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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 35th Session (September/October 2004).

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):

- a list of resolutions or parts thereof declared no longer in force (Appendix A);
- a list of resolutions resulting from consolidations, with an indication of their origin (Appendix B);

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

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

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

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in force adopted by all Assembly sessions from the first to the eighteenth, and for the titles of resolutions no longer in force that are listed in Appendix A.

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.

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PART I. CONSTITUTIONAL AND GENERAL POLICY MATTERS

THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

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

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

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

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

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

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

The Assembly:

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

2. *Urges* Member States to establish a national focal point and to launch a programme of activities at the national

level, financed by local resources, to celebrate the anniversary in an appropriate way;

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

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

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

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

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

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

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

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

Be it therefore resolved:

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

- i) when it is proved necessary by experience;
- ii) when it is demonstrably desirable or useful;

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

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

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

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

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

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

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

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

The Assembly of the International Civil Aviation Organization,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

g) With respect to any Contracting State ratifying the Protocol after the date aforesaid, the Protocol shall

come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

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

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

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

The Assembly:

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

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

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

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

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

The Assembly:

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

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

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

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

The Assembly:

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

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

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

The Assembly of the International Civil Aviation Organization,

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

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

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

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

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

2. *Specifies*, pursuant to the provisions of the said Article 94(a) of the said Convention, one hundred and

twenty-four (124) as the number of Contracting States upon whose ratification the proposed amendment aforesaid shall come into force, and

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

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

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

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

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

The Assembly:

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

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

The Assembly of the International Civil Aviation Organization,

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

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

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

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

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

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

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

“Article 83 *bis*

Transfer of certain functions and duties

- a) Notwithstanding the provisions of Articles 12, 30, 31 and 32(a), when an aircraft registered in a

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

- b) The transfer shall not have effect in respect of other contracting States before either the agreement between States in which it is embodied has been registered with the Council and made public pursuant to Article 83 or the existence and scope of the agreement have been directly communicated to the authorities of the other contracting State or States concerned by a State party to the agreement.
- c) The provisions of paragraphs (a) and (b) above shall also be applicable to cases covered by Article 77.”

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

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

- a) The Protocol shall be signed by the President of the Assembly and its Secretary General.
- b) The Protocol shall be open to ratification by any State which has ratified or adhered to the said Convention on International Civil Aviation.
- c) The instruments of ratification shall be deposited with the International Civil Aviation Organization.
- d) The Protocol shall come into force in respect of the States which have ratified it on the date on which the ninety-eighth instrument of ratification is so deposited.

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

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

The Assembly,

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

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

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

The Assembly of the International Civil Aviation Organization,

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

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

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

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

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

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

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

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

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

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

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

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

“Article 3 *bis*

- a) The contracting States recognize that every State must refrain from resorting to the use of weapons against civil aircraft in flight and that, in case of interception, the lives of persons on board and the safety of aircraft must not be endangered. This provision shall not be interpreted as modifying in any way the rights and obligations of States set forth in the Charter of the United Nations.
- b) The contracting States recognize that every State, in the exercise of its sovereignty, is entitled to require the landing at some designated airport of a

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

- c) Every civil aircraft shall comply with an order given in conformity with paragraph (b) of this Article. To this end each contracting State shall establish all necessary provisions in its national laws or regulations to make such compliance mandatory for any civil aircraft registered in that State or operated by an operator who has his principal place of business or permanent residence in that State. Each contracting State shall make any violation of such applicable laws or regulations punishable by severe penalties and shall submit the case to its competent authorities in accordance with its laws or regulations.
- d) Each contracting State shall take appropriate measures to prohibit the deliberate use of any civil aircraft registered in that State or operated by an operator who has his principal place of business or permanent residence in that State for any purpose inconsistent with the aims of this Convention. This provision shall not affect paragraph (a) or derogate from paragraphs (b) and (c) of this Article.”

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

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

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

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

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

The Assembly at its 25th Session (Extraordinary)

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

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

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

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

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

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

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

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

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

The Assembly:

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

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

The Assembly:

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

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

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

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

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

1. *Calls upon* Contracting States:

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

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

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

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

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

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

The Assembly resolves:

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

ANNEX

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

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

MEMBERSHIP OF ICAO

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

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

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

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

“Article 93 bis

- a) Notwithstanding the provisions of Articles 91, 92 and 93 above,
 1. A State whose government the General Assembly of the United Nations has recommended be debarred from membership in international agencies established by or brought into relationship with the United Nations shall automatically cease to be a member of the International Civil Aviation Organization;
 2. A State which has been expelled from membership in the United Nations shall automatically cease to be a member of the International Civil Aviation Organization unless the General Assembly of the United Nations attaches to its act of expulsion a recommendation to the contrary.
- b) A State which ceases to be a member of the International Civil Aviation Organization as a result of the provisions of paragraph (a) above may,

after approval by the General Assembly of the United Nations, be re-admitted to the International Civil Aviation Organization upon application and upon approval by a majority of the Council.

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

**A1-9: Consideration of applications for membership
in ICAO**

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

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

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

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

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

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

Now therefore the Assembly resolves:

That, should any application for membership in this Organization be received, while the Assembly is not in session, from a State other than those provided for in Article 92(a) of the Convention, the Council may, in

accordance with Article 93 of the Convention and pending submission of the application to the next Assembly in accordance with that Article, consult with the State or States invaded or attacked during the war of 1939-1945 by the State seeking admission.

THE ORGANIZATION AND ITS BODIES

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

The Assembly,

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

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

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

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

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

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

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

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

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

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

The Assembly,

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

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

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

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

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

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

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

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

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

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

The Assembly,

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

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

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

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

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

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

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

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

- a) The protocol shall be signed by the President of the Assembly and its Secretary General.
- b) The protocol shall be open to ratification by any State which has ratified or adhered to the said Convention on International Civil Aviation.

- c) The instruments of ratification shall be deposited with the International Civil Aviation Organization.
- d) The protocol shall come into force in respect of the States which have ratified it on the date on which the 86th instrument of ratification is so deposited.
- e) The Secretary General shall immediately notify all Contracting States of the date of deposit of each ratification of the protocol.
- f) The Secretary General shall immediately notify all States parties to the said Convention of the date on which the protocol comes into force.
- g) With respect to any Contracting State ratifying the protocol after the date aforesaid, the protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

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

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

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

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

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

The Assembly:

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

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

2. *Specifies*, pursuant to the provisions of the said Article 94(a) of the said Convention, one hundred and eight

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

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

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

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

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

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

The Assembly:

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

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

A4-1: Obligations of Council Member States

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

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

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

Now therefore this Assembly resolves:

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

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

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

The Assembly,

Having met in its Eighteenth Session at Vienna,

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

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

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

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

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

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

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

- a) the protocol shall be signed by the President of the Assembly and its Secretary General;
- b) the protocol shall be open to ratification by any State which has ratified or adhered to the said Convention on International Civil Aviation;
- c) the instruments of ratification shall be deposited with the International Civil Aviation Organization;
- 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;

* Now Rule 55.

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

The Assembly resolves:

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

Legal Committee — Constitution

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

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

- a) to advise the Council on matters relating to the interpretation and amendment of the Convention on International Civil Aviation, referred to it by the Council;
- b) to study and make recommendations on such other matters relating to public international air law as may be referred to it by the Council or the Assembly;
- c) by direction of the Assembly or the Council, or on the initiative of the Committee and subject to the prior approval of the Council, to study problems relating to private air law affecting international civil aviation, to prepare

drafts of international air law conventions and to submit reports and recommendations thereon;

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

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

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

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

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

7. The Committee shall elect its own officers.

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

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

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

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

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

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

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

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

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

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

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

Resolves:

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

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

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

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

The Assembly of the International Civil Aviation Organization,

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

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

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

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

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

“In Article 48(a) of the Convention, the second sentence be deleted and substituted by ‘An extra-

ordinary 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 aforesaid.

Standing Rules of Procedure of the Assembly

— Resolutions A6-12, A12-4 and A14-1

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

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

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

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

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

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

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

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

The Assembly resolves that the triennial arrangement of ordinary sessions of the Assembly should be regarded as the normal practice of the Organization, with the understanding that intervening ordinary sessions might be convened by decision of the Assembly or Council. The Council should give careful consideration to suggestions or invitations of Contracting States to hold triennial ordinary sessions of the Assembly away from the Headquarters of

the Organization, taking into account the benefits to be derived by the Organization and the Contracting States, the nature of offers to defray all or a portion of the additional expense to the Organization, and all pertinent considerations.

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

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

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

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

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

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

Now therefore the First Assembly resolves:

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

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

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

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

The Fifth Session of the Assembly resolves:

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

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

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

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

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

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

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

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

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

Resolves:

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

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

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

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

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

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

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

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

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

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

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

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

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

The Assembly resolves:

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

A31-2: Increasing the effectiveness of ICAO

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

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

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

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

The Assembly:

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

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

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

- a) intensify efforts to develop the Strategic Action Plan on a continuing basis in association with a systematic planning process which improves effectiveness, transparency and accountability and which drives the evolution of the Programme Budget; and
- b) make the Strategic Action Plan available to Contracting States and present the current version, along with a progress report on implementation during the triennium concerned, to each ordinary Session of the Assembly;

4. *Directs* the Council to:

- a) streamline the working methods and procedures of the Assembly with a view to increased transparency and efficiency, and reduced duration of Assembly Sessions, for effect commencing with the next ordinary Session;
- b) undertake an intensive review of the decision-making processes, working methods and procedures of the Council and its subsidiary bodies with a view to streamlining, delegating authority and improving the cost-effectiveness of the Organization; and
- c) ensure the effectiveness of the oversight mechanism, with independent reporting procedure to the Council, to provide programme effectiveness, transparency and accountability;

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

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

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

APPENDIX

List of considerations for achieving a more effective ICAO

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

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

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

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

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

Note.— Where amendments to the Standing Rules of Procedure of the Assembly (Doc 7600/5) 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**

**A14-14: 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 send 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 Organization* 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 on 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 second-

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

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

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

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

A24-5: Extraordinary Session of the Council

The Assembly

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

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

Urges all Member States to cooperate fully in their implementation.

A21-7: The airport of Jerusalem

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

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

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

A23-5: The airport of Jerusalem

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

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

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

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

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.

A35-9: Consolidated statement of 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 PICAO has negotiated a draft agreement of relationship between ICAO and the United Nations in accordance with Resolution XXI of the Interim Assembly of PICAO and has submitted this agreement to the Assembly of ICAO for approval; and

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

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

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

A2-24: Relations with the United Nations

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

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

The Assembly:

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

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

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

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

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

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

The Assembly:

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

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

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

The Assembly,

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

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

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

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

Therefore declares:

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

A9-16: Tenth Anniversary of the United Nations

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

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

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

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

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

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

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

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

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

The Assembly:

1. *Resolves* that:

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

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

2. *Directs* the Council:

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

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

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

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

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

A22-7: Statute of the Joint Inspection Unit

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

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

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

The Assembly resolves:

1. to accept the Statute of the Joint Inspection Unit, which will continue to be responsible to the Council in so far 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

A35-5: Consolidated statement of continuing ICAO policies and practices related to environmental protection

A35-9 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)

A32-13: 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

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.

A35-5: Consolidated statement of continuing ICAO policies and practices related to environmental protection

Whereas in Resolution A33-7 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 A33-7 consists of an introductory text and a number of Appendices concerning specific but interrelated subjects;

Considering the need to incorporate new ICAO goals in the environmental field (Appendix A);

Considering the need to reflect new ICAO guidance material regarding aircraft noise, notably on the “balanced approach” to noise management (Appendix C) and on land-use planning and management (Appendix F) and to respond to other developments in this field since the 33rd Session of the Assembly; and

Considering the need also to reflect developments that have taken place since the 33rd Session of the Assembly in the field of aircraft engine emissions, including new ICAO guidance material on operational measures and further studies on market-based measures to limit or reduce greenhouse gases from aviation (Appendices H and I);

The Assembly:

1. *Resolves* that the Appendices attached to this Resolution and listed below constitute the consolidated statement

of continuing ICAO policies and practices related to environmental protection, as these policies exist at the close of the 35th 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 — Environmental impact of civil aviation on the atmosphere

Appendix I — Market-based measures regarding aircraft engine emissions

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

3. *Declares* that this resolution supersedes Resolution A33-7.

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 integrated measures embracing technological improvements, appropriate operating procedures, proper organization of air traffic and the appropriate use of airport planning, land-use planning and management and market-based measures;

Whereas other international organizations are becoming involved in activities relating to environmental policies affecting air transport;

Whereas in fulfilling its role, ICAO strives to achieve a balance between the benefit accruing to the world community through civil aviation and the harm caused to the environment in certain areas through the progressive advancement of civil aviation;

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

Whereas ICAO envisages cooperation with other international organizations, as necessary, including possible participation in projects financed by the United Nations Environment Fund;

The Assembly:

1. *Declares* that ICAO is conscious of and will continue to take into account the adverse environmental impacts that may be related to civil aviation activity and 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 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 taking a leadership role on all civil aviation matters related to the environment and *requests* the Council to maintain the initiative in developing policy guidance on these matters, and not leave such initiatives to other organizations;

3. *Requests* the Council to regularly assess 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 disseminate information on the present and future impact 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;

5. *Invites* States to continue their active support for ICAO's environment-related activities on all appropriate occasions;

6. *Invites* States and international organizations to provide the necessary scientific information to enable ICAO to substantiate its work in this field;

7. *Encourages* the Council, if and when it deems this desirable to pursue cooperative arrangements with the United Nations Environment Programme for the execution of environmental projects financed by the United Nations Environment Fund; and

8. *Urges* States to refrain from unilateral environmental measures that would adversely affect the orderly 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 Council has adopted Annex 16, Volume I — *Aircraft Noise*, which comprises noise certification standards for subsonic aircraft (except STOL/VTOL) and has notified Contracting States of this action;

Whereas noise-related charges are in use at some airports and long-standing ICAO policy guidance exists on this subject (*ICAO's Policies on Charges for Airports and Air Navigation Services*, Doc 9082);

Whereas aircraft engine emissions have an environmental impact at both the local and global levels which, while not fully understood, is a cause of concern;

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

Whereas following the recent downturn in traffic and the reduction in the number of flights, which eased momentarily the pressure on environmental concerns, it is expected that aviation will return to traditional growth patterns in 2005 and beyond;

Whereas the future development of aviation could increase and aggravate the problems of both aircraft noise and aircraft engine emissions unless action is taken to alleviate the situation;

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 aircraft engine emissions; and

Noting Resolution A35-14 (Appendix Q) on drawing the attention of aircraft manufacturers and operators to the 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 jet aircraft;

The Assembly:

1. *Welcomes* the adoption by the Council in June 2001 of the new, more stringent aircraft noise standard in Annex 16, Volume I, Chapter 4 and the recent proposal for new, more stringent standards for emissions of oxides of nitrogen to be implemented on 1 January 2008;

2. *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;

3. *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;

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

5. *Urges* Contracting States to follow, where appropriate, the ICAO provisions developed pursuant to Clause 2 of this Appendix.

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, as requested by the Assembly in 2001, ICAO guidance has been developed to assist States in implementing the balanced approach (*Guidance on the Balanced Approach to Aircraft Noise Management* (Doc 9829));

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;
- 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
- 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;

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.

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;

Whereas it is also expected that the new standard contained in Annex 16, Volume I, Chapter 4 will increase the opportunities for operators to replace aircraft in their fleets by quieter aircraft;

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

Environmental impact of civil aviation on the atmosphere

Whereas there are growing concerns about environmental problems in the atmosphere such as global warming and depletion of the ozone layer;

Whereas the “Agenda 21” action plan adopted by the 1992 United Nations Conference on Environment and Development calls on governments, with the cooperation of relevant United Nations bodies, to address these problems;

Whereas the most comprehensive assessment so far of aviation’s contribution to these problems is contained in the special report on *Aviation and the Global Atmosphere*, 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 and was published in 1999, and which reports *inter alia* that:

- aircraft emit gases and particles which alter the atmospheric concentration of greenhouse gases,

trigger the formation of condensation trails and may increase cirrus cloudiness, all of which contribute to climate change;

- aircraft are estimated to contribute about 3.5 per cent of the total radiative forcing (a measure of change in climate) by all human activities and this percentage, which excludes the effects of possible changes in cirrus clouds, is projected to grow; and
- although improvements in aircraft and engine technology and the efficiency of the air traffic system will bring environmental benefits, they will not fully offset the effects of the increased emissions resulting from the projected growth in aviation;

Whereas the IPCC special report recognizes that the effects of some types of aircraft emissions are well understood, reveals that the effects of others are not, and identifies a number of key areas of scientific uncertainty that limit the ability to project aviation impacts on climate and ozone;

Whereas, since publication of the IPCC special report, further work has been undertaken on some of the key areas of scientific uncertainty identified in the report, such as the influence of contrails and aerosols on cirrus clouds and the climate impact from oxides of nitrogen and methane;

Whereas ICAO has requested that the IPCC, in preparing its Fourth Assessment Report due for publication in 2007, include an update of the main findings of the special report;

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

Whereas the UNFCCC's Subsidiary Body for Scientific and Technological Advice has sought the assistance of ICAO on methodological issues related to the collection and reporting of greenhouse gas emissions at a national level;

Whereas the Kyoto Protocol, which was adopted by the Conference of the Parties to the UNFCCC in December 1997 and has yet to enter into force, calls for developed countries to pursue limitation or reduction of greenhouse gases from "aviation bunker fuels", working through ICAO (Article 2.2);

Whereas the Kyoto Protocol treats international and domestic emissions from the aviation sector differently, in

that developed countries are called on to pursue the limitation or reduction of greenhouse gases from international aviation working through ICAO (Article 2.2 of the Protocol), while domestic aviation emissions are included in national targets for developed countries that call for an overall reduction in total emissions from all sources of 5.2 per cent for the period 2008–2012 (compared with 1990 levels and based on six specific greenhouse gases) and the potential advantages of harmonizing treatment of domestic and international aviation emissions have been noted;

Whereas the ICAO Council has been exploring policy options to limit or reduce the environmental impact of aircraft engine emissions from civil aviation, particularly in response to Assembly Resolution A33-7, Appendices H and I, and work is in progress on technology and standards, on operational measures to reduce fuel consumption and hence emissions and on market-based measures (see Appendix I), and regular reports have been provided to the Conference of the Parties to the UNFCCC;

Recognizing that substantial fuel savings and emissions reductions can be achieved through improvements in Air Traffic Management (ATM); and

Welcoming the steps taken by ICAO to promote the use of operational measures, including the publication of *Operational Opportunities to Minimize Fuel Use and Reduce Emissions* (Cir 303) and the holding of two workshops on this subject;

The Assembly:

1. *Urges* States to:

- a) promote scientific research aimed at addressing the uncertainties identified in the IPCC special report on Aviation and the Global Atmosphere; and
- b) ensure that future international assessments of climate change undertaken by IPCC and other relevant United Nations bodies include updated information on aircraft-induced effects on the atmosphere;

2. *Requests* the Council:

- a) to continue to cooperate closely with the IPCC and other organizations involved in the definition of aviation's contribution to environmental problems in the atmosphere, and with organizations involved in policy-making in this field, notably with the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC);

- b) to 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, placing special emphasis on the use of technical solutions while continuing its consideration of market-based measures, and taking into account potential implications for developing as well as developed countries;
 - c) to continue to assist the UNFCCC's Subsidiary Body for Scientific and Technological Advice with regard to methodological issues; and
 - d) to continue to develop the necessary tools to assess the benefits associated with ATM improvements, and to promote the use of the operational measures outlined in ICAO guidance (Cir 303) as a means of limiting or reducing the environmental impact of aircraft engine emissions; and
3. *Invites* Contracting States and international organizations to keep ICAO informed of developments in this field.

