme: A33-12 (II-41)

Navigation aids

- testing: A37-15, Appendix Q (II-19)

Noise

- balanced approach: A37-18, Appendix C (I-58)

Outer space: A29-11 (I-53)

Palestine Liberation Organization: participation in ICAO as observer: A22-6 (I-51)

Panels: A37-15, Appendix C (II-5)

Peace and security: A5-5 (I-47)

Performance-based navigation global goals: A37-11 (II-32)

Personnel policy: A1-51 (VIII-1)

Privileges and immunities: A2-26 (I-35); A2-27 (I-36); A26-3 (I-37)

- Procedures for air navigation services (PANS)
development: A37-18, Appendix B (I-57)
formulation: A37-15, Appendix A (II-3)
implementation of SARPs and PANS: A37-15, Appendix D (II-6)
- Public information policy: A1-15 (I-38)
- Publications: A1-54 (IX-5)
- Radio frequency spectrum: ICAO policy: A36-25 (1-101)
- Radio navigation aids
see Navigation aids
- Radiotelephony communications: English language: proficiency: A37-10 (II-42)
- Recommended practices
definition: A37-15, Appendix A (II-3)
development: A37-18, Appendix B (I-57)
formulation: A37-15, Appendix A (II-3)
implementation: A37-15, Appendix D (II-6)
- Regional civil aviation bodies: relationships with ICAO: A27-17 (I-48); A37-21 (I-49)
- Regional offices: Secretariat: A37-15, Appendix T (II-20)
- Regional organizations: relationships with ICAO: A37-21 (I-49)
- Regional Plans
financing: A16-10 (IV-5)
formulation: A37-15, Appendix K (II-12)
implementation: A22-19 (II-27); A37-15, Appendix L (II-13)
voluntary contributions of equipment and funds: A36-17, Appendix B (VI-3)
- Regional Supplementary Procedures (SUPPS)
formulation: A37-15, Appendix J (II-11)
implementation: A37-15, Appendix L (II-13)
- Research and development coordination: A37-15, Appendix I (II-10)
- Russian aircraft, acts of terrorism and destruction: A35-1 (I-43)
- Safeguarding international public air transport: A27-13 (I-80)
- Safety
data collection and processing: A37-3 (II-31)
Fund (SAFE): A37-16 (I-96)
global planning for safety: A37-4 (II-29)
human factors: A37-15, Appendix V (II-22)
information: code of conduct: A37-1 (I-52)
regional cooperation and assistance to resolve safety-related deficiencies: A37-8 (I-92)
runways: A37-6 (I-99)
unified strategy to resolve safety-related deficiencies: A37-8 (I-92)

Safety of navigation: A32-6 (I-43)

Safety oversight

audit programme: A32-11 (I-88); A33-9 (I-89); A37-5 (I-94)
improvement: A29-13 (I-87)

Search and rescue services: A37-15, Appendix N (II-15)

Secretariat

appointments and promotions: A1-8 (VIII-6)
gender equality: A36-27 (VIII-5)
general personnel policy: A1-51 (VIII-1)
geographical representation: A14-6 (VIII-3); A24-20 (VIII-4)
national distribution: A4-31 (VIII-3)
privileges and immunities: A2-27 (I-36)
recruitment policy: A14-6, clauses 2 and 3 (VIII-4)
secondment: A1-51, clause 3 (VIII-2)
short-term appointments: A14-6, clause 2 (VIII-4)
technical assistance experts: A36-17, Appendix C (VI-5)
technical work: A37-15, Appendix S (II-20)

Security specifications and measures

see Unlawful interference

Shooting down of a Libyan civil aircraft: A19-1 (I-39)

Sickle cell trait: A21-24 (II-40)

Sonic boom: A37-18, Appendix G (I-65)

Staff Pension Committee: A3-9 (VIII-7)

Standards

definition: A37-15, Appendix A (II-3)
formulation: A37-15, Appendix A (II-3)
implementation of SARPs and PANS: A37-15, Appendix D (II-6)

Statistics: A37-20, Appendix B (III-7)

Substance abuse

drug and alcohol: testing programme: A33-12 (II-41)
workplace: role of ICAO: A29-16 (II-40)

Supersonic aircraft

see Aircraft

Systems

coordination of aeronautical systems: A37-15, Appendix I (II-10)
planning: A23-14 (II-35)

Taxation: A37-20, Appendix E (III-12)

- Technical cooperation: A36-17 (VI-1)
funding: A36-17, Appendix B (VI-3)
programme: A36-17, Appendix A (VI-1), A36-17, Appendix C (VI-5)
- Technical work: States' participation: A37-15, Appendix T (II-20)
- Terms of office of Secretary General and the President of the Council: A36-28 (VIII-2)
- Tobacco smoking: restrictions: international passenger flights: A29-15 (I-76)
- United Nations
agreement with ICAO: A1-2 (I-45)
ECOSOC Resolution 222 (IX)A: A36-17, Appendix A (VI-1)
laissez-passer: A2-25 (I-46)
relations with ICAO: A2-24 (I-46)
tenth anniversary: A9-16 (I-48)
- United Nations and Specialized Agencies: Joint Inspection Unit: A22-7 (I-50)
- United Nations Development Programme (UNDP): A36-17 (VI-1)
- Units of measurement: A37-15, Appendix F (II-8)
- Universal Safety Oversight Audit Programme: A32-11 (I-88); A37-5 (I-94); A33-9 (I-89);
A37-17, Appendix E (VII-10)
- Unlawful interference
aircraft in-flight destruction: A27-9 (VII-16); A33-1 (VII-1); A35-1 (I-43)
Assembly declaration: A17-1 (VII-2)
Council: action: A37-17, Appendix G (VII-13)
general policy: A37-17, Appendix A (VII-4)
international legal instruments: A37-17, Appendix B (VII-5)
international organizations: cooperation: A37-17, Appendix H (VII-14)
MANPADS export control: A36-19 (VII-17)
misuse of aircraft: declaration: A33-1 (VII-1)
States: action: A37-17, Appendix D (VII-9)
technical security measures: A37-17, Appendix C (VII-6); A37-17, Appendix F (VII-12)
- Unlawful seizure of aircraft (See also Unlawful interference): A37-17 (VII-3)
- Unruly/disruptive passengers: offences: national legislation: A37-22, Appendix E (V-3)
- Voting power suspension: A37-32 (X-21)
- Working capital fund: A37-28 (X-20)
-