APPENDIX I

Market-based measures regarding aircraft engine emissions

Whereas Appendix H of this Resolution sets the general context in which policy options including market-based measures are considered as a means of limiting or reducing the environmental impact of aircraft engine emissions;

Whereas market-based measures are policy tools that are designed to achieve environmental goals at a lower cost and in a more flexible manner than traditional regulatory measures;

Whereas in recent years there has been increasing recognition by governments of the need for each economic sector to pay the full cost of the environmental damage it causes and the subject of market-based measures for protecting the environment, including charges or taxes on air transport, an emissions trading system or voluntary measures, has been raised, for example, in the context of controlling greenhouse gas emissions;

Whereas Principle 16 of the Rio Declaration on Environment and Development (1992) states that "National authorities should endeavour to promote the internalization of environmental costs and the use of economic instru-

ments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment";

Whereas the Kyoto Protocol treats international and domestic emissions from the aviation sector differently, the potential advantages of harmonizing treatment of the two categories of emissions have been noted and it has been acknowledged that some Contracting States or groups of States are already taking action to design options for reducing emissions from domestic sectors, including domestic aviation emissions;

Whereas ICAO policies 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 ICAO has developed policy guidance to Contracting States on taxation (*ICAO's Policies on Taxation in the Field of International Air Transport*, Doc 8632), which recommends *inter alia* the reciprocal exemption from all taxes levied on fuel taken on board by aircraft in connection with international air services, a policy implemented in practice through bilateral air services agreements, and also calls on Contracting States to the fullest practicable extent to reduce or eliminate taxes related to the sale or use of international air transport;

Noting that the ICAO policy on exemption of aviation fuel from taxation has been called into question in some Contracting States which impose taxes on other transport modes and other sources of greenhouse gases;

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;

Whereas the ICAO Council has adopted on 9 December 1996 a policy statement of an interim nature on emission-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;

Noting that the Council has received reports from its Committee on Aviation Environmental Protection (CAEP) on possible options regarding the use of market-based measures to limit or reduce aircraft engine emissions, initially focussing on carbon dioxide, and that further work is planned;

Noting that further studies and guidance are needed for the use of an emissions-trading system for international civil aviation;

Noting that a template agreement and associated guidance has been prepared by CAEP for the use of voluntary measures by Contracting States and interested parties in the short term;

Recognizing that the extensive studies which have been undertaken to provide additional guidance to Contracting States regarding emission-related levies have identified a large number of outstanding issues on which there are different views; and

Whereas Contracting States have legal obligations, existing agreements, current laws and established policies;

The Assembly:

1. *Requests* the Council to continue to develop guidance for Contracting States on the application of market-based measures aimed at reducing or limiting the environmental impact of aircraft engine emissions, particularly with respect to mitigating the impact of aviation on climate change; and to develop concrete proposals and provide advice as soon as possible to the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC);

2. *Encourages* Contracting States and the Council, taking into account the interests of all parties concerned, including potential impacts on the developing world, to evaluate 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 and to adopt actions consistent with the framework outlined

below, with Contracting States striving to take action in a consistent manner to both domestic and international aviation emissions:

a) Voluntary measures

- 1) *Encourages* action by Contracting States, and other parties involved, to limit or reduce international aviation emissions, in particular through voluntary measures and to keep ICAO informed; and
- 2) *Requests* the Secretary General to facilitate such actions by making available guidelines that ICAO has developed for such measures, including a template voluntary agreement, and to work to ensure that those taking early action would benefit from such actions and would not subsequently be penalized for so doing;

b) Emission-related levies

- 1) *Recognizes* the continuing validity of Council's Resolution of 9 December 1996 regarding emission-related levies;
- 2) *Urges* States to follow the current guidance contained therein;
- 3) *Recognizes* that existing ICAO guidance is not sufficient at present to implement greenhouse gas emissions charges internationally, although implementation of such a charge by mutual agreement of States members of a regional economic integration organization on operators of those States is not precluded, and *requests* the Council to:
 - a) carry out further studies and develop additional guidance on the subject;
 - b) place a particular focus on the outstanding issues identified in earlier studies and by the Assembly; and
 - c) aim for completion by the next regular session of the Assembly in 2007;
- 4) *Urges* Contracting States to refrain from unilateral implementation of greenhouse gas emissions charges prior to the next regular session of the Assembly in 2007, where this matter will be considered and discussed again;

- 5) *Requests* the Council to study the effectiveness of, and to develop further guidance on emissions levies related to local air quality by the next regular session of the Assembly in 2007, and *urges* Contracting States to actively participate and share information in this effort; and
- 6) *Urges* Contracting States to ensure the highest practical level of consistency with ICAO policies and guidance on emissions levies related to local air quality;
- c) Emissions trading
- 1) *Endorses* the further development of an open emissions trading system for international aviation; and
- 2) *Requests* the Council, in its further work on this subject, to focus on two approaches. Under one approach, ICAO would support the development of a voluntary trading system that interested Contracting States and international organizations might propose. Under the other approach, ICAO would provide guidance for use by Contracting States, as appropriate, to incorporate emissions from international aviation into Contracting States' emissions trading schemes consistent with the UNFCCC process. Under both approaches, the Council should ensure the guidelines for an open emissions trading system address the structural and legal basis for aviation's participation in an open emissions trading system, including key elements such as reporting, monitoring and compliance.

A35-18: Consolidated statement of continuing ICAO policies in the air transport field

A33-13: Use of cross-polar routes

A35-19: 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 develop guidance material and, if appropriate, Standards and Recommended Practices, to assist Contracting States to reduce the risk of introducing potentially invasive alien species to areas outside their natural range and to continue working with the appropriate organizations in this regard;

3. *Requests* the ICAO Council to report on the implementation of this resolution at the next ordinary session of the Assembly; and

4. *Declares* that this resolution supersedes Resolution A33-18.

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.

A35-18: 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.

A35-13: Non-chemical aircraft disinsection of the cabin and flight deck for international flights

Whereas all nations benefit from the safe, secure, efficient and effective operation of the international civil aviation system;

Whereas 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, aircraft noise, smoking and invasive alien species;

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

Whereas there is concern that the current practice by some States of requiring the use of insecticides to disinsect aircraft can result in discomfort and raises questions about possible adverse health effects to aircraft crews and passengers; and

Whereas recently conducted research has shown non-chemical methods of disinsection to be efficacious in preventing the entry into aircraft of mosquitoes and other flying insects;

The Assembly:

1. *Requests* the Council to assist the World Health Organization in evaluating non-chemical approaches to aircraft disinsection;

2. *Requests* the Council to encourage the exploration of non-chemical approaches to aircraft disinsection of the cabin and flight deck; and

3. *Requests* the Council to report on the implementation of this Resolution to the next ordinary Session of the Assembly.

A27-13: Safeguarding international public air transport

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

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

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

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

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

The Assembly:

1. *Reaffirms* the public-service character of the service provided by air transport operators, recognizing that the essential purpose of such a service is to satisfy the common good of peoples in whose development States, carriers and users are equally interested;

2. *Declares* as detrimental to the principles established in the Convention on International Civil Aviation any improper detention of an aircraft assigned to commercial air transport where there is no evidence or presumption of negligence or guilt on the part of the air carriers concerned.

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

A24-1: International Day of Peace

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

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

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

The ICAO Assembly:

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

A29-3: Global Rule Harmonization

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

Whereas international aviation now comprises: mega-air carriers, both national and multinational, and various

alliances of airlines for global operation; transnational ownership of airlines; and multinational manufacture of aeronautical products;

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

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

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

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

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

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

The Assembly:

1. *Urges* States and Groups of States, which have not already done so, to take positive action to promote global harmonization of national rules for the application of ICAO standards;

2. *Urges* States to use in their own national regulations, as far as practicable, the precise language of ICAO regulatory standards in their application of ICAO standards and seek harmonization of national rules with other States in respect of higher standards they have in force or intend to introduce;

3. *Urges* all States to respond to the ICAO Council's requests for comments and agreement or disagreement on

ICAO proposed standards to prevent decisions being taken on the basis of a small number of responses; and

4. *Requests* the ICAO Council to pursue the enhancement of ICAO Standards and to study the feasibility of establishing a multilateral monitoring mechanism.

A33-11: A global design code for aircraft

Whereas Article 33 of the Convention requires recognition by States of certificates of airworthiness issued by States of registry provided that the requirements under which they were issued are equal to or above the minimum standards established pursuant to the Convention;

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

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

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

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

The Assembly:

1. *Endorses* the effort to establish a globally harmonized design code and to study the feasibility of a harmonized aircraft certification process;

2. *Urges* all States of design and other Contracting States to participate in the international harmonization projects as initiated by FAA/JAA;

3. *Urges* the Secretary General to ensure ICAO participation in the harmonization projects to the extent practicable; and

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

A35-18: 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 Tenth 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 Eleventh 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. *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;
3. *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;

4. *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;

5. *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;

6. *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

7. *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.

A35-18: 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

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.

A35-18: 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.

A35-6: Transition to a comprehensive systems approach for audits in the ICAO Universal Safety Oversight Audit Programme (USOAP)

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

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

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 the 32nd ordinary session of the Assembly resolved that a universal safety oversight audit programme be established, comprising regular, mandatory, systematic and harmonized safety oversight audits to be carried out by ICAO;

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

Recalling the objectives of the ICAO Universal Safety Oversight Audit Programme, which seeks to ensure that Contracting States are adequately discharging their responsibility for safety oversight;

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

Recalling that Assembly Resolution 32-11 requested the Council to present proposals for the funding of the programme on a long-term basis;

Recalling that Assembly Resolution 33-8 instructed the Secretary General to undertake a study regarding the expansion of the Programme to other safety-related fields;

Recalling that Assembly Resolution 33-8 requested the Council to ensure the long-term financial sustainability of the USOAP, phasing in all of its activities into the Regular Programme budget, in due course;

Recognizing that the implementation of the USOAP has been instrumental in the identification of safety concerns and in providing recommendations for their resolution;

Recognizing that the effective implementation of State action plans is essential to enhance the overall safety of global air navigation;

Recognizing that the continuation and expansion of the USOAP to cover all safety-related Annex provisions is essential to promote the adequate implementation of safety-related Standards and Recommended Practices; and

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;

The Assembly:

1. *Expresses* its appreciation to the Secretary General on the successful implementation of the ICAO Universal Safety Oversight Audit Programme;

2. *Resolves* that the ICAO Universal Safety Oversight Audit Programme be further expanded to include the safety-related provisions contained in all safety-related Annexes to *the Convention on International Civil Aviation* as of 2005;

3. *Requests* the Secretary General, from 1 January 2005, to restructure the ICAO Universal Safety Oversight Audit Programme to adopt a comprehensive systems approach in conducting safety oversight audits in all Contracting States;

4. *Directs* the Secretary General to ensure that the comprehensive systems approach maintains as core elements the 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*; to minimize the time intervals between audits, resources permitting; to make all aspects of the auditing process visible to Contracting States; and to validate the accuracy of statements made by Contracting States;

5. *Requests* the Secretary General to restructure the safety oversight audit reports to reflect the critical elements of a safety oversight system, as presented in ICAO Doc 9734 — *Safety Oversight Manual, Part A — The Establishment and Management of a State's Safety Oversight System*;

6. *Requests* the Secretary General to adopt a more flexible approach in the implementation of the Programme on a long-term basis;

7. *Directs* the Secretary General to make the final safety oversight audit reports available to all Contracting States and also to provide access to all relevant information derived from the Audit Findings and Differences Database (AFDD) through the secure website of ICAO;

Note.— The audit final report contains the audit findings, recommendations, State's action plan and com-

ments, as well as the comments of the Safety Oversight Audit Section on the State's action plan.

8. *Requests* the Secretary General to continuously ensure the maintenance of the quality assurance mechanism established to monitor and assess Programme quality, and transparency of all aspects of the audit process;

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 associated with the preparation and conduct of an audit, to ensure the effective and efficient implementation of the Programme;

11. *Urges* all Contracting States to cooperate with ICAO and as much as practicable to accept audit missions as scheduled by the Organization in order to facilitate the smooth functioning of the Programme;

12. *Urges* all Contracting States to accept the primacy of USOAP audit results as meeting the established international Standards, Recommended Practices and Procedures, when considering the need for additional or supplementary safety oversight audits by States;

13. *Declares* that Resolution A33-8: *Continuation and expansion of the ICAO Universal Safety Oversight Audit Programme* has been superseded by this resolution; and

14. *Requests* the Council to report to the next ordinary session of the Assembly on the overall implementation of the Programme.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Assembly:

1. *Requests* the Secretary General to ensure that all the expertise of the Organization be used, to the extent possible

within budgetary constraints, to provide assistance to States in need. This would include, but not be limited to:

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

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

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

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

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

6. *Requests* the Secretary General to consider that the Quality Assurance Function be carried out by an independent competent Office of ICAO;

7. *Requests* the Secretary General to make available the Quality Assurance Function to States with regard to

safety oversight-related implementation projects performed by parties other than ICAO, on request of States on a reimbursement basis; and

8. *Requests* the Secretary General to solicit information from States that have successfully resolved major deficiencies and publish the results, so that other Contracting States may benefit from each other's experience.

A35-7: Unified strategy 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 the ICAO Technical Cooperation Bureau (TCB) can provide the required assistance to States in need;

Whereas the International Financial Facility for Aviation Safety (IFFAS) has been established to assist Contracting States in financing safety-related projects to correct

deficiencies primarily identified through USOAP and for which they cannot otherwise provide or obtain necessary financial resources;

Recognizing that not all Contracting States have the requisite human, technical and financial resources to adequately perform safety oversight;

Recognizing that the establishment of regional and sub-regional safety oversight organizations has great potential to assist States in complying with their obligations under the Chicago Convention through economies of scale and promotion of uniformity on a larger scale;

Recognizing that the assistance available to Contracting States experiencing difficulties in correcting deficiencies identified through the safety oversight audits would be greatly enhanced by a unified strategy involving all Contracting States, ICAO and other concerned parties in civil aviation operations;

Recognizing the safety enhancement contributions resulting from audits conducted by international and regional organizations such as the IATA Operational Safety Audit (IOSA) Programme and Eurocontrol ESARR Implementation Monitoring and Support (ESIMS) Programme; and

Recognizing that transparency and sharing of safety information is one of the fundamental tenets of a safe air transportation system;

The Assembly:

1. *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;

2. *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;

3. *Directs* the Council to further develop practical means to facilitate the sharing of such safety information among Contracting States;

4. *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;

5. *Directs* the Council to develop a procedure to inform all Contracting States, within the scope of

Article 54 j) of the Chicago Convention, in the case of a State having significant compliance shortcomings with respect to ICAO safety-related SARPs;

6. *Directs* the Council to promote the concept of regional or sub-regional safety oversight organizations;

7. *Requests* the Secretary General to continue to foster coordination and cooperation between USOAP and audit programmes of other organizations related to aviation safety, and specifically with IATA and EUROCONTROL;

8. *Urges* Contracting States to further develop regional and sub-regional cooperation and, whenever feasible, partnership initiatives with other States, industry, air navigation service providers, financial institutions and other stake holders to strengthen safety oversight capabilities in order to foster a safer international civil aviation system and to better discharge their individual responsibilities;

9. *Encourages* States to foster the creation of regional or sub-regional partnerships to collaborate in the development of solutions to common problems to build their individual safety oversight capability;

10. *Encourages* all States able to do so to participate in, or provide tangible support for, the strengthening and furtherance of regional safety oversight organizations;

11. *Invites* Contracting States to use the services of the ICAO Technical Cooperation Bureau (TCB) to resolve deficiencies identified by the USOAP;

12. *Invites* Contracting States experiencing difficulties in financing measures necessary to correct safety-related deficiencies identified through USOAP to take advantage of the funding opportunity offered by the International Financial Facility for Aviation Safety (IFFAS);

13. *Requests* the Council to implement a unified strategy based on the principles of increased transparency, cooperation and assistance and to foster, where appropriate, partnership among States, users, air navigation service providers, industry, financial institutions and other stake holders to analyse causes, establish and implement sustainable solutions in order to assist States in resolving safety-related deficiencies;

14. *Directs* the Council to adopt a flexible approach for the provision of assistance through the ICAO Regional Offices to support regional and sub-regional organizations responsible for safety oversight tasks and to implement an efficient system to monitor implementation of the unified strategy; and

15. *Requests* the Secretary General to investigate ways in which the identification of measures may be undertaken at national and regional levels to support States' development of ATM safety oversight capabilities and procedures.

Associated practice

The Council should develop ways in which all relevant information from the Audit Findings and Differences Database (AFDD) could be made available to all Contracting States through the use of the ICAO secure website.

A34-1: Use of funds in the separate account established under Resolving Clause 3 of Assembly Resolution A33-27

A35-8: International Financial Facility for Aviation Safety (IFFAS)

Whereas under Article 44 of the Chicago Convention 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 under Article 69 of the Chicago Convention, if the Council is of the opinion that the airports and air navigation facilities of a Contracting State are not reasonably adequate for the safe, regular, efficient and economical operation of international air services, 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;

Whereas in pursuance of Resolution A32-11, the Council has brought into effect, from 1 January 1999, a Universal Safety Oversight Audit Programme, and the results of the initial audits of almost all Contracting States under that Programme have been received;

Whereas these audits have revealed that a number of Contracting States have to draw on scarce resources from other national priorities in order to implement effective

safety oversight and that these States will require various degrees of assistance to meet their safety oversight responsibilities;

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 33rd Session of the Assembly, satisfied with the Council's study demonstrating the need for an IFFAS, endorsed the establishment of IFFAS; and

Considering that IFFAS will provide financial support towards achieving the objectives of improving aviation safety, through the implementation of the necessary corrective measures identified in the ICAO Universal Safety Oversight Audit Programme (USOAP);

The Assembly:

1. *Expresses appreciation* to the Council and the Secretary General for:

- a) preparing and adopting a clear administrative charter for IFFAS, taking into account the principles and objectives in Resolution A33-10, in particular voluntary participation by States; eligibility for benefits by a State dependent on contributions or other participation by that State; and complete independence from ICAO's Programme Budget;
- b) establishing the International Financial Facility for Aviation Safety (IFFAS);
- c) establishing a Governing Body of IFFAS which ensures adequate representation from participating parties;
- d) developing Rules of Procedure and guidelines for the Governing Body of IFFAS consistent with ICAO's legal regime; and
- e) ensuring initial implementation of IFFAS within the 2002-2004 triennium;

2. *Expresses appreciation* to Contracting States and international organizations for their contributions and pledges to IFFAS;

3. *Invites* Contracting States experiencing difficulties in financing measures necessary to correct safety-related deficiencies identified through the ICAO Universal Safety

Oversight Audit Programme (USOAP) as an element of the Global Aviation Safety Plan (GASP) to take advantage of the assistance which can be offered by IFFAS in the financing of such measures by direct funding or as a facilitator and catalyst for other sources of funding, in order to ensure that required aviation safety standards be maintained globally;

4. *Urges* Contracting States to consider participation in IFFAS by making voluntary financial or in-kind contributions to the Facility;

5. *Strongly encourages* international organizations (private and public) having association with international aviation, airlines, airports, providers of air navigation services, manufacturers of airframes, engines and avionics, other members of the aerospace industry, and civil society, to make voluntary financial or in-kind contributions to IFFAS;

6. *Requests* the Council to submit to the next ordinary session of the Assembly a report regarding IFFAS activities, including performance assessment and audited financial statements; and

7. Declares that this resolution supersedes Resolution A33-10.

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.

A33-16: ICAO Global Aviation Safety Plan (GASP)

A35-16: Taking due account of the evolution of specifications concerning flight data recording systems

A35-17: Protecting information from safety data collection and processing systems in order to improve aviation safety

A31-10: 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; and

Recognizing that a number of States have introduced non-punitive accident prevention activities to complement their regulatory safety programmes;

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; and
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.

A33-17: 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 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 measures taken so far to ensure the protection of certain accident and incident records may not be sufficient, and *noting* that a consideration by ICAO of the legal aspects involved is warranted;

The Assembly:

1. *Urges* Contracting States 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;
2. *Instructs* the Council to give further consideration to the legal aspects of the subject of protection of certain accident and incident records;
3. *Instructs* the Secretary General to develop appropriate guidance material related to laws and regulations to protect certain accident and incident records; and
4. *Instructs* the Council to further examine the current provisions of Annex 13 with an objective of strengthening those provisions related to the protection of and limiting access to authorized persons and parties to privileged information gathered during accident and incident investigations and in the preparation and publication of accident reports.

A32-13: 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 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 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 biennial WRC regime;

Considering Recommendations 7/3, 7/5 and 7/6 of the Special Communications/Operations Divisional Meeting (1995) (SP COM/OPS/95);

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 at WRC-2000 to retain the frequency band 1 559-1 610 MHz for exclusive use by the Aeronautical Radionavigation Service and the Radionavigation Satellite Service;
- d) undertaking to provide aviation authorities to fully participate in the development of States' positions; and
- e) ensuring, to the maximum extent possible, that their delegations to WRCs include representatives of their civil aviation administrations or other 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; and

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 to international and regional spectrum management activities are made available.

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.

A35-14, Appendix V: Cooperation among Contracting States in investigations of certain aircraft accidents

A35-9: Consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference

A35-18: Consolidated statement of continuing ICAO policies in the air transport field

A27-11: Airport and airspace congestion**A27-13: Safeguarding international public air transport****A33-4: Adoption of national legislation on certain offences committed on board civil aircraft (unruly/disruptive passengers)****A35-3: A Practical Way Forward on Legal and Institutional Aspects of Communications, Navigation, Surveillance/Air Traffic Management (CNS/ATM) Systems****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

A35-14, Appendix B: Air navigation meetings of worldwide scope

A35-14, Appendix C: Panels of the Air Navigation Commission (ANC)

A35-14, Appendix L: Regional air navigation (RAN) meetings

A35-14, Appendix T: Participation by States in the technical work of ICAO

A32-13: Support of the ICAO policy on radio frequency spectrum matters

TECHNICAL SECRETARIAT

A35-14, Appendix U: 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.

A35-14: 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 33rd Session of the Assembly was adopted by the Assembly in Resolution A33-14, Appendices A to X inclusive;

Whereas the Assembly has reviewed proposals by the Council for the amendment of the statement of continuing policies and associated practices in Resolution A33-14, Appendices A to X inclusive, and has amended the statement to reflect the decisions taken during the 35th Session; and

Whereas the statement of continuing policies in Resolution A33-14 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 35th 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 A33-14 with its Appendices A to X 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. For complex aeronautical systems, SARPs shall consist of broad, mature and stable provisions specifying system-level, functional and performance requirements that provide for the requisite safety levels and interoperability. For such systems, any technical specifications necessary to achieve these requirements shall be appendices to Annexes. Any related detailed technical specifications shall be placed in separate documents and be referenced in Annexes by means of notes;

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. Where deemed appropriate by the Council, material developed by these other standards-making organizations 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 for complex systems 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; and

8. unless exceptional circumstances dictate otherwise, the applicability dates of amendments to Annexes and PANS shall be so established as to avoid the need for Contracting States to amend their national regulations more often than twice per calendar year. In the application of the foregoing, whenever practicable, any one Annex or PANS document shall not 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, processing and dissemination of technical specifications for complex systems.

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 thirty 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 be clear and concise and the panels shall be required to adhere to them; and

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.

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; and

2. the differences between the regulations and the practices of Contracting States and the SARPs and PANS shall be monitored 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.

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. 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 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*; and

* Assistance provided by ICAO under the United Nations Development Programme and other programmes is governed by Resolutions A16-7 and A26-16.

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.

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 activities relating to research, development, trials and demonstrations in the fields of communications, navigation, surveillance and air traffic management (CNS/ATM) and aerodrome services

Whereas the Organization plays a useful role in coordination of research and development work in the fields of CNS/ATM and aerodrome services; and

Whereas it is important for States engaged in research and development to have timely information from the Organization on the operational requirements of international civil aviation in those fields;

The Assembly resolves that international coordination of research, development, trials and demonstrations related to

CNS/ATM and aerodrome services shall be encouraged but without impeding the essential freedom of action in research and development.

Associated practices

1. The Council should give due attention to the timely establishment of the operational requirements of international civil aviation in the fields of CNS/ATM and aerodrome services.

2. The Council should encourage Contracting States to provide the Organization with current information on the nature and direction of current and planned research and development projects of significant interest in order to allow the Organization to monitor, coordinate and harmonize these activities and make them available to all Contracting States.

APPENDIX J

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 K

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; and

Whereas the Regional Plans require amendment from time to time to reflect the changing needs of international civil aviation;

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, 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.

2. 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.

3. The Council should ensure that implementation dates in Regional Plans involving the procurement of new types of equipment are realistically related to the ready availability of suitable equipment.

4. The Council should 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 L

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; and

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;

The Assembly resolves that:

1. RAN meetings, convened by the Council, shall be the principal means of conducting comprehensive reviews and revisions of the Regional Plans as necessary to keep them abreast of changing requirements;

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 including the statement of basic operational requirements and planning criteria 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.

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 M

Implementation of Regional Plans

Whereas in accordance with Article 28 of the Convention Contracting States undertake, in so far 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 N

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;

* The expression "ATS airspaces" includes flight information regions, control areas and control zones.

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;

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 O

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, in so far 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 P

Coordination of civil and military air traffic

Whereas the airspace as well as many facilities and services should be used in common by civil aviation and military aviation;

Whereas Article 3 (d) of the Convention requires that Contracting States, when issuing regulations for their State aircraft, have due regard for the safety of navigation of civil aircraft;

Whereas satisfactory solutions to the problem of common use of airspace have not evolved in all areas; and

Whereas although full integration of the control of civil and military air traffic may be regarded as the ultimate goal, improvement in coordination in many States offers, at the present time, an immediate approach towards resolution of existing difficulties;

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 international civil air traffic; and

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.

Associated practices

1. Contracting States should as necessary initiate or improve the coordination between their civil and military air traffic services to implement the policy in Resolving Clause 1 above.

2. The Council should ensure that the matter of civil and military coordination in the use of airspace is included, when appropriate, in the agenda of divisional and regional meetings.

3. 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.

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; and

4. States should ensure that safety management systems are introduced at their aerodromes.

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; and

b) 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**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;

APPENDIX R**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 S

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 T

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. In so far 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 U

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 V

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, 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 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.

APPENDIX W

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 X

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.

A35-18: Consolidated statement of continuing ICAO policies in the air transport field

A33-13: 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; and

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.

ANNEXES, PANS AND MANUALS

A35-14, Appendix A: Formulation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS)

A35-14, Appendix D: Implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS)

A35-14, Appendix E: ICAO technical manuals and circulars

REGIONAL PLANS

A22-19: Assistance and advice in the implementation of Regional Plans

A35-14, Appendix K: Formulation of Regional Plans including Regional Supplementary Procedures

A35-14, Appendix M: Implementation of Regional Plans

A27-11: Airport and airspace congestion

IMPLEMENTATION

A22-19: Assistance and advice in the implementation of Regional Plans

Whereas it is essential that there be increased efforts to reduce serious deficiencies which are detrimental to the development of international civil aviation;

Whereas Resolutions A12-5 (Clauses 1 and 5), A15-5 (Clause 4) and A15-8 H (Clause 6) set forth the policy of the Organization regarding fostering and assisting in the implementation of the Regional Plans; and

Whereas the Assembly, pursuant to Resolution A15-2, has reviewed these policies and agreed on the need for their consolidation into a single resolution indicating the continuing policies of the Assembly in this matter, for which purpose the above parts of the original resolutions should be cancelled;

The Assembly:

1. *Resolves* that the Organization give a high order of priority to fostering and assisting in the implementation of Regional Plans in accordance with the following:

- a) Contracting States should note the possibility of using operating agencies as a means of fulfilling their international obligations under Article 28 of the Convention;
- b) Contracting States should examine with other States in the region whether the implementation of the particular Regional Plan could be facilitated through bilateral or multilateral agreements;
- c) the holding of informal meetings, whether initiated by Contracting States or convened by the Secretary General, which are confined to implementation problems affecting two or more States, should be encouraged where no other effective and timely means are available to resolve the problems;
- d) the Council should render assistance to Contracting States in planning and developing those portions of national implementation programmes related to the provision of facilities and services called for by Regional Plans;
- e) use should be made of available means of assisting in the implementation of Regional Plans through the use of the United Nations Development Programme, technical advice and expert assistance from the Secretariat and the training resources of the Secretariat;
- f) the Council should ensure that, as a matter of priority, the Regional Offices of ICAO assist, advise and encourage Contracting States to meet their responsibilities under Article 28 of the Convention in the implementation of those parts of the Regional Plans with which they are concerned, and, furthermore, the Council should ensure that the Regional Offices are utilized to the fullest extent possible in the carrying out of these tasks, including those mentioned in d) and e) above and those emanating from requests received in accordance with h) below;
- g) the Council should ensure that all the activities of the Organization that can contribute to the implementation of Regional Plans are carefully coordinated, in particular at the regional level;
- h) when a Contracting State, having explored all methods and means for implementing the Regional Plans with which it is concerned pursuant to Article 28 of the Convention, experiences difficulties which hinder such implementation, it should report accordingly

to ICAO and, with respect to those items that might become serious deficiencies if not implemented, it should request assistance from ICAO; and

- i) the Council should continue, as a matter of priority, to assist and encourage Contracting States to meet their responsibilities under Article 28 of the Convention, and to investigate the practicability of any other solutions for obtaining implementation of specific facilities and services determined by the Council to represent serious deficiencies in the world air navigation network;

2. *Declares* that this resolution supersedes Resolution A16-9.

A35-14, Appendix D: Implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS)

A35-14, Appendix M: Implementation of Regional Plans

A35-14, Appendix U: The Headquarters' and Regional Offices' technical Secretariat

A35-18: Consolidated statement of continuing ICAO policies in the air transport field

WORK PROGRAMME IN THE AIR NAVIGATION FIELD

A24-8: *Re-examination of the work programme in the air navigation field

Whereas the work programme of ICAO should concentrate the efforts of the Organization on resolving those

problems which have the greatest effect on the development of international aviation and the safety and regularity of operations; and

Whereas it is incumbent upon ICAO to make the most effective use of the limited resources available to it and to States;

The Assembly directs the Council:

1. to re-examine as a matter of urgency the work programme of the Organization in the air navigation field and to establish priorities of items in the work programme together with goals and estimated timescales for completion of the items as appropriate, paying particular attention to items related to safety, regularity and efficiency, taking into account the documentation presented during the 24th Assembly and giving recognition to the limited resources available to ICAO and to States; and

2. to present the work programme of the Organization to future regular sessions of the Assembly in a manner which identifies priorities, goals and timescales for the items in the work programme, combining the detailed programme description of the Programme Budget and the Technical Work Programme (TWP) of the Organization in the Air Navigation Field.

SPECIAL PROGRAMMES

A31-9: Implementation of the ICAO Programme for the prevention of controlled flight into terrain (CFIT)

A33-16: ICAO Global Aviation Safety Plan (GASP)

Reaffirming that the primary objective of the Organization continues to be to improve the safety of international civil aviation worldwide;

Recognizing that the worldwide rate for fatal accidents in air transport operations has been stagnant at a low level for a number of years;

Noting that the expected increase in the volume of international civil aviation will result in an increasing number of aircraft accidents unless the accident rate is reduced;

* The second directive clause has been replaced by a new clause as a consequence of Resolution A27-6.

Realizing that the public's perception of aviation safety is largely based on the number of aircraft accidents rather than the accident rate;

Recognizing that improvements in the accident rate will require new approaches, in particular pro active and risk analysis based approaches, on the part of all participants in the aviation industry, including ICAO, States, aircraft manufacturers and operators;

Recognizing that the human element in the aviation system is of paramount importance to accident prevention initiatives and aviation safety; and

Noting with concern that controlled flight into terrain (CFIT) and approach and landing type accidents remain as significant accidents in airline operations;

The Assembly:

1. *Stresses* the need for a reduction in the number and rate of fatal accidents in air transport operations;

2. *Urges* Contracting States to adopt the GASP objectives to reduce aircraft accidents and to reduce the worldwide accident rate;

3. *Urges* Contracting States to apply the political will to take the remedial action identified by USOAP audits, to correct the deficiencies identified in the regional planning process and related activities, and to promulgate the necessary regulations to implement the safety systems developed under the GASP umbrella;

4. *Reiterates* the need for implementation of the ICAO prevention of controlled flight into terrain (CFIT) and approach and landing accident reduction (ALAR) programmes;

5. *Urges* all Contracting States to provide the needed support for the various elements of the ICAO Global Aviation Safety Plan;

6. *Endorses* the concept of concentrating the safety-related activities of ICAO on those safety initiatives, planned or currently under way, that offer the best safety dividend in terms of reducing the accident rate;

7. *Requests* the Council and Secretary General to ensure that all safety-related items that fall under the GASP umbrella are fully funded in the ICAO budget, including safety-related tasks performed by the Regional Offices;

8. *Instructs* the Council and Secretary General to participate in efforts by States to improve existing safety database systems and the exchange of safety-related information, and to participate in activities aimed at the development of a comprehensive data analysis and information dissemination network, taking into account the need to adequately protect privileged information and its sources;

9. *Encourages* the free communication of safety-related information amongst users of the aviation system, including the reporting of accident and incident data by States to the ICAO Accident/Incident Data Reporting (ADREP) system;

10. *Urges* all Contracting States to examine and, if necessary, adjust their laws, regulations, and policies to achieve the proper balance among the various elements of accident prevention efforts (e.g. regulation, enforcement, training, and incentives to encourage voluntary reporting) and to encourage increased voluntary reporting of events that could affect aviation safety, and *instructs* ICAO to develop appropriate policies and guidance in this respect;

11. *Urges* all Contracting States to ensure that their aircraft operators, providers of air navigation services and equipment, and maintenance organizations have the necessary procedures and policies for voluntary reporting of events that could affect aviation safety;

12. *Requests* the Council to develop a programme to encourage States to implement approach procedures with vertical guidance (APV) utilizing such inputs as GNSS or DME/DME, in accordance with ICAO provisions;

13. *Encourages* States to foster regional safety groups;

14. *Encourages* States to foster the creation of international advisory groups of experts, or other initiatives where appropriate, on aviation safety and assistance to:

- a) bring together the efforts, experience and the resources of interested countries, international and regional organizations, aviation manufacturers and operators, financial and other funding institutions and of ICAO;
- b) study the aviation safety issues of a subgroup of member States; and
- c) develop a civil aviation safety management framework and recommendations for improving safety and providing assistance;

15. *Instructs* the Secretary General to distribute the GASP document on a regular basis through a State letter and on the ICAO public Web site; and

16. *Instructs* the Council to provide a progress report on the ICAO Global Aviation Safety Plan to future sessions of the Assembly.

A35-16: Taking due account of the evolution of specifications concerning flight data recording systems

Considering that the primary objective of the Organization is to ensure the safety of international civil aviation worldwide;

Considering that the establishment of international Standards contributes to this objective;

Recognizing the importance for safety of flight data recorders; and

Recognizing the need to develop specifications for these systems;

The Assembly:

1. *Directs* the Council to resume work on flight recorders as soon as possible using appropriate means and to give priority to problems arising from the search for and recovery of these systems, obsolescence, the insufficient number of recorded parameters, and the need to prescribe image recording of the cockpit; and

2. *Requests* the Council to report to the next session of the Assembly on the implementation of the present resolution.