Appendix E

INDEX OF RESOLUTIONS IN FORCE* (in numerical order)

<u>Resolution</u>	<u>Page</u>	<u>Resolution</u>	<u>Page</u>	<u>Resolution</u>	<u>Page</u>
A1-2	I-45	A13-1	I-15	A23-13	II-38
A1-3	I-13	A14-5	I-24	A23-14	II-35
A1-8	VIII-6	A14-6	VIII-3	A24-1	I-81
A1-9	I-14	A14-37	IV-5	A24-3	I-5
A1-10	I-44	A15-9	II-2	A24-5	I-40
A1-11	I-45	A16-10	IV-5	A24-20	VIII-4
A1-14	I-35	A16-13	I-26	A24-21	IX-6
A1-15	I-38	A16-16	I-3	A25-1	I-9
A1-23	I-26	A17-1	VII-2	A25-2	I-11
A1-51	VIII-1	A17A-1	I-16	A25-3	I-12
A1-54	IX-5	A18-2	I-20	A26-3	I-37
A1-65	IV-1	A19-1	I-39	A26-23	X-3
A2-24	I-46	A20-1	I-39	A27-1	I-11
A2-25	I-46	A21-2	I-17	A27-2	I-21
A2-26	I-35	A21-7	I-40	A27-9	VII-16
A2-27	I-36	A21-12	I-50	A27-11	II-36
A3-5	IX-7	A21-24	II-40	A27-12	I-75
A3-9	VIII-7	A22-2	I-4	A27-13	I-80
A4-1	I-19	A22-3	I-5	A27-17	I-48
A4-3	I-2	A22-4	I-21	A28-1	I-18
A4-31	VIII-3	A22-5	I-41	A28-2	I-19
A5-3	I-27	A22-6	I-51	A28-7	I-42
A5-5	I-47	A22-7	I-50	A29-1	I-1
A5-10	X-26	A22-11	VI-6	A29-3	I-81
A7-5	I-22	A22-19	II-27	A29-11	I-53
A8-1	I-23	A22-29	IX-2	A29-13	I-87
A8-4	I-27	A22-30	IX-2	A29-14	I-103
A8-5	I-28	A23-2	I-7	A29-15	I-76
A9-16	I-48	A23-3	I-9	A29-16	II-40
A11-16	I-34	A23-5	I-40	A29-19	I-12

*Note.— Regarding resolutions no longer in force, see Resolution A16-1 (for resolutions up to the 15th Session of the Assembly) and Resolutions A18-1, A21-1, A22-1, A23-1, A24-6, A26-6, A27-6, A29-4, A31-3, A32-4, A33-6, A35-4 and A36-16 which are available at <http://www.icao.int/assembly37/docs/>.

In addition to the resolutions listed in this Index, three other resolutions are also in force but their texts have not been reproduced in this document for the following reason:

- A6-12, A12-4 and A14-1: these resolutions govern the Standing Rules of Procedure of the Assembly. The current version of these Rules appears in Doc 7600.

<i>Resolution</i>	<i>Page</i>	<i>Resolution</i>	<i>Page</i>	<i>Resolution</i>	<i>Page</i>
A29-21	IX-4	A36-6	I-91	A37-15	II-2
A31-1	I-34	A36-10	I-99	A37-16	I-96
A31-2	I-29	A36-14	II-24	A37-17	VII-3
A31-9	I-97	A36-17	VI-1	A37-18	I-54
A31-16	IX-4	A36-18	VII-15	A37-19	I-67
A31-29	I-6	A36-19	VII-17	A37-20	III-1
A32-1	I-32	A36-21	I-74	A37-21	I-49
A32-2	I-6	A36-25	I-101	A37-22	V-1
A32-3	I-7	A36-27	VIII-5	A37-23	V-6
A32-6	I-43	A36-28	VIII-2	A37-24	V-7
A32-7	I-104	A36-29	X-16	A37-25	IX-1
A32-11	I-88	A36-31	X-2	A37-26	X-18
A32-12	I-86	A36-32	X-4	A37-27	X-10
A32-19	V-8	A36-35	X-1	A37-28	X-20
A32-20	V-9	A36-38	X-26	A37-29	X-2
A33-1	VII-1	A36-39	X-27	A37-30	X-25
A33-3	I-33	A37-1	I-52	A37-31	X-27
A33-5	I-37	A37-2	I-100	A37-32	X-21
A33-9	I-89	A37-3	II-31		
A33-11	I-82	A37-4	II-29		
A33-12	II-41	A37-5	I-94		
A33-20	V-10	A37-6	I-99		
A33-24	X-27	A37-7	II-25		
A34-1	X-24	A37-8	I-92		
A35-1	I-43	A37-9	II-44		
A35-2	VII-18	A37-10	II-42		
A35-12	I-77	A37-11	II-32		
A35-15	I-83	A37-12	I-85		
A35-27	X-23	A37-13	I-78		
A35-32	X-28	A37-14	I-79		

— END —

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9 7 8 9 2 9 2 3 1 7 3 7