A35-17: Protecting information from safety data collection and processing systems in order to improve aviation safety

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

Recognizing the importance of the free communication of safety information amongst the stakeholders of the aviation system;

Recognizing that the protection of safety information from inappropriate use is essential to ensure the continued availability of all relevant safety information, to enable proper and timely preventive actions to be taken;

Concerned by a trend for safety information to be used for disciplinary and enforcement actions and to be admitted as evidence in judicial proceedings;

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;

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; and

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;

The Assembly:

1. *Instructs* the Council to develop appropriate legal guidance that will assist States to enact national laws and regulations to protect information gathered from all relevant safety data collection and processing systems, while allowing for the proper administration of justice in the State;

2. *Urges* all Contracting States 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; and

3. *Instructs* the Council to provide a progress report to the next ordinary Session of the Assembly on this matter.

A22-11: International assistance in re-establishing operation of international airports and related air navigation facilities

A29-3: Global Rule Harmonization

A35-5: Consolidated statement of continuing ICAO policies and practices related to environmental protection

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

35-12: Protection of the health of passengers and crews and prevention of the spread of communicable disease through international travel

35-13: Non-chemical aircraft disinsection of the cabin and flight deck for international flights

A29-13: Improvement of Safety Oversight

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

A35-6: Transition to a comprehensive systems approach for audits in the ICAO Universal Safety Oversight Audit Programme (USOAP)

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

A35-7: Unified strategy to resolve safety-related deficiencies

A35-8: International Financial Facility for Aviation Safety (IFFAS)

A35-18: Consolidated statement of continuing ICAO policies in the air transport field

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

A35-14, Appendix I: Coordination of activities relating to research, development, trials and demonstrations in the fields of communications, navigation, surveillance and air traffic management (CNS/ATM) and aerodrome services

A35-14, Appendix J: Coordination of aeronautical systems and subsystems

A33-13: Use of cross-polar routes

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.

A35-18: 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

A35-14, 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.

A35-5: Consolidated statement of continuing ICAO policies and practices related to environmental protection

PERSONNEL LICENSING AND TRAINING

A16-7: Aeronautical technical training

A21-24: Sickle cell trait in civil aviation

Whereas an abiding concern with the medical aspects of civil aviation as it affects crew members, passengers and third parties on the ground and in the air is an integral part of the overall responsibility of Contracting States and ICAO in aviation safety;

Whereas several hundreds of thousands of sickle cell gene carriers have flown and continue to fly yearly in both pressurized and unpressurized aircraft at various normal operational heights and in all types of weather; and

Whereas some international airlines have already reviewed their previous stance and are now employing sickle cell trait carriers for cabin-crew duties;

The Assembly resolves that:

1. Contracting States be urged to establish facilities, if they have not already done so, for the purpose of:

- a) advising the national aviation authority on all aviation medicine matters relating to licensing;
- b) investigating possible health hazards associated with flight;
- c) providing medical expertise for the investigation of incidents occurring during or associated with flight;
- d) conducting research into medical problems of aviation safety; and
- e) advising on national or international health matters affecting aviation;

2. liaison be maintained on such matters between States as well as with the ICAO Secretariat;

3. screening of individuals for any trait or condition should be based solely on medical considerations;

4. Contracting States be advised that, in an applicant, the mere possession of the sickle cell trait should not be a reason for disqualifying him for flying duties in civil aviation, unless there is positive medical evidence to the contrary.

A29-16: Role of ICAO in the prevention of substance abuse in the workplace

Whereas Assembly Resolution A27-12 urged the Council to elaborate with a high degree of priority concrete measures to prevent and eliminate substance abuse by crew members, air traffic controllers, mechanics, and other staff of international civil aviation, and requested the Council, following further study, to propose specific measures concerning drug-related problems in international civil aviation;

Whereas substance abuse by civil aviation employees may seriously compromise aviation safety;

Whereas ICAO has initiated concrete actions to develop measures to ensure that civil aviation workplaces are free of

substance abuse by expediting the development of additional guidance material with emphasis on educational programmes related to prevention of substance abuse;

Whereas the Air Navigation Commission requested the Secretariat to expedite the development of additional guidance material; and

Whereas it is incumbent upon the international civil aviation community to ensure that civil aviation employees are aware of the dangers posed by substance abuse;

The Assembly:

1. *Declares* its strong support for making and maintaining civil aviation workplaces free of substance abuse and encourages cooperative efforts throughout the international civil aviation community to educate employees on the dangers of substance abuse and to take steps, when deemed necessary, to detect and deter such use, and, through such efforts, to ensure that substance abuse never becomes prevalent or tolerated within international civil aviation;

2. *Urges* the Council to accord a high degree of priority, as contemplated in Resolution A27-12, in the Technical Work Programme, to expediting the development and publication of guidance material containing measures which may be implemented by Contracting States and to conducting or arranging such symposia or seminars as necessary to assist and educate Contracting States to maintain civil aviation workplaces free from the threat of substance abuse;

3. *Requests* the Council to continue its effort to monitor:

- a) the existence and growth of the threat to the safety of international civil aviation posed by substance abuse; and
- b) efforts by Contracting States to implement preventive measures; and

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

A33-12: Harmonization of drug and alcohol testing programmes

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

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

Whereas appreciation is expressed to the Council and the Secretary General for the progress made regarding the elimination of substance abuse by personnel in safety related occupations in aviation;

Whereas there is still a need to achieve a consistent policy on the implementation by national authorities of regulations regarding the prevention and enforcement on the abuse of alcohol and drugs by personnel in safety related occupations in aviation;

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

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

Whereas there is a need for ICAO to meet these challenges effectively;

The Assembly:

1. *Directs* the Council to review existing guidance for improvements aimed at helping States to develop consistent prevention and testing programmes.

2. *Directs* the Council to study the issues and to develop the necessary ICAO provisions to achieve consistency among the substance testing programmes of Contracting States and enforcement by Contracting States on the abuse of alcohol and drugs by certain safety-sensitive personnel.

3. *Encourages* Contracting States to foster consistency with respect to their prevention and testing programmes.

A32-16: Proficiency in the English language for radiotelephony communications

Whereas recent major accident investigations have indicated lack of proficiency and comprehension of the English language by flight crews and air traffic controllers alike as a contributing factor; and

Whereas to prevent such accidents, it is essential that ICAO devise ways and means to see that all the Contracting

States take steps to ensure that air traffic control personnel and flight crews involved in flight operations in airspace where the use of the English language is required, are proficient in conducting and comprehending radiotelephony communications in the English language;

The Assembly:

Urges the Council to direct the Air Navigation Commission to consider this matter with a high level of priority, and complete the task of strengthening the relevant provisions of Annex 1 and Annex 10 with a view to obligating Contracting States to take steps to ensure that air traffic control personnel and flight crews involved in flight operations in airspace where the use of the English language is required, are proficient in conducting and comprehending radiotelephony communications in the English language.

A35-14, Appendix G: Certificates of airworthiness, certificates of competency and licences of flight crews

A35-14, Appendix H: Aviation training

AIRCRAFT ACCIDENT INVESTIGATION

A35-14, Appendix V: Cooperation among Contracting States in investigations of certain aircraft accidents

A35-14, Appendix W: Flight safety and human factors

A31-10: Improving accident prevention in civil aviation

A33-17: Non-disclosure of certain accident and incident records

UNITS OF MEASUREMENT

A35-14, Appendix F: Units of measurement

GROUND FACILITIES, SERVICES AND PERSONNEL

A35-14, Appendix N: Delimitation of air traffic services (ATS) airspaces

A35-14, Appendix O: Provision of search and rescue services

A35-14, Appendix P: Coordination of civil and military air traffic

A35-14, Appendix Q: The provision of adequate aerodromes

A35-14, Appendix R: Ground and flight testing of radio navigation aids

A35-14, Appendix S: Adequate conditions of employment for aviation ground personnel

A27-11: Airport and airspace congestion

A32-16: 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

A35-9: Consolidated statement of 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

A35-18: Consolidated statement of continuing ICAO policies in the air transport field
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Introduction

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;

Whereas air transport is a major factor in promoting and fostering sustained economic development at national as well as international level;

Whereas it is becoming increasingly difficult, particularly for developing countries, to secure the necessary resources for the development of air transport;

Whereas the Organization prepares guidance, studies and statistics on the development of air transport for Contracting States on a continuing basis and this 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 and these studies and statistics;

Whereas guidance developed by the Organization 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 35th Session of the Assembly:

- Appendix A — Economic regulation
- Appendix B — Statistics
- Appendix C — Forecasting and economic planning
- 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 question, to seek the consultation of expert representatives from Contracting States by the most appropriate means, including the establishment of panels of qualified experts reporting to the Air Transport Committee or of Secretariat study groups, and work 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 A33-19.

APPENDIX A

Economic regulation

Section I. Agreements and arrangements

Whereas the Assembly is of the opinion that there is no present prospect of achieving a comprehensive and global multilateral agreement, although 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 (IASTA) strengthens the operation of international scheduled services and 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 that are fair and reasonable and designed to promote the satisfactory development of air services is a matter of major importance to the economies of many States;

Whereas the rules and conditions associated with international air transport fares and rates should avoid unnecessary complication, be uniform where possible and reasonably protect user interests; and

Whereas governments have a responsibility in fares and rates matters pursuant to their national legislation and to obligations under bilateral and other air services agreements;

The Assembly:

1. *Reaffirms* the primary role of ICAO in developing policy guidance on the regulation of international air transport and in facilitating safeguarded liberalization;

2. *Urges* Contracting States that have not yet become parties to the International Air Services Transit Agreement (IASTA) 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 important problems arising from the application of bilateral agreements and of any developments achieved or contemplated which tend toward the objective of multilateralism in the exchange of commercial rights;

5. *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;

6. *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;

7. *Requests* the Council to keep under review the machinery for the establishment of international tariffs as well as the rules and conditions associated with international tariffs;

8. *Requests* the Council to review periodically the rules for registration with a view to simplifying the process of registration of aeronautical agreements and arrangements;

9. *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

10. *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 ask 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 many 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 to many developing 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;

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. Computer reservation systems

Whereas there is a need to define principles of worldwide applicability for computer reservation systems based on transparency, accessibility and non-discrimination to enhance competition among airlines and among such systems, to afford international air transport users access to the widest possible choice of options to meet their needs, and to avoid abuse of these systems which can lead to harmful practices in the distribution of air carrier products;

The Assembly:

1. *Urges* Contracting States:
 - a) to follow the revised *ICAO Code of Conduct for the Regulation and Operation of Computer Reservation Systems* adopted by the Council on 25 June 1996;
 - b) to use as appropriate the Model Clauses, approved by the Council on the same date, to strengthen and complement the Code; and
 - c) to cooperate at the bilateral, regional and inter-regional levels with a view to reducing difficulties

connected with the introduction and operation of computer reservation systems in various parts of the world; and

2. *Requests* the Council to revise the ICAO CRS Code when required.

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 be based on the general goal of gradual, progressive, orderly and safeguarded change towards market access, and the interests of all Contracting States in ensuring 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 Chicago Convention, 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 ICAO Contracting 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 progressive 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 among 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; and

Whereas the Organization has addressed many of the regulatory issues concerned and compiled the resulting recommendations and other guidance material;

The Assembly:

1. *Urges* Contracting States in their regulatory functions to have regard to the advice contained in Doc 9587, *Policy and Guidance Material on the Economic Regulation of International Air Transport*; and

2. *Requests* the Council to ensure that the advice contained in Doc 9587 is current and responsive to the requirements of Contracting States.

APPENDIX B

Statistics

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 ICAO has developed an integrated statistical database in order to provide to Contracting States and other users an efficient online system for the validation, storage and retrieval of statistical data;

Whereas a number of Contracting States have still not filed, or have not filed 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 make every effort to provide the statistics required on time and to submit them electronically whenever possible;

2. *Requests* the Council, calling on statistical and accounting experts as required, to examine the statistical problems of Contracting States and ICAO in order to meet more effectively the needs of the Organization and to improve the uniformity of the statistics, the completeness and timeliness of reporting by Contracting States, the form and content of analyses and publications, and the speed of dissemination by the Organization; 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 and economic planning

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; and

Whereas the Organization requires specific forecasts and economic support for airports and air navigation systems planning and environmental planning purposes;

The Assembly:

1. *Requests* the Council to prepare and maintain, as necessary, long-term and medium-term forecasts of future trends and developments in civil aviation of both a general and a specific kind, including, where possible, regional as well as global data, and to make these available to Contracting States;

2. *Requests* the Council to develop methodologies and procedures for the preparation of forecasts, the analysis of cost-benefit or cost-effectiveness, and the development of business cases to meet the needs of 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 and economic planning.

APPENDIX D

Facilitation

Section I. Development 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 it is essential that Contracting States continue to pursue the objective of maximum efficiency in air transport while at the same time safeguarding international civil aviation operations against acts of unlawful interference;

Whereas the development of specifications for machine readable travel documents by the Organization has proved effective in the development of systems that accelerate the movement of international passengers and crew members through clearance control at airports while enhancing security and 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. *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;

2. *Requests* the Council to ensure that the provisions of Annex 9, *Facilitation*, and Annex 17, *Security*, are compatible with and complementary to each other;

3. *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

4. *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. Implementation of Annex 9

Whereas implementation of the Standards and Recommended Practices in Annex 9 aimed at improving procedures at border-control points to facilitate the clearance of aircraft, passengers and their baggage, cargo and mail is essential to the efficiency of air transport;

The Assembly:

1. *Urges* Contracting States to give special attention to their obligations arising from Articles 22, 23 and 24 of the Convention and increase their efforts to implement Annex 9 Standards and Recommended Practices;

2. *Urges* Contracting States to examine critically, at least once a year, any differences that exist in their territory between their national regulations and practices and the provisions of the current edition of Annex 9 and to make special efforts to modify their policies in order to eliminate such differences;

3. *Urges* each Contracting State to notify the Organization of the status of implementation of Annex 9 in its territory in accordance with Article 38 of the Convention; and

4. *Requests* the Council to review, whenever necessary or at least once every three years, the status of implementation of Annex 9 and indicate those aspects which require intensified implementation efforts by Contracting States.

Section III. 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 provides an assurance for 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 the very essence of the functioning of the international travel system;

Whereas the United Nations General Assembly has requested ICAO to consider ways and means to enhance international cooperation to combat the smuggling of aliens, while emphasizing that such efforts should not undercut the protection provided by international law to refugees;

Whereas the United Nations General Assembly and the Economic and Social Council have requested member States to establish or improve procedures to permit the ready discovery of false travel documents, to cooperate bilaterally and on a multilateral basis to prevent the use of fraudulent documents, and to take measures to provide penalties for the production and distribution of false travel documents and the misuse of international commercial aviation; and

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 imposters, the misuse of authentic passports by rightful holders in furtherance of the commission of an offence, the use of expired or revoked passports, and the use of fraudulently obtained passports;

The Assembly:

1. *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; and

2. *Requests* the Council to continue the work being undertaken to enhance the effectiveness of passport-fraud controls, including the possible preparation of necessary SARPs and guidance material, to assist Contracting States in maintaining the integrity and security of their passports and other travel documents.

Section IV. 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; and

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;

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 inter-governmental 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; and

8. *Urges* States and operators, in cooperation with interested international organizations, to make all possible efforts to speed the handling and clearance of air cargo.

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 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 A35-5, *Consolidated statement of continuing ICAO policies and practices related to environmental protection*; and

Whereas the resolution in Doc 8632, *ICAO's Policies on Taxation in the Field of International Air Transport*, 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 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 is addressed separately in Assembly Resolution A35-5, *Consolidated statement of continuing ICAO policies and practices related to environmental protection*;

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 only be 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; and

5. *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 financial efficiency 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;

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; and

Whereas Contracting States are to an increasing extent assigning the operation of airports and air navigation services to autonomous entities and using multinational air navigation facilities and services to meet the commitments they have assumed under Article 28 of the Convention;

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 actively in the recovery of costs of multinational air navigation facilities and services;

3. *Requests* the Council to provide economic, organizational and managerial advice to Contracting States on the provision of airports and air navigation services;

4. *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

5. *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, and tourist, aviation and trade interests and their international organizations in the level of international air carrier costs of operation, fares, rates 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 and cost data 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, information of a factual character which may be readily available.

A35-5: Consolidated statement of continuing ICAO policies and practices related to environmental protection

A35-14: 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**

**A22-14: Technical and economic problems related
to the introduction into commercial
service of supersonic aircraft**

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.

4.1.7 The cost of operation and maintenance of a facility or service provided through ICAO in the territory of a supported State will, in so far 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.

4.1.8 No custom duties or other levies will be imposed by the supported State on equipment and materials required for the construction, operation or maintenance of a facility or service provided through ICAO.

4.2. *Policy relating to the construction, operation and maintenance of air navigation facilities or services*

4.2.1 Construction, operation or maintenance of facilities or services by persons in the direct employ of

ICAO will only be undertaken in a most exceptional case when considerations of efficiency or other material factors dictate such a course of action.

4.2.2 ICAO will maintain a list of technical consultants selected from nominations submitted to ICAO by Contracting States to ensure that when the need arises there may be expeditious provision of technical advice and assistance.

4.2.3 A contract for the execution of constructional work or for the operation or maintenance of a facility or service with funds supplied collectively by contributing States through ICAO will preferably be let in the name of the supported State. When, in the opinion of the Council, this is not practicable, ICAO may employ agents which will, under ICAO supervision, make all necessary arrangements, conduct surveys, negotiate contracts, and otherwise provide for the construction, operation or maintenance of the facility or service in question. Such agents may be governments, appropriate organizations or individuals acceptable to the governments of the contributing States and supported State. ICAO may, in exceptional circumstances, let contracts directly.

4.2.4 Contracts will usually be let by competitive tender but the letting authority will retain freedom to choose that competitor most appropriate to execute the task in view and will not be bound to accept the lowest tender.

4.2.5 When a contract is let in the name of the government of a supported State, the contributing States may require that ICAO approval be given prior to the letting of the contract.

4.2.6 Subject to considerations of efficiency and economy, personnel, contractors, labour and materials of the supported State will, as far as possible, be employed or utilized.

4.3. *Policy relating to training of personnel*

4.3.1 ICAO will, if necessary, assist a requesting State in the training of its nationals in the operation and maintenance of air navigation facilities and services either by arrangements with an agent or, in an exceptional case, by its own instructors. Contracts relating to training will be let in accordance with the general policy laid down by 4.2.3 and 4.2.6.

4.3.2 Such aid may include:

4.3.2.1 Training as an integral part of any project involving the construction or the operation and maintenance of facilities or services supported by aid rendered through ICAO, or

4.3.2.2 The assignment through ICAO of instructors to provide training in the territory of a State requesting such assistance, or

4.3.2.3 Training outside of the territory of the State requesting such assistance.

4.3.3 Any assistance in training provided under the terms of Chapter XV of the Convention by the government of a State or by a private organization will be conducted in the name of ICAO and in accordance with standards prescribed by ICAO.

4.4. *Policy relating to questions of procedure*

4.4.1 Before consideration by the Council of a request for financial and technical aid through ICAO, such request will be supported by documentation in justification, reciting in particular such action as has been taken by the applicant State pursuant to 3.4.

4.4.2 When a request for aid has been submitted by an applicant State and the Council considers that aid through ICAO may be necessary, or when ICAO is taking the initiative in accordance with Article 69 of the Convention, the Council will forthwith bring the case to the notice of potentially interested Contracting States and invite their comments, to be submitted within a specified period. Such comments will refer particularly to the question of whether or not the State is prepared to participate in a scheme of joint support of the facilities or services in question.

4.4.3 The Council, after investigations including, if necessary, expert examination of all the factors pertinent to the application for aid, will pursue the consultation with interested States, and, if desirable, will call a conference of those States with the object of reaching an early decision as to the action to be taken.

4.4.4 ICAO will ensure that all interested States, including the applicant State, will be kept continuously and thoroughly informed of all matters pertinent to the project and in particular the applicant State will be given an opportunity to associate itself with and partake in any investigation within its territory to be made in the course of the proceedings.

**A14-37: Increased participation by “User States”
in the Joint Financing Agreements**

Whereas the Joint Support policy of the Organization defined in Chapter XV of the Convention and in Resolution A1-65 of the Assembly remains in force; and

Whereas, under the said policy, Agreements have been concluded for the joint financing of certain air navigation services in certain regions of the world; and

Whereas the majority of the so-called “User States”, whose aircraft fly in the said regions and therefore benefit from the said services, have signed at the outset or acceded later to these Joint Financing Agreements;

The Assembly:

1. *Notes* with satisfaction past efforts by the Council and its President to secure adherence to the Joint Financing Agreements by all the “User States”, which efforts have been successful in certain instances;

2. *Urges* those “User States” which i) are not yet making any contributions under the Joint Financing Agreements or ii) are making only partial contributions under these Agreements pursuant to previous arrangements concluded with the Council, to consider as soon as possible acceding to these Agreements or, in any event, contributing in full thereto;

3. *Directs* the Council to continue its efforts to secure the widest participation possible by the “User States” in the Joint Financing Agreements.

**A16-10: Economic, financial and joint support
aspects of implementation**

Whereas the Assembly, in Resolutions A12-5 3, 4 and A15-5 1 and 2, set forth certain policies of the Organization

regarding the economic, financial and joint support aspects of implementation and the related application of Chapter XV of the Convention;

Whereas the Assembly, in Resolution A15-2, instructed the Council to study and submit to the next session a new text classifying and consolidating the resolutions in force, including those of the 15th Session; and

Whereas the policies set forth in the aforesaid resolutions need to be consolidated into a single resolution indicating the continuing policies of the Assembly in this matter, for which purpose the original resolutions or parts of resolutions should be cancelled;

The Assembly:

1. *Urges* user and provider Contracting States to give serious consideration, in particular at regional meetings, to the economic justification of projected air navigation facilities and services, to the end that the justified requirements of international civil aviation are met without entailing costs disproportionate to the benefits derived, and, to this effect, requests the Council to assist States as far as feasible in their consideration and evaluation of the economic and financial aspects of the Regional Plans;

2. *Reminds* Contracting States that when they are unable with their own means to discharge their obligations in the implementation of Regional Plans pursuant to the Convention, they should explore the possibility of achieving such implementation by means of loans for capital expenditures, operating agencies, technical assistance in the different forms in which it may be available, or other means compatible with the Convention, before applying to ICAO for joint financing under Chapter XV of the Convention;

3. *Invites* Contracting States to request information from ICAO, as necessary, when exploring those different possibilities;

4. *Directs* the Council to give Contracting States guidance and assistance with respect to Clause 2 above.

PART V. LEGAL MATTERS

A31-15: 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 31st 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 Resolutions A7-6, A10-40, A16-36 and A27-3.

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;

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 A27-3 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;

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;

Recognizing the need to accelerate the 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 introducing Articles 3 *bis* and 83 *bis*, the Final Clauses, Article 56 (1989) and Article 50(a) (1990)] as soon as possible;

Urges all Contracting States which so far have not done so to ratify the other international air law instruments, in particular the Montreal Protocols Nos. 3 and 4 of 1975 for the amendment of the "Warsaw System", 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,

1. *Invites* the Council to take all possible action to promote the teaching of air law in those States where it is not yet available; and

2. *Urges* the States to adopt appropriate measures which would further the achievement of the above objective.

A7-5: Revised constitution of the Legal Committee

A35-9: 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 Tenth 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.

A33-4: 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 in the Appendix to this Resolution; 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.

APPENDIX

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 take-off until the moment when the landing run ends.

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.

A35-3: 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. 1 of the General Work Programme of the Legal Committee “Consideration, with regard to CNS/ATM systems including global navigation satellite systems (GNSS), 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).

PART VI. TECHNICAL CO-OPERATION

A26-16: *Technical Assistance

Whereas the growth and improvement of civil aviation can make an important contribution to the economic development of developing countries;

Whereas ICAO, as a participant in the United Nations Development Programme (UNDP), can materially assist these countries in advancing their civil aviation and at the same time promote the realization of the objectives of this Organization;

Whereas Resolution 3202 (S-VI) of the General Assembly of the United Nations on the Programme of Action on the Establishment of a new International Economic Order entrusts all organizations, institutes, subsidiary bodies and conferences of the United Nations system with the implementation of the Programme of Action, which complements and strengthens the goals and objectives embodied in the International Development Strategy for the Second United Nations Development Decade; and

Whereas the Assembly in 1971 adopted a consolidated Resolution, A18-8, dealing with the policies and procedures of technical assistance and the Assembly in 1974 updated and replaced Resolution A18-8 with A21-17 which the Assembly has decided should be further updated and replaced by the following:

The Assembly:

A. *Policy of ICAO*

ICAO participation in Technical Assistance Programme

1. *Reaffirms* its approval of the actions taken to date by the Council of ICAO for ICAO to participate in the UNDP, including Cost Sharing support by recipient States; recognizes and encourages the action taken by the Council

in the field of technical assistance, which has been effectively provided with the limited funds available; approves the actions taken by the Council in the use and development of Funds-in-Trust partnerships; approves and welcomes the initiative taken by the Council in introducing the Civil Aviation Purchasing Service (CAPS) to assist governments and organizations in procuring high value items of civil aviation equipment and associated services; and requests the Council to continue to take such steps as may be necessary to provide the maximum assistance for the development of civil aviation in developing countries, including making use of all available appropriate funding sources and facilities;

Developing countries funds from other multilateral and bilateral sources

2. *Encourages* the actions of developing countries in seeking funds for the development of their civil aviation from other multilateral and from bilateral sources to complement funds available from national budgets and the UNDP, so that such development may progress at the maximum feasible rate;

Coordination with other aid programmes

3. *Affirms* that in order to promote coordination of the technical assistance activities of ICAO with those of other civil aviation or related mutual aid programmes, there should be, in so far as is practicable, a regular exchange of information on plans and progress reports between ICAO and these other mutual aid programmes;

Regional and interregional projects

4. *Requests* that high priority continue to be given to the processing of regional and interregional projects because of the great benefit such projects represent;

Training centres

5. *Concurs* in the policy of establishing conveniently located national or multinational training centres with aid

* Resolving Clause 7 has been superseded by Resolution A29-20.

requested by States from the UNDP and other funding sources; and encourages Contracting States to regard these institutions as regional training centres which can provide advanced aeronautical training to students from neighbouring States of the region concerned, so as to promote a self-reliant capability within that region;

Coordination with other agencies in the field of education and training

6. *Concurs* with Resolution 906 (XXXIV) of the Economic and Social Council on the subject of education and training and stresses the importance of this subject in the field of civil aviation and in the better preparation of students for such specialized training;

Procedures and practices

8. *Requests* the Council to examine the procedures for administration, execution and evaluation of the Technical Assistance Programme in the light of the practical needs for technical assistance, the general objectives of the Organization and the particular guarantees implied by the international character of the Organization; and to study the possible improvements with a view to ensuring conformity of the procedures that are employed with the policy of the Organization and the relevant provisions of the Assembly resolutions, bearing in mind the overriding requirement to meet the technical assistance needs of developing countries in the most timely and efficient manner;

Procurement

9. *Affirms* that the general policy of ICAO will be to advertise purchases of equipment and contractual services for technical assistance projects above a certain threshold, unless, in the opinion of the Secretary General and in accordance with criteria established by the Council, there are overriding reasons of urgency or other considerations against such a course, having regard to the needs and requirements of developing States;

B. Action by States

Priorities and project planning

10. *Urges* Contracting States to ensure that full consideration is given to their needs for assistance in the field of civil aviation when UNDP country programmes and other multilateral and bilateral assistance programmes are formulated;

Preparation of project document

11. *Draws the attention* of Contracting States requesting UNDP and other sources of assistance to the advantages to be derived from individual programmes made up of well-defined projects based on the civil aviation development plans and urges States to cooperate with the Organization in defining as accurately as possible the task of each expert included in their individual programmes and to state clearly the scope of the assistance required when making requests to the UNDP or to some other mutual aid programme; and reminds States engaged in country programming exercises of the need to prepare the project document for each project as early as possible during the exercise, so that the project can be implemented as quickly and completely as possible;

Regional and interregional projects

12. *Draws the attention* of Contracting States to the usefulness of the UNDP assistance provided through the regional and interregional projects executed by ICAO; urges States to utilize further this type of assistance and to ensure that their national coordinating authorities give full support to those projects when preparing their inter-country programmes, so as to meet the needs of their civil aviation services; and emphasizes that, unless full priority support of each project is so obtained, very useful projects for civil aviation will be lost;

12(a). *Urges* Contracting States to request the inclusion in the UNDP Regional Programmes of new manpower and training surveys in the field of civil aviation, in order to update those carried out by ICAO under UNDP funding a number of years ago, with the objective of determining the current needs for trained civil aviation personnel in the developing world, in order to increase the utilization of existing training centres; or to expand them or establish new ones, should the need be justified;

Regional training centres

13. *Urges* States to support Regional Training Centres which are located in their area, in particular by agreeing to use the courses available from the training centre for the training of their students where such training is not available nationally; and reminds the States of the need to ensure funding of such students through appropriate allocations for student fellowships from all available sources, including national budgets, UNDP country programmes, and other multilateral and bilateral funds;

Awards of fellowships

14. *Reminds* States of the need to improve the implementation of fellowships by ensuring the timely nomination of candidates, and suggests that, at the commencement of any project, the State concerned establish a detailed schedule of implementation for each fellowship so that nominations will be received by the Executing Agency in time to make the correct arrangements;

Funds-in-Trust

15. *Commends* the Funds-in-Trust scheme and views with satisfaction the initiative of States in establishing Funds-in-Trust programmes as a method of obtaining technical and operational assistance in the field of civil aviation, over and above that provided from the UNDP funds, by direct payment to ICAO of the money needed; and urges States to make greater use of this arrangement to expedite implementation of Regional Plans;

Operational assistance (OPAS)

16. *Draws the attention* of Contracting States to the importance of, and the benefits to be derived from, the operational assistance experts (OPAS) under the UNDP, Funds-in-Trust or other sources of funding, and encourages those States needing such experts for their civil aviation activities to include them in their requests for assistance from the UNDP and other sources of funding;

Approval of experts

17. *Urges* States receiving assistance to avoid project implementation delays by arranging for speedy decisions regarding experts proposed to them by ICAO for country projects;

Counterparts and national staff

18. *Reminds* States receiving UNDP assistance of their obligation to provide, as part of any project that requires the services of experts in an advisory or training capacity, suitably qualified counterpart personnel from among their own personnel to work with the ICAO experts, and to provide such opportunities and conditions of service as are necessary to attract the continued services to such staff; furthermore, reminds States of the need to provide suitable incentives, within the limits of their resources, to retain the services, in their respective fields, of all students after they have completed their training;

Availability of Civil Aviation Purchasing Service

19. *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;

UNDP Governing Council and priority of civil aviation projects

20. *Urges* Contracting States that are members of the UNDP Governing Council to draw the attention of their representatives to the important role played by civil aviation in the overall economic development of countries, subregions and regions, so that civil aviation projects be afforded due priority in any programme submitted for approval;

*C. Experts**Recruitment of experts*

21. *Requests* that Contracting States should, to the extent possible, cooperate with ICAO by encouraging experts in their service to apply for ICAO technical assistance work in the various branches of civil aviation and by facilitating their secondment for this purpose with the least possible delay; in referring candidates to the Organization, Contracting States should endeavour to ensure that they are fully qualified technically, suitable personally for technical assistance work; Contracting States should nominate experts for inclusion in ICAO's roster of experts and, in particular, developing countries should nominate their qualified nationals for inclusion in the roster; States providing experts should themselves maintain rosters of suitable candidates, due consideration being also given to the possibility of employing recently retired experts; and urges Contracting States to consider the possibility of organizing their establishments in such a way as to be able to make available, at all times, a certain number of experts for technical assistance work;

22. *Requests* the Secretary General, to the extent possible taking into account the element of time and the urgency of particular projects, to announce vacancies in technical assistance projects executed by the Organization to States in good time, so as to permit States providing experts to submit candidates for consideration; such announcements should contain sufficient precise detail to enable the States to nominate personnel having the specific qualifications necessary to fill a vacancy.

Furthermore the Assembly:

Declares that Resolution A24-15 is superseded by this resolution.

A35-20: Update of the new policy on technical cooperation

Whereas measures towards a new technical cooperation policy have been applied and A33-21 directed the Council to prepare for its consideration a consolidated resolution regarding all technical cooperation activities and programmes;

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 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 UNDP funding is directed 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 3 per cent of the ICAO Technical Co-operation Programme;

Whereas civil aviation administrations of Least Developed Countries are, in particular, those needing the most support while, at the same time, relying most on financial institutions and sector industry to fund their technical cooperation projects;

Whereas, over the 1996–1998, 1999–2001 and 2002–2004 triennia, integration of the Technical Co-operation Bureau and the implementation of the core staff concept have been pursued and the financial position of the Technical Co-operation Bureau has consequently improved;

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; and

Whereas initial funding provided to the Technical Co-operation Programme from extra-budgetary resources

has begun to support TCB in addressing the deficiencies identified in the USOAP and USAP audits;

The Assembly:

1. *Reaffirms* that the Technical Co-operation Programme 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;

2. *Reaffirms* that the Technical Co-operation Bureau is one of the main instruments of ICAO to assist States in remedying the deficiencies identified through ICAO's assessment and audit activities;

3. *Affirms* that further integration of ICAO's activities should be achieved through clear delimitation of each Bureau's mandate and activities, enhanced cooperation and coordination of their respective activities and avoidance of duplication and redundancy;

4. *Affirms* that, within the existing financial means, the ICAO Technical Co-operation 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;

5. *Recognizes* that, by providing funds from extra-budgetary resources, ICAO will allow the Technical Co-operation Programme to continue and expand its services to States in relation to safety, security and efficiency in civil aviation, thus further contributing to the implementation of SARPs and PIRG's recommendations;

6. *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 Co-operation Programme of ICAO;

7. *Recognizes* 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 objectives, 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 respond under the Chicago Convention to the quality of the services provided and their compliance with ICAO SARPs;

8. *Requests* UNDP to give more priority to the development of the air transport sub-sector in developing countries and *requests* the President, the Secretary General and the Secretariat to intensify their contacts with UNDP to increase its contribution to ICAO's technical cooperation projects;

9. *Encourages* States and other development partners, including the industry and the private sector, to contribute to the ICAO Objectives Implementation Funding Mechanism which allows them to participate in the implementation of ICAO's civil aviation development projects;

10. *Approves* 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;

11. *Directs* the Council to report to the next ordinary session of the Assembly regarding the implementation of this Resolution; and

12. *Decides* that this resolution replaces and supercedes Resolution A33-21.

A35-21: Expansion of ICAO technical cooperation activities

Whereas A33-21 affirmed that the Technical Co-operation Programme 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 Standards and Recommended Practices (SARPs) and Air Navigation Plans (ANPs) as well as in the development of their civil aviation administration infrastructure and human resources;

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 A33-21 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 harmonized and fully SARPs-compliant project implementation by TCB or any other third party

outside ICAO results in substantially enhanced safety, security and efficiency of civil aviation worldwide; and

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. *Resolves* that ICAO should expand the provision of technical cooperation services, upon request, to non-State entities (public and private) implementing projects in Contracting States in the field of civil aviation that aim at enhancing the safety, security and efficiency of international air transport;

2. *Stresses* that the Technical Co-operation Programme should always operate within the rules, regulations and procedures of ICAO;

3. *Recognizes* that in adopting commercially oriented practices, there is a need to ensure that the good reputation of ICAO is maintained; and

4. *Directs* the Secretary General to consider, on a case-by-case basis, the requests from non-State entities (public and private) implementing projects in Contracting States in the field of civil aviation for the provision of ICAO assistance in the traditional technical cooperation areas, with particular regard to project compliance with ICAO SARPs.

A22-7: Statute of the Joint Inspection Unit

A27-18: Funding for Technical Assistance activities

Whereas civil aviation is important to the technological, economic, social and cultural advancement of all countries and especially of developing countries and their sub-regional, regional and global cooperation;

Whereas the majority of funds made available to ICAO for the provision of technical assistance to aid developing countries in the furtherance of their civil aviation development has been forthcoming up to the present time from the UNDP; and

Whereas the needs of civil aviation in developing countries are much greater than can be met by the resources available from the UNDP and other presently used sources, which include Trust Funds and Cost Sharing;

The Assembly:

A. *Action by States:*

*Voluntary Contributions to UNDP
— 1990 and later years*

1. *Urges* Contracting States that are donors to the UNDP to give urgent and favourable consideration to the possibility of increasing their voluntary contributions to UNDP for 1990 and subsequent years, with a view to improving the prospects of funding thereunder more civil aviation projects, recognizing that the UNDP is accepted by developing countries as being the favoured source of funding for Technical Assistance, as the allocation of UNDP funds for a country's overall development is determined by the recipient government;

Other multilateral funding

2. *Urges* Contracting States that are associated with other multilateral funding resources, including, among others,

The World Bank, the Asian Development Bank, the African Development Bank, the Inter-American Development Bank, the European Investment Bank/European Development Fund, the Arab States' Development Funds, the Caribbean Development Bank, the Islamic Development Bank, the OPEC Fund

to draw the attention of their representatives to these organizations to 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;

*Bilateral or other
aid programmes*

3. *Recommends* to Contracting States with bilateral or other government-sponsored aid programmes to consider the value of using the ICAO Technical Assistance organization in helping to implement their programmes of assistance to civil aviation;

Recipient States

4. *Urges* Contracting States to give high priority to civil aviation development, and, when seeking external

assistance for this purpose, to stipulate to funding organizations through an appropriate level of government that they wish ICAO to be associated as executing agency with civil aviation projects that may be funded.

B. *Funding Organizations:*

*ICAO as the recognized
UNDP agency for civil aviation*

5. *Draws the attention* of funding organizations, including, among others, the World Bank, the Asian Development Bank, the African Development Bank, the Inter-American Development Bank, the European Investment Bank/European Development Fund, the Arab States' Development Funds, the Caribbean Development Bank, the Islamic Development Bank and the OPEC Fund 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 specialist authority for carrying out technical assistance to developing countries in civil aviation projects;

*Funding organizations' acceptance
of ICAO for civil aviation*

6. *Recommends* to the above funding organizations, 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;

*Action by the Secretary General
with funding organizations*

7. *Requests* the Secretary General to continue communication with appropriate funding organizations such as those listed above, and with potential recipient States, with a view to allocating funds for the development of civil aviation, using ICAO as executing agency.

Furthermore the Assembly:

Declares that Resolution A26-17 is superseded by this resolution.

**A24-17: Scholarships and fellowships
for basic and advanced training**

Whereas the cost of basic training, specialization and advanced training of technical and aeronautical personnel constitutes in some cases an obstacle to sending students to regional aeronautical training centres;

Having regard to the fact that up to and including the year 1975 the United Nations Development Programme permitted the financing of a significant part of the programme administered by ICAO for the training of technical and aeronautical personnel in the developing countries; and

Mindful that the UNDP regional funds made available for technical assistance in the field of civil aviation for aeronautical scholarships and fellowships requested by the Contracting States are insufficient to meet the needs of civil aviation, especially in the developing countries;

The Assembly decides:

1. *To urge* the Contracting States which are members of the Governing Council of the UNDP to consider the needs of the developing countries for the training of technical and aeronautical personnel and provide resources for the various United Nations Agencies with a view to increasing the present assistance funds to meet the need to develop civil aviation;

2. *To urge* these States to take, in association with ICAO, the necessary measures so that the UNDP may establish a budgetary item for civil aviation fellowships for the basic training, specialization and advanced training of technical and aeronautical personnel;

3. *To urge* Contracting States which are eligible for UNDP assistance to grant high priority to training by means of fellowships in civil aviation projects in their countries funded under UNDP Country Programmes, or to provide for such training from other resources, in order that such training can be carried out, and to seek the continued viability of civil aviation training institutes which have been established within their respective regions;

4. *To direct* the Council to take steps so that ICAO may maintain as far as possible the balance between the needs of the Contracting States and the available resources, in order to provide scholarships and fellowships proportional to all the geographical areas and the regional training centres;

5. *To remind* the States that Resolution A16-7 (Voluntary Contributions) remains in force and to urge those States which are in a position to do so to donate to ICAO additional funds for the provision of civil aviation fellowships in cash or in kind.

Furthermore the Assembly:

Declares that this resolution supersedes Resolution A23-9.

A27-20: Enhancement of training and maintenance of equipment capabilities for Technical Assistance

Whereas due to the continuing funding shortages, every means should be taken to improve the efficiency of technical cooperation with participating States;

Whereas evaluations of ICAO-executed projects have revealed the existence of a number of chronic problems common to many developing countries that are undermining the safety of civil aviation, more particularly in the areas of counterpart availability and training, the self-sustainability of project activities and the supply of spare parts for prompt and effective maintenance of operational equipment;

Assignment of Counterpart Personnel

1. *Reminds* Contracting States that the assignment of counterpart personnel in a timely fashion according to the terms of a technical assistance project, irrespective of its source of funding, is of vital importance to the achievement of self-sustaining activities;

Long Lead-time Training

2. *Draws* the attention of Contracting States to the protracted time span required for the training of national personnel in certain specialized fields of civil aviation, such as flight operations and airworthiness, and to the need to take due account of this requirement when formulating projects. In view of the long duration required for national personnel to acquire professional skills and practical experience in the specializations concerned, Contracting States are URGED to assign more than one counterpart to project posts necessitating long lead-time training;

Improvement of Management Skills

3. *Reminds* Contracting States of the importance, especially in institution-building projects, of making adequate provision for the improvement of the management skills of national staff in order to ensure that civil aviation services are efficiently and effectively organized and administered;

Maintenance of Equipment

4. *Urges* Contracting States to accord high priority to preventive maintenance of equipment in order to

ensure the provision of sound and reliable operations essential for civil aviation safety;

*Foreign
Exchange for
Spare Parts*

5. *Reminds* Contracting States that effective maintenance necessitates the prompt availability of spare parts. To this end, URGES Contracting States to give civil aviation administrations ready access to a reasonable portion of their foreign exchange earnings, taking into account the age and state of the equipment to be maintained.

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.

A16-7: Aeronautical technical training

Whereas the rapid technical development of civil aviation is instrumental in bringing many social and economic benefits to States, but requires from developing States an effort in training needed aviation personnel that is beyond their financial resources and training facilities;

Whereas while developing countries make use of the training facilities made available to them through the UNDP and bilateral aid programmes, the part of the resources of these programmes that can be used for civil aviation is still insufficient to meet the growing requirements for aeronautical training;

Whereas, at the same time, in existing centres for aeronautical technical training there are vacant places; and

Whereas the rapid technical development in civil aviation requires from developing States substantial expenditures in aviation ground facilities to match that development;

The Assembly:

1. *Authorizes* the Council:

a) to receive voluntary contributions in the form of scholarships, fellowships, training equipment and funds for training from States and other public and private sources;

b) to act as an intermediary between States regarding the granting of scholarships, fellowships and provision of training equipment;

2. *Requests* the Council to take the necessary measures, within the available resources of the Organization, to carry out clause 1. above in a flexible manner and allowing for a variety of arrangements in the best interests of international civil aviation;

3. *Invites* States to cooperate in carrying out clause 1. above and leaves it to the Council to determine how to obtain the support of international institutions and, through governments, the support of public and private sources within their respective countries;

4. *Requests* the Council to encourage the States to concentrate their efforts upon the further development of the existing training centres in their region and fully to use the facilities of these centres by sending their students for basic training, specialized training and refresher courses;

5. *Requests* the Council to advise and assist developing countries to secure the support of the UNDP in implementing regional training programmes to meet their needs;

6. *Requests* the Council to re-examine, when circumstances indicate that there are prospects of success, the question of establishing a programme of voluntary contributions in the form of equipment and funds aimed at assisting developing States in the implementation of regional plans;

7. *Requests* the Council to report to the next ordinary session of the Assembly the results attained.

A35-14, Appendix D: Implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS)

A35-14, Appendix H: Aviation training

A35-9, Appendix F: Assistance to States in the implementation of technical measures 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

A35-6: Transition to a comprehensive systems approach for audits in the ICAO Universal Safety Oversight Audit Programme (USOAP)

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

A35-7: Unified strategy to resolve safety-related deficiencies

A35-8: International Financial Facility for Aviation Safety (IFFAS)

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

A33-16: ICAO Global Aviation Safety Plan (GASP)

A35-16: Taking due account of the evolution of specifications concerning flight data recording systems

A35-17: Protecting information from safety data collection and processing systems in order to improve aviation safety

A32-16: Proficiency in the English language 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**

**A35-9: Consolidated statement of 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 A33-2 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 A33-2, Appendices A to H inclusive and has amended the statement to reflect the decisions taken during the 35th 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 35th Session of the Assembly;

2. *Resolves* to request the Council to submit at each ordinary session for review 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 A33-2.

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 posed by man-portable air defence systems (MANPADS) and other surface-to-air missiles systems, light weapons and rocket-propelled grenades, unlawful seizure of aircraft, facility attacks 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;

Whereas all acts of unlawful interference against international civil aviation constitute a grave offence in violation of international law;

Recalling Assembly Resolution A33-1, which directed the Council to convene an international high-level, ministerial conference on aviation security 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 audit of their implementation; and of ensuring the necessary financial means;

Considering the recommendation of the High-level, Ministerial Conference on Aviation Security held in February 2002, to adopt an ICAO Aviation Security Plan of Action which includes, *inter alia*, the identification, analysis and development of an effective global response to new and emerging threats; integration of measures to be taken in specific fields, including airports, aircraft, and air traffic control systems; and a follow-up programme to assist with the rectification of identified deficiencies; and

Endorsing 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 Organ-

ization and assuming functions related to the implementation of the *Convention on the Marking of Plastic Explosives for the Purpose of Detection*;

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. *Reaffirms* the important role of ICAO to facilitate the resolution of questions which may arise between Contracting States in relation to matters affecting the safe and orderly operation of international civil aviation throughout the world;

3. *Reaffirms* that aviation security must continue to be treated as a matter of highest priority by ICAO and its Contracting States;

4. *Notes* with abhorrence 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;

5. *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 suppress acts of unlawful interference and to punish the perpetrators of any such acts;

6. *Directs* the Council to continue its work relating to measures for prevention of acts of unlawful interference, in particular the implementation of the ICAO Aviation Security Plan of Action; and

7. *Urges* all Contracting States to contribute to the ICAO Aviation Security Plan of Action, since its implementation is largely dependent on voluntary contributions.

APPENDIX B

International legal instruments, national legislation and bilateral 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* (Montreal, 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*, (Montreal, 1988) as well as by the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* (Montreal, 1991) 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* (Montreal, 1971) and the 1988 Supplementary Protocol to the Montreal Convention, and to the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* (Montreal, 1991);

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. *Directs* the Secretary General to continue to remind States of the importance of becoming parties to the Tokyo, The Hague and Montreal Conventions, to the 1988 Supplementary Protocol to the Montreal Convention and 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 bilateral 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 acts of unlawful seizure of aircraft or other 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 or other 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 Contracting 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 checked baggage, cargo, mail, courier and express parcels;

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 and to keep up to date the provisions of Annex 17 to the Chicago Convention;

2. *Requests* the Council to 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 suppression of acts of violence at airports serving international civil aviation, in particular, those required or recommended in Annex 17 to the Convention on International Civil Aviation;

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 and available on the ICAO secured website;

5. *Calls upon* Contracting States, while respecting their sovereignty, to substantially enhance cooperation and coordination amongst them in order to improve such implementation;

6. *Requests* the Council to ensure, with respect to the technical aspects of aviation security, that:

- a) the provisions of Annex 17 and Annex 9 — *Facilitation* are compatible with and complementary to each other provided the effectiveness of security measures is not compromised;
- b) when considered necessary, the agenda of ICAO meetings include items dealing with aviation security which are relevant to the subject of such meetings;
- c) regional aviation security seminars are convened by ICAO after consultation with or at the request of States concerned;
- d) the ICAO Training Programme for Aviation Security comprising Aviation Security Training Packages (ASTPs) for use by States continues to be developed; and
- e) ICAO assumes the coordination role, of the aviation security training centres (ASTCs) to ensure training standards are maintained and sound levels of cooperation are achieved; and

7. *Directs* the Secretary General to continue to update and amend at appropriate intervals the Security Manual and develop new guidance material designed to assist Contracting States in implementing the specifications and procedures related to civil aviation security.

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 an act 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. *Notes with concern* the large number of acts of unlawful interference, in particular the facility attacks inside the terminal buildings targeting passengers and the public before the security screening points;

2. *Recalls* in this regard the relevant provisions of the Chicago, Tokyo, The Hague Conventions, and the 1988 Supplementary Protocol to the Montreal Convention;

3. *Urges* Contracting States which have not done so to become parties to the 1988 Supplementary Protocol to the Montreal Convention;

4. *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;

5. *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;

6. *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;

7. *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;

8. *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 of an aircraft, the State of manufacture and the State of registration 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;

9. *Condemns* any failure by a Contracting State to fulfil its obligations to return without delay an aircraft which is being illegally detained or to extradite or submit to competent authorities without delay the case of any person accused of an act of unlawful interference with civil aviation; 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*

The Assembly:

1. *Reminds* States parties of their obligations under Article 11 of The Hague Convention and Article 13 of the Montreal Convention, following occurrences of unlawful interference, to forward all relevant information required by those Articles to the Council; and

2. *Directs* the Secretary General, within a reasonable time from the date of a specific occurrence of unlawful interference, to ask that States parties concerned forward to the Council in accordance with their national law all relevant information required by those Articles concerning such occurrence, including particularly information relating to extradition or other legal proceedings.

APPENDIX E

The ICAO Universal Security Audit Programme

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

Whereas promoting the implementation of international aviation security Standards contributes to this objective;

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 the 33rd Session of the Assembly directed the Council and the Secretary General to consider the establishment of an ICAO universal security oversight audit programme relating to, *inter alia*, airport security arrangements and civil aviation security programmes;

Recalling that the 33rd Session of the Assembly directed the Council to convene, at the earliest possible date, an international High-level, Ministerial Conference on Aviation Security with the objective, *inter alia*, of strengthening ICAO's role in the adoption of SARPs in the field of security and the audit of their implementation;

Considering the recommendations of the High-level Ministerial Conference on Aviation Security convened in Montreal in February 2002, which called for the adoption of an ICAO Aviation Security Plan of Action which provides, *inter alia*, for the establishment of a comprehensive programme of regular, mandatory, systematic and harmonized aviation security audits to be carried out by ICAO in all Contracting States;

Considering the adoption of the ICAO Aviation Security Plan of Action by the Council of ICAO during its 166th Session;

Considering that the ICAO Universal Security Audit Programme (USAP) has been launched, with the first ICAO aviation security audit taking place in November 2002;

Recognizing that the implementation of the USAP is proving to be instrumental in the identification of aviation security concerns and in providing recommendations for their resolution;

Recognizing that the continuation of the USAP is essential to create mutual confidence in the level of aviation security between Contracting States and to ensure the adequate implementation of security-related Standards; and

Recognizing that all of the activities of the USAP are currently funded through the voluntary contributions of Contracting States;

The Assembly:

1. *Requests* the Secretary General to continue the ICAO Universal Security Audit Programme (USAP), comprising regular, mandatory, systematic and harmonized aviation security audits of all Contracting States, with such audits conducted at both national and airport levels in order to evaluate States' aviation security oversight capabilities as well as the actual security measures in place at selected key airports;

2. *Urges* all Contracting States to agree to audits to be carried out upon ICAO's initiative by signing a bilateral Memorandum of Understanding with the Organization, as approved by the Council during its 167th Session;

3. *Urges* all Contracting States to give full support to ICAO by accepting the audit missions as scheduled by the Organization, facilitating the work of the audit teams, and preparing and submitting to ICAO an appropriate corrective action plan to address deficiencies identified during the audit;

4. *Urges* all Contracting States to share, as appropriate and consistent with their sovereignty, the results of the audit carried out by ICAO and the corrective actions taken by the audited State, if requested by another State;

5. *Requests* the Council to ensure the long-term financial sustainability of the USAP by progressively integrating its activities as soon as possible into the Regular Programme Budget; and

6. *Requests* the Council to report to the next ordinary session of the Assembly on the overall implementation of the USAP.

APPENDIX F

Assistance to States in the implementation of technical measures 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 investment and training of personnel;

Whereas, notwithstanding assistance given, some countries, in particular developing countries, still face difficulties in fully implementing preventive measures due to insufficient financial, technical and material resources; and

Whereas aviation security is vital to all Contracting States for the proper operation of their airlines all around the world;

The Assembly:

1. *Invites* developed countries to give assistance to the countries which are not able to implement programmes of suggested technical measures for the protection of aircraft on the ground and, in particular, in the processing of passengers, their cabin and checked baggage, cargo, mail, courier and express parcels;

2. *Invites* Contracting States to bear in mind the possibility offered by the Mechanism for effective implementation of Standards and Recommended Practices (SARPs) contained in Annex 17, the United Nations Development Programme and the Technical Co-operation among Developing Countries to meet their technical assistance requirements arising from the need to protect international civil aviation;

3. *Invites* Contracting States to take advantage of short-term remedial assistance available under the AVSEC Mechanism and longer-term State assistance projects under the Technical Co-operation Programme to remedy deficiencies identified during audits;

4. *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 effort, in particular, through the ICAO AVSEC Mechanism;

5. *Urges* all Contracting States to take advantage of the availability of ICAO aviation security training centres (ASTCs) for the purpose of enhancing training standards; and

6. *Urges* the international community to consider increasing assistance to States and enhance 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 conventions on aviation security and under the

SARPs adopted by the Council on aviation security could be complemented and reinforced in bilateral cooperation between States;

Whereas the bilateral agreements on air services represent the main legal basis for international carriage of passengers, baggage, cargo and mail; and

Whereas provisions on aviation security should form an integral part of the bilateral agreements on air services;

The Assembly:

1. *Urges* all Contracting States to insert into their 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 to take into account the model agreement adopted by the Council on 30 June 1989; and

2. *Recommends* that the Council continue to:

- a) gather the results of States' experience in cooperation to suppress acts of unlawful interference with international civil aviation;
- b) analyse the existing situation in the fight against acts of unlawful interference with international civil aviation in different regions of the world; and
- c) prepare recommendations for strengthening measures to suppress such acts of unlawful interference.

APPENDIX H

International and regional cooperation in the field of aviation security

Mindful of the need for strengthening measures to prevent all acts of unlawful interference with civil aviation; and

Recognizing that the threat posed to civil aviation requires development of an effective global response by States as well as concerned international and regional organizations;

The Assembly:

1. *Invites* the International Criminal Police Organization (ICPO/INTERPOL), 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 Air Line Pilots' Associations (IFALPA) and

the Organization for Security and Cooperation for Europe (OSCE) 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 collaborate with this group and other relevant groups of States 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 cooperate with the United Nations Counter-Terrorism Committee (CTC), in the global effort to combat terrorism.

A35-10: Financial contributions to the Aviation Security Plan of Action

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

Whereas the threat of terrorist acts, unlawful seizure of aircraft and other acts of unlawful interference against civil aviation, including acts aimed at destruction of aircraft, as well as acts aimed at using the aircraft as a weapon of destruction, have a serious adverse effect on the safety, efficiency and regularity of international civil aviation, endanger the lives of persons on board and on the ground and undermine the confidence of the peoples of the world in the safety of international civil aviation;

Recalling its Resolutions A33-1 and A33-2;

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 continues to remain 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 Resolutions A33-1 and A33-2; and

Noting that much of the funding required to implement the work programme relating to aviation security could not be included within the Regular Programme Budget for 2005–2007 due to budgetary and financial constraints;

The Assembly:

1. *Expresses* its appreciation to the relevant Contracting States for the voluntary contributions in the form of human and financial resources expected to reach at least U.S.\$12 million by the end of 2004 for the implementation of the Aviation Security Plan of Action during the 2002–2004 triennium;

2. *Endorses* the indicative funding requirements from extrabudgetary resources for the implementation of the Aviation Security Plan of Action totaling U.S.\$20 million for the financial years 2005, 2006 and 2007;

3. *Urges* all Contracting States to provide voluntary contributions to the Enhanced AVSEC Mechanism to finance the implementation of the Aviation Security Plan of Action, the suggested contributions to be based upon the scales of assessments approved by the Assembly for the Regular Programme Budget for 2005, 2006 and 2007;

4. *Urges* all Contracting States to make pledges of voluntary contributions in advance and make contributions early in the financial year so as to ensure the proper planning and implementation of the Aviation Security Plan of Action; and

5. *Urges* the Council to ensure the long term sustainability of the Aviation Security Plan of Action by progressively, and as soon as possible, incorporating the funding requirements within the Regular Programme Budget, and accordingly *requests* the Secretary General to make specific proposals in this regard, taking into consideration the priority accorded to aviation security, when preparing the draft Programme Budget for 2008–2010.

A27-9: Acts of unlawful interference aimed at the destruction of civil aircraft in flight

Considering the recent acts of unlawful interference against international civil aviation which have resulted in the deaths of many innocent people and the destruction of civil aircraft, and expressing its most heartfelt sympathy to the families of all those who have died as a result of these criminal acts;

Noting with abhorrence repeated acts of unlawful interference aimed at the total destruction of civil aircraft in flight and the deaths of all on board;

Recognizing that all acts of unlawful interference against international civil aviation constitute serious crimes in violation of international law;

Recalling its Resolutions A17-1 and A27-7;

Noting Resolution 635 of the Security Council of the United Nations;

The Assembly:

1. *Condemns* energetically all recent criminal acts of destruction of civil aircraft in flight;

2. *Urges* Member States to intensify their efforts to implement fully the Standards, Recommended Practices and Procedures related to aviation security developed by ICAO and to take any appropriate additional security measures whenever an increase in the level of threat so requires;

3. *Requests* Member States, in a position to do so, to increase technical, financial and material assistance to States which need it to ensure universal application of these provisions;

4. *Urgently requests* Member States to accelerate studies and research related to security equipment and to the detection of explosives, with a view to their widespread application as soon as practicable, and to take an active part in the development of an international regime for the marking of explosives for detectability;

5. *Directs* the Council to take the necessary measures for the resumption of its work and that of its subsidiary bodies as soon as possible following the Assembly, in order to complete in the shortest possible time the whole programme which it adopted in its Resolution of 16 February 1989, and to undertake any other action which it considers necessary.

OTHER MATTERS RELATED TO UNLAWFUL INTERFERENCE

A35-11: 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 its Resolution A33-1: *Declaration on misuse of civil aircraft as weapons of destruction and other terrorist acts involving civil aviation*, which directs the Council and the Secretary General to act urgently to address the new and emerging threats to civil aviation;

Recalling United Nations General Assembly resolutions 58/241 *on the illicit trade in small arms and light weapons in all its aspects* and 58/54 *on transparency in armaments*;

Noting 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;

Welcoming 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;

Recognizing that the specific threat posed by MANPADS requires a comprehensive approach and responsible policies on the part of States; and

Considering that its Resolution A32-23: *MANPADS Export Control* is no longer adequate and that a more far-reaching resolution is now required;

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, as well as storage of MANPADS;

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 combatting 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 actively participate in the development of an international instrument for the purpose of identifying and tracing illicit small arms and

light weapons as referred to in the United Nations General Assembly resolution 58/241 *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*, if they have not yet participated in the Arrangement; and

6. *Declares* that this resolution supersedes Resolution A32-23: *MANPADS Export Control*.

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 subparagraph (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.

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.

A35-14, Appendix U: The Headquarters' and Regional Offices' technical Secretariat

A1-51, Clause 3: Secondment

APPOINTMENTS AND PROMOTIONS

A1-8: Appointments and promotions in ICAO

Whereas Article 58 of the Convention on International Civil Aviation provides that subject to any rules laid down by the Assembly of ICAO and to the provisions of the Convention, the Council shall determine the method of appointment and of termination of appointment, the training and the salaries, allowances and conditions of service of the Secretary General and other personnel of ICAO, and may employ or make use of the nationals of any Contracting State;

Whereas this Assembly considers that it is desirable to define more precisely the method of appointment and promotion of the staff of ICAO; and

Whereas the procedure adopted by the Interim Council of PICAO, whereby Appointment and Promotion Boards were established to review the qualifications of candidates and to advise concerning appointments and promotions, meets with the approval of the Assembly;

Now therefore the Assembly resolves:

- a) That appointments and promotions of personnel on the staff of the Organization other than the Secretary General shall be made by the Secretary General after considering the advice of Appointment and Promotion Boards, which shall be established for this purpose by the Council and consist of such members of the Secretariat as the Council may determine and function in accordance with such rules of procedure as the Council may lay down; and
- b) That appointments and promotions to such senior positions on the staff as the Council may determine shall be subject to the approval of the President of the Council.

MISCELLANEOUS

A3-9: Staff Provident Fund and Pension Plan

The Third Assembly:

5. *Decides* to invest in the Council the authority to choose members of the ICAO Staff Pension Committee on behalf of the Assembly, pursuant to Article 21 of the United Nations Staff Pension Fund Regulations, and to determine the number of members to comprise this Committee.

A1-14, Clause 5: ICAO Familiarization Programme

PART IX. LANGUAGES AND ADMINISTRATIVE SERVICES

LANGUAGES

A31-17: Level of services provided in the working languages of ICAO

Whereas the provision and introduction of adequate levels of service in the working languages of ICAO pursuant to the relevant Assembly resolutions and decisions is highly important to the worldwide dissemination of ICAO documentation, in particular the Standards and Recommended Practices (SARPs), and to the proper functioning of the Organization and its standing bodies; and

Whereas it is essential to maintain parity and quality of service in all working languages of the Organization;

The Assembly:

1. *Reaffirms* its previous resolutions regarding the strengthening of the working languages of ICAO;
2. *Resolves* that parity and quality of service in all working languages of ICAO be the continuous objective of the Organization;
3. *Resolves* that the introduction of a new language should not affect the quality of service in the other working languages of the Organization;
4. *Resolves* that the Council continue to monitor language services, which will be a subject of review; and
5. *Requests* the Council to present a report to the next ordinary session of the Assembly in 1998.

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

A35-14, Appendix D: Implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS)

A35-14, 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 publi-

cations 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.

A35-14, Appendix B: Air navigation meetings of worldwide scope

A35-14, Appendix L: 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

Resolutions A12-35, A14-54, A14-55, A18-27, A21-35 and A24-29

Note.— These resolutions, which govern the text of the Financial Regulations and amendments thereto, have not been reproduced in this publication. The current version of the Financial Regulations appears in Document 7515/11.

A32-29: Amendment of the Financial Regulations

Whereas the Council has noted the need, as far as practicable, to establish a target date for completing each programme element and task in the budgetary process;

Whereas the Council has noted the difficulties in executing the full work programme which stem from restrictions contained in the Financial Regulations on the use of funds; and

Whereas the Council has recommended the Assembly to extend the use of excess miscellaneous income so that it can be applied to new and unforeseen projects related to aviation safety and/or to enhancement of the efficient delivery of ICAO programmes;

The Assembly resolves that:

1. the amendments to the Financial Regulations 4.4 and 5.6, effective 1 May 1998 and 25 June 1998 respectively, as set forth below, are confirmed;

Article IV The Budget

...

4.4 The Secretary General's Programme Budget comprising the work programme and budget estimates shall be divided into Major Programmes, Programmes, Sub-programmes and programme elements with priority shown

against each programme element. Each programme element in the Programme Budget shall, as far as practicable, contain the target date of completion of the task or tasks.

...

Article V Appropriations

...

5.6 The Secretary General up to 10 per cent per appropriation for each Major Programme and, above this percentage, the Council, irrespective of its authority under Regulation 5.10 to effect transfers between Major Programmes, may determine that any unobligated balance of appropriations in any financial year during the period between normal triennial sessions of the Assembly be carried over to the following year. The total of obligated and carried over appropriations shall not exceed the Total Authorized Appropriation plus amounts carried over from the previous year. Any balance of unobligated appropriations shall be cancelled.

...

2. Financial Regulation 5.2 c) be amended, effective 1 January 1998, for a three-year trial basis, as set forth below; and

Article V Appropriations

...

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 miscellaneous income taken into account by the Assembly in approving the appropriations for that year or those years to finance:

- i) expenditure directly related to the source of such additional miscellaneous income; and
- ii) expenditure on new and unforeseen projects related to aviation safety, and/or to the enhancement of the efficient delivery of ICAO programmes.

...

3. the Council shall report on its experience regarding Financial Regulation 5.2 to the next ordinary session of the Assembly.

A33-29: Amendment of the Financial Regulations

Whereas the Council has conducted a substantial review of the Financial Regulations and made amendments thereto in order to improve the efficiency and effectiveness of the Organization, and reports those to the Assembly;

Whereas the Council has reported to the Assembly on the experience in applying Financial Regulation 5.2 as amended for a three-year trial basis in Assembly Resolution A32-29;

Whereas the Council noted in the light of its experience that further amendment of Regulation 5.2 of Article V would be appropriate and recommends the Assembly to approve the amendments thereto which the Council has suggested; and

Whereas the Assembly has noted the amendments to Articles IV, V, VII, IX, XI, XIII and the Annex to the Financial Regulations;

The Assembly resolves that:

- 1. the amendments as set out below are confirmed; and

Article IV* The Budget

...

4.7 The Council's estimates shall be accompanied by:

...

- c) a draft budget resolution for each financial year approved by the Council and recommended for

adoption by the Assembly; such resolution shall specify by Major Programme the appropriations required for the relevant financial year. The total of the appropriations required for all Major Programmes for each financial year shall be considered as the Total Authorized Appropriation. The draft budget resolution shall also specify the manner in which it is proposed to finance the Total Authorized Appropriation for each financial year, and other relevant information;

...

Article V* Appropriations

...

5.10 Transfers from one Major Programme to another may be effected by the Secretary General up to an amount not exceeding 10 per cent per appropriation for each of the Major Programmes involved in the transfer. Above this percentage, transfers from one Major Programme may be effected by the Secretary General, with the prior approval of the Council after obtaining the advice of the Finance Committee. Such transfers shall be reported to the Assembly.

5.11 The Secretary General may defer the implementation of specific subprogramme elements planned for a third financial year of a triennium to the first financial year of the next triennium. With the approval of the Council, that part of the appropriation relating to the deferred activity shall remain available for obligation for twelve months following the end of the financial year for which it was approved and for a further period of twelve months, to the extent that they are required to discharge unliquidated obligations incurred in respect of the preceding twelve months.

...

Article VII Establishment and Administration of Funds

...

7.2 The Secretary General may establish Funds or Special Accounts for self-financing activities (activities where costs are offset by income) which shall be administered in

* Amendments to Regulations 4.7 and 5.10 are effective 1 January 2002.

accordance with these Regulations unless otherwise provided. Any surplus shall be retained to finance purchases related to the activities for which the fund or account was established and may be carried forward to the next year. In the event of a deficit at the end of a financial year, the deficit shall be carried forward to the next year and offset by income in that period. No deficit is to be funded by the Regular Programme Budget.

...

7.7 The Secretary General is authorized to charge for services provided by the Organization. This charge, together with interest earnings or earnings from investments thereon, shall be used to reimburse all, or part of, the costs incurred by the Organization in the generation and administration of these services.

...

Article IX Technical Co-operation

...

9.3 The cost of administration and operation of the Organization's programmes of technical co-operation shall be met by the organizations, governments and other entities providing the funds for technical co-operation. For United Nations Development Programme (UNDP) projects, administrative charges shall be determined in coordination with the UNDP, and for all other projects, administrative charges shall be determined on the basis of the estimated costs to be incurred by ICAO for the implementation of the project.

...

9.5 Budgetary estimates for AOSC, after having been reviewed by the Technical Co-operation Committee and the Finance Committee and approved by the Council, shall be presented with the Regular Programme Budget to the Assembly. The Assembly shall review and approve the AOSC estimates. The Secretary General shall make such adjustments to the approved estimates as may be required during the budgetary period concerned in order to provide adequate administration and support services to the Organization's programmes of technical co-operation, within the terms of these Financial Regulations and within the amounts of extra-budgetary resources provided to the Organization for this purpose, and report to the Finance Committee thereon. Any such adjustment to the ordinary administrative and operational costs for the year exceeding

a 10 per cent increase over the amount approved by the Assembly, or previously approved by the Council hereunder, shall be subject to prior approval of the Council.

...

Article XI Internal Control and Internal Audit

...

11.4 The Secretary General may, with the prior approval of the Finance Committee, for individual write-off actions exceeding \$20 000 in original value, write off losses of cash, stores and other assets provided that a statement of all such accounts written off shall be submitted to the Auditors with the annual accounts.

...

Article XIII External Audit

13.1 Subject to confirmation by the Assembly, the Council shall appoint an External Auditor, who shall be the Auditor General (or officer exercising an equivalent function) of a Contracting State, to make annually, and at such other time as may be necessary for special purposes, an independent audit of the funds, assets and accounts of the Organization. The appointment shall be for such period as determined by the Council and confirmed by the Assembly.

13.2 If the External Auditor ceases to hold office as the Auditor General (or officer exercising an equivalent function) in his/her own country, his/her tenure of office as External Auditor shall thereupon be terminated and he/she shall be succeeded as External Auditor by his/her successor as Auditor General subject to the approval of the Council. The External Auditor may not otherwise be removed during his/her tenure of office, except by the Assembly.

13.3 Not later than 15 May following the close of the financial year, or six weeks after the dispatch of the financial statements under Regulation 12.4, whichever shall be later, the report of the External Auditor on the annual audit addressed to the Assembly shall be delivered to the Council with the comments of the Secretary General thereon. The Council shall consider the comments of the Secretary General on the action that he intends to take in response to substantive recommendations in the Report of the External Auditor. The Council shall submit the report of the External Auditor, the Secretary General's comments, and its comments thereon to the Assembly at its next session.

...

**ANNEX TO
THE FINANCIAL REGULATIONS**

**Additional Terms of Reference Governing
the External Audit**

...

5. The External Auditor shall express and sign an opinion on the financial statements of the International Civil Aviation Organization. The opinion shall include the following basic elements:

- a) the identification of the financial statements audited;
- b) a reference to the responsibility of the Secretary General and the responsibility of the External Auditor;
- c) a reference to the audit standards followed;
- d) a description of the work performed;
- e) an expression of opinion on the financial statements as to whether:
 - i) the financial statements present fairly the financial position as at the end of the period and the results of the operations for the period;
 - ii) the financial statements were prepared in accordance with the stated accounting policies; and
 - iii) the accounting policies were applied on a basis consistent with that of the preceding financial period;
- f) an expression of opinion on the compliance of transactions with the Financial Regulations and legislative authority;
- g) the date of the opinion;
- h) the name and position of the External Auditor; and
- i) should it be necessary, a reference to the report of the External Auditor on the financial statements.

...

2. Financial Regulation 5.2, be amended, effective 1 January 2002, as set out below.

**Article V
Appropriations**

...

5.2 The Council may, in respect of a given financial year, approve appropriations in excess of the budget voted by the Assembly as follows:

- a) up to an amount not exceeding 2 per cent of the Total Authorized Appropriation in respect of the first year following adoption of the budget, 4 per cent of the Total Authorized Appropriation in respect of the second year and 2 per cent of the Total Authorized Appropriation in respect of the third year, to meet unavoidable expenditures other than those specified in Regulation 5.2 b) and c);
- b) up to \$100 000 for expenditures relating to urgent new projects such as the temporary financing of any airport or air navigation facility or service, the lack or breakdown of which might create serious difficulty or danger to international air navigation unless immediate action were taken by the Council, and in respect of which action for joint financing under Chapter XV of the Convention is expected; and
- 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 miscellaneous income taken into account by the Assembly in approving the appropriations for that year or those years to finance:
 - i) expenditure directly related to the source of such additional miscellaneous income; and
 - ii) expenditure on projects related to aviation safety, and/or to the enhancement of the efficient delivery of ICAO programmes.

A35-25: Amendment to the Financial Regulations

Whereas the Council has reported to the Assembly on its experience in applying Financial Regulations 6.5 and 6.7; and

Whereas the Council has noted the need to revise Financial Regulations 6.5 and 6.7 for the sake of clarity;

The Assembly:

1. *Resolves* that the amendments set out below are confirmed:

Financial Regulation 6.5

6.5 Except as otherwise provided in these regulations or where the Assembly otherwise determines:

- a) contributions, payments under terms of agreements for settlement of arrears, and advances to the Working Capital Fund shall be considered as due and payable in full upon the expiry of thirty days from the date that the notification from the Secretary General is dispatched under Regulations 6.4 b) and 7.4 b), or as of the first day of the financial year to which they relate, whichever is the later; and
- b) as of 1 January of the following financial year, any unpaid balance of such contributions, payments under terms of agreements for settlement of arrears, and advances to the Working Capital Fund shall be considered to be one year in arrears.

Financial Regulation 6.7

6.7 Payments by Contracting States, including those of Contracting States with agreements for settlement of arrears, shall be credited first to advances due to the Working Capital Fund and any balance applied against outstanding amounts relating to agreements and contributions, beginning with the earliest.

ASSESSMENTS

A21-33: 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 a maximum possible reduction of 60 per cent for States having a per capita income of less than \$1 500;
 4. interest and importance in civil aviation shall be measured by the capacity tonne-kilometres available on each State's scheduled air services;

* Superseded by A23-24, Clause 1.

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 10 per cent of the previous year's contribution or .07 per cent of the total contribution, whichever is the higher.

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 the present resolution consolidates the existing assessment principles of the Organization and supersedes the following resolutions, effective 1 January 1975: A12-30, A18-24, A18-25, A19-3, A19-4 and A19-5.

A23-24: Apportionment of the expenses of ICAO among Contracting States (Principles to be applied in the determination of scales of assessment)

The Assembly recognizes:

1. that as a long-standing policy, with rare exception, the Organization has utilized a low per capita income allowance formula that has been aligned with the corresponding formula of the United Nations;

2. that the Organization relies on the United Nations for provision of national income data of Contracting States;

3. that most Contracting States of the Organization are also members of the United Nations and participate in the adoption of its decisions regarding these matters; and

4. that a number of States have indicated that they have already initiated national financial measures to meet their obligations to the Organization for 1981 on the basis of the Council's Budget Estimates and the Draft Scales of Assessments presented prior to the 23rd Session of the Assembly; and therefore

Resolves that, with effect for the calculation of the scales of assessments for 1984, 1985, and 1986, and thereafter, Clause 1 c) 3 of Resolution A21-33 is amended to read: "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."

A26-23: Ways and means of overcoming delays in payment of assessments

The Assembly notes that:

1. in accordance with Resolution A24-28, Clause 5, the Council has reported upon and the Assembly has considered ways and means of overcoming delays in the payment of assessments;

2. while long-term arrears create financial difficulties for the Organization, of particular concern are the delays in payment of current year contributions which give rise to cash shortages and threaten the Organization's ability to meet its current obligations;

3. in preparing the Budget, provision should only be made for interest income which is expected to be earned from investment of unutilized Working Capital Funds. No provision should be made for other interest income which would be dependent on the timing of contribution payments by Contracting States, since the timing of contribution payments is outside of the Organization's control.

Resolves:

1. that the current policy of making direct representations to States for timely payment of current year assessments, informing them of the serious repercussions of delays in assessment payments on the functioning of the Organization be intensified;

2. that a scheme of incentives be implemented effective 1 January 1987 to encourage timely payment of assessed contributions, whereby amounts of realized surplus in each of the three financial years preceding the

year of the Assembly, up to a maximum equivalent to the Organization's interest earnings on investments in each of these years would be distributed to Contracting States according to a weighted scale on the basis of the dates and amounts of current year contributions paid-in as well as the share of undistributed surpluses accrued from previous years' budgets;

3. that following adoption of the audited accounts by the Assembly, an incentive amount equivalent to the interest earned for the three years will be apportioned among the Contracting States according to the incentive points accumulated over the three-year period. If the amount of surplus available for distribution is less than the interest earned, only the amount available for distribution will be apportioned. The appropriate share of incentive so calculated will be distributed to Contracting States along with other budget surpluses distributed in accordance with Financial Regulation 6.2 (a).

A31-25, Urges Clause 1: Working Capital Fund

A33-26: Assessments to the General Fund for 2002, 2003 and 2004

The Assembly resolves that the amounts to be assessed on Contracting States for 2002, 2003 and 2004 pursuant to Article 61, Chapter XII of the Convention, shall be determined in accordance with the scales set out below:

	2002	2003	2004
	%	%	%
Belarus	0.06	0.06	0.06
Belgium	0.95	0.93	0.92
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	1.64	1.80	1.98
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	2.30	2.26	2.24
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	0.29	0.29	0.29
China	1.25	1.38	1.52
Colombia	0.21	0.25	0.24
Comoros	0.06	0.06	0.06
Congo	0.06	0.06	0.06
Cook Islands	0.06	0.06	0.06
Costa Rica	0.06	0.06	0.06
Côte d'Ivoire	0.06	0.06	0.06
Croatia	0.06	0.06	0.06
Cuba	0.06	0.06	0.06
Cyprus	0.06	0.06	0.06
Czech Republic	0.17	0.16	0.16
Democratic People's Republic of Korea	0.06	0.06	0.06
Democratic Republic of the Congo	0.06	0.06	0.06
Denmark	0.57	0.56	0.55
Djibouti	0.06	0.06	0.06
Dominican Republic	0.06	0.06	0.06
Ecuador	0.06	0.06	0.06
Egypt	0.17	0.17	0.17
El Salvador	0.06	0.06	0.06
Equatorial Guinea	0.06	0.06	0.06
Eritrea	0.06	0.06	0.06
Estonia	0.06	0.06	0.06
Ethiopia	0.06	0.06	0.06
Fiji	0.06	0.06	0.06
Finland	0.44	0.43	0.43
France	5.40	5.32	5.27
Gabon	0.06	0.06	0.06
Gambia	0.06	0.06	0.06
Georgia	0.06	0.06	0.06
Germany	7.74	7.63	7.55
Ghana	0.06	0.06	0.06
Greece	0.41	0.45	0.44
Afghanistan	0.06	0.06	0.06
Albania	0.06	0.06	0.06
Algeria	0.07	0.07	0.07
Andorra	0.06	0.06	0.06
Angola	0.06	0.06	0.06
Antigua and Barbuda	0.06	0.06	0.06
Argentina	0.72	0.79	0.86
Armenia	0.06	0.06	0.06
Australia	1.66	1.64	1.62
Austria	0.77	0.76	0.75
Azerbaijan	0.06	0.06	0.06
Bahamas	0.06	0.06	0.06
Bahrain	0.06	0.06	0.06
Bangladesh	0.07	0.07	0.06
Barbados	0.06	0.06	0.06

	2002	2003	2004		2002	2003	2004
	%	%	%		%	%	%
Grenada	0.06	0.06	0.06	Netherlands	1.97	1.94	1.92
Guatemala	0.06	0.06	0.06	New Zealand	0.37	0.36	0.36
Guinea	0.06	0.06	0.06	Nicaragua	0.06	0.06	0.06
Guinea-Bissau	0.06	0.06	0.06	Niger	0.06	0.06	0.06
Guyana	0.06	0.06	0.06	Nigeria	0.06	0.06	0.06
Haiti	0.06	0.06	0.06	Norway	0.51	0.50	0.50
Honduras	0.06	0.06	0.06	Oman	0.08	0.08	0.08
Hungary	0.12	0.12	0.12	Pakistan	0.16	0.16	0.16
Iceland	0.06	0.06	0.06	Palau	0.06	0.06	0.06
India	0.40	0.40	0.39	Panama	0.06	0.06	0.06
Indonesia	0.25	0.25	0.24	Papua New Guinea	0.06	0.06	0.06
Iran (Islamic Republic of)	0.23	0.24	0.24	Paraguay	0.06	0.06	0.06
Iraq	0.10	0.09	0.09	Peru	0.10	0.09	0.09
Ireland	0.28	0.28	0.28	Philippines	0.17	0.17	0.17
Israel	0.48	0.47	0.47	Poland	0.26	0.31	0.31
Italy	3.78	3.73	3.69	Portugal	0.41	0.40	0.40
Jamaica	0.06	0.06	0.06	Qatar	0.06	0.06	0.06
Japan	14.58	14.36	14.22	Republic of Korea	1.99	2.19	2.36
Jordan	0.06	0.06	0.06	Republic of Moldova	0.06	0.06	0.06
Kazakhstan	0.06	0.06	0.06	Romania	0.07	0.07	0.06
Kenya	0.06	0.06	0.06	Russian Federation	0.84	0.83	0.82
Kiribati	0.06	0.06	0.06	Rwanda	0.06	0.06	0.06
Kuwait	0.17	0.17	0.17	Saint Lucia	0.06	0.06	0.06
Kyrgyzstan	0.06	0.06	0.06	Saint Vincent and the Grenadines	0.06	0.06	0.06
Lao People's Democratic Republic	0.06	0.06	0.06	Samoa	0.06	0.06	0.06
Latvia	0.06	0.06	0.06	San Marino	0.06	0.06	0.06
Lebanon	0.06	0.06	0.06	Sao Tome and Principe	0.06	0.06	0.06
Lesotho	0.06	0.06	0.06	Saudi Arabia	0.63	0.62	0.61
Liberia	0.06	0.06	0.06	Senegal	0.06	0.06	0.06
Libyan Arab Jamahiriya	0.06	0.06	0.06	Seychelles	0.06	0.06	0.06
Lithuania	0.06	0.06	0.06	Sierra Leone	0.06	0.06	0.06
Luxembourg	0.13	0.20	0.24	Singapore	1.10	1.15	1.14
Madagascar	0.06	0.06	0.06	Slovakia	0.06	0.06	0.06
Malawi	0.06	0.06	0.06	Slovenia	0.06	0.06	0.06
Malaysia	0.54	0.54	0.54	Solomon Islands	0.06	0.06	0.06
Maldives	0.06	0.06	0.06	Somalia	0.06	0.06	0.06
Mali	0.06	0.06	0.06	South Africa	0.52	0.53	0.53
Malta	0.06	0.06	0.06	Spain	2.04	2.01	1.99
Marshall Islands	0.06	0.06	0.06	Sri Lanka	0.06	0.06	0.06
Mauritania	0.06	0.06	0.06	Sudan	0.06	0.06	0.06
Mauritius	0.06	0.06	0.06	Suriname	0.06	0.06	0.06
Mexico	0.92	0.93	0.92	Swaziland	0.06	0.06	0.06
Micronesia (Federated States of)	0.06	0.06	0.06	Sweden	0.78	0.77	0.76
Monaco	0.06	0.06	0.06	Switzerland	1.25	1.23	1.22
Mongolia	0.06	0.06	0.06	Syrian Arab Republic	0.07	0.07	0.07
Morocco	0.10	0.10	0.10	Tajikistan	0.06	0.06	0.06
Mozambique	0.06	0.06	0.06	Thailand	0.58	0.58	0.57
Myanmar	0.06	0.06	0.06	The former Yugoslav Republic of Macedonia	0.06	0.06	0.06
Namibia	0.06	0.06	0.06	Togo	0.06	0.06	0.06
Nauru	0.06	0.06	0.06	Tonga	0.06	0.06	0.06
Nepal	0.06	0.06	0.06	Trinidad and Tobago	0.06	0.06	0.06
				Tunisia	0.06	0.06	0.06

	2005	2006	2007		2005	2006	2007
	%	%	%		%	%	%
Ghana	0.06	0.06	0.06	Nepal	0.06	0.06	0.06
Greece	0.43	0.43	0.43	Netherlands	1.88	1.87	1.86
Grenada	0.06	0.06	0.06	New Zealand	0.34	0.34	0.34
Guatemala	0.06	0.06	0.06	Nicaragua	0.06	0.06	0.06
Guinea	0.06	0.06	0.06	Niger	0.06	0.06	0.06
Guinea-Bissau	0.06	0.06	0.06	Nigeria	0.06	0.06	0.06
Guyana	0.06	0.06	0.06	Norway	0.53	0.53	0.53
Haiti	0.06	0.06	0.06	Oman	0.09	0.09	0.09
Honduras	0.06	0.06	0.06	Pakistan	0.14	0.14	0.14
Hungary	0.12	0.12	0.12	Palau	0.06	0.06	0.06
Iceland	0.06	0.06	0.06	Panama	0.06	0.06	0.06
India	0.46	0.45	0.45	Papua New Guinea	0.06	0.06	0.06
Indonesia	0.24	0.24	0.24	Paraguay	0.06	0.06	0.06
Iran (Islamic Republic of)	0.16	0.15	0.15	Peru	0.09	0.09	0.09
Iraq	0.06	0.06	0.06	Philippines	0.18	0.18	0.18
Ireland	0.35	0.36	0.35	Poland	0.36	0.36	0.35
Israel	0.52	0.52	0.51	Portugal	0.42	0.42	0.42
Italy	3.60	3.57	3.56	Qatar	0.13	0.13	0.13
Jamaica	0.06	0.06	0.06	Republic of Korea	2.43	2.41	2.40
Japan	14.57	14.46	14.39	Republic of Moldova	0.06	0.06	0.06
Jordan	0.06	0.06	0.06	Romania	0.06	0.06	0.06
Kazakhstan	0.06	0.06	0.06	Russian Federation	0.62	0.61	0.61
Kenya	0.06	0.06	0.06	Rwanda	0.06	0.06	0.06
Kiribati	0.06	0.06	0.06	Saint Kitts and Nevis	0.06	0.06	0.06
Kuwait	0.18	0.18	0.18	Saint Lucia	0.06	0.06	0.06
Kyrgyzstan	0.06	0.06	0.06	Saint Vincent and the Grenadines	0.06	0.06	0.06
Lao People's Democratic Republic	0.06	0.06	0.06	Samoa	0.06	0.06	0.06
Latvia	0.06	0.06	0.06	San Marino	0.06	0.06	0.06
Lebanon	0.06	0.06	0.06	Sao Tome and Principe	0.06	0.06	0.06
Lesotho	0.06	0.06	0.06	Saudi Arabia	0.68	0.70	0.69
Liberia	0.06	0.06	0.06	Senegal	0.06	0.06	0.06
Libyan Arab Jamahiriya	0.09	0.09	0.09	Serbia and Montenegro	0.06	0.06	0.06
Lithuania	0.06	0.06	0.06	Seychelles	0.06	0.06	0.06
Luxembourg	0.31	0.35	0.34	Sierra Leone	0.06	0.06	0.06
Madagascar	0.06	0.06	0.06	Singapore	1.25	1.26	1.25
Malawi	0.06	0.06	0.06	Slovakia	0.06	0.06	0.06
Malaysia	0.51	0.50	0.50	Slovenia	0.06	0.06	0.06
Maldives	0.06	0.06	0.06	Solomon Islands	0.06	0.06	0.06
Mali	0.06	0.06	0.06	Somalia	0.06	0.06	0.06
Malta	0.06	0.06	0.06	South Africa	0.43	0.43	0.43
Marshall Islands	0.06	0.06	0.06	Spain	2.08	2.07	2.06
Mauritania	0.06	0.06	0.06	Sri Lanka	0.07	0.07	0.07
Mauritius	0.07	0.06	0.06	Sudan	0.06	0.06	0.06
Mexico	1.01	1.11	1.22	Suriname	0.06	0.06	0.06
Micronesia (Federated States of)	0.06	0.06	0.06	Swaziland	0.06	0.06	0.06
Monaco	0.06	0.06	0.06	Sweden	0.76	0.76	0.75
Mongolia	0.06	0.06	0.06	Switzerland	1.13	1.13	1.12
Morocco	0.08	0.08	0.08	Syrian Arab Republic	0.06	0.06	0.06
Mozambique	0.06	0.06	0.06	Tajikistan	0.06	0.06	0.06
Myanmar	0.06	0.06	0.06	Thailand	0.58	0.57	0.57
Namibia	0.06	0.06	0.06	The former Yugoslav Republic of Macedonia	0.06	0.06	0.06
Nauru	0.06	0.06	0.06				

	2005	2006	2007
	%	%	%
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	0.40	0.40	0.40
Turkmenistan	0.06	0.06	0.06
Uganda	0.06	0.06	0.06
Ukraine	0.06	0.06	0.06
United Arab Emirates	0.43	0.50	0.53
United Kingdom	5.64	5.60	5.57
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	0.14	0.14	0.14
Viet Nam	0.06	0.06	0.06
Yemen	0.06	0.06	0.06
Zambia	0.06	0.06	0.06
Zimbabwe	0.06	0.06	0.06
	<u>100.00</u>	<u>100.00</u>	<u>100.00</u>

A35-23: Confirmation of Council action in assessing the contributions to the General Fund and determining advances to the Working Capital Fund of States that have adhered to the Convention

The Assembly:

1. *Notes that:*

- a) Financial Regulations 6.9 and 7.5 provide that the Council shall, if the Assembly is not in session, determine the assessment of contributions and the advance to the Working Capital Fund of a new Contracting State, subject to approval or adjustment at the next session of the Assembly; and
- b) the Council has acted accordingly in respect of the State which became a member of the International Civil Aviation Organization after the 33rd Session of the Assembly, and assessable, as indicated below;

2. *Confirms* the action of the Council in assessing the contribution and the advance to the Working Capital Fund of the following State at the percentage rate indicated, such assessment rate to apply from the assessable date indicated:

Name of new Contracting State	Date of membership	Date from which assessable	Assessment rate
Saint Kitts and Nevis	20 June 2002	1 July 2002	0.06%

BUDGETS

A33-23: Budgets 2002, 2003 and 2004

A. Programme budget 2002–2003–2004

The Assembly notes that:

1. in accordance with Article 61 of the Convention, the Council has submitted and the Assembly has considered annual budget estimates (indicative for the AOSC figures) for each of the financial years 2002, 2003 and 2004;

2. in accordance with Articles 49 (e) and 61 of the Convention, the Assembly approves the budgets of the Organization; and

Recognizing that the Administrative and Operational Services Costs (AOSC) of the Technical Co-operation Programme are mainly financed by income from implementation of projects assigned to ICAO for execution by external funding sources such as the United Nations Development Programme, Governments 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 difficulties cited above, the annual AOSC net budget figures shown below for the years 2002, 2003 and 2004 represent indicative budget estimates only:

Technical Co-operation Programme		
2002	2003	2004
4 399 000	4 376 000	4 521 000

Recognizing that technical cooperation is an indispensable 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;

The Assembly resolves:

1. 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, provided that the overall requirements shall not at any time exceed the funds placed at the disposal of the Organization for this purpose.

2. that for the financial years 2002, 2003 and 2004, there are hereby authorized for expenditure in accordance with the Financial Regulations, and subject to the provisions of this Resolution, the following amounts for the Regular Programme, **separately** for the years stated:

Regular Programme

	2002	2003	2004
I. General Policy and Direction	1 838 000	888 000	1 437 000
II. Air Navigation	8 236 000	8 640 000	8 765 000
III. Air Transport	4 491 000	4 622 000	4 750 000
IV. Legal	786 000	816 000	810 000
V. Regional and Other Programmes	14 761 000	15 069 000	15 411 000
VI. Administrative Support	21 528 000	22 039 000	22 726 000
VII. Finance, External Relations/Public Information and Programmes Evaluation, Audit and Management Review	3 372 000	3 468 000	3 479 000
VIII. Universal Safety Oversight Audit Programme	968 000	990 000	1 016 000
TOTAL	<u>55 980 000</u>	<u>56 532 000</u>	<u>58 394 000</u>
Universal Safety Oversight Audit Programme to be funded by cash surplus			
VIII. Remainder of Continuation	763 000	808 000	904 000
IX. Expansion	—	244 000	1 158 000
	<u>763 000</u>	<u>1 052 000</u>	<u>2 062 000</u>
TOTAL AUTHORIZED APPROPRIATION	<u>56 743 000</u>	<u>57 584 000</u>	<u>60 456 000</u>

3. that the separate annual Total Authorized Appropriation in Clause (2) above be financed as follows, in accordance with the Financial Regulations:

	2002	2003	2004
a) by Assessments on Contracting States in accordance with Resolution on the Scale of Assessments	49 940 000	50 330 000	50 500 000
b) by Miscellaneous Income	4 544 000	4 454 000	4 327 000
c) by Cash Surplus	2 259 000	2 800 000	5 629 000
TOTAL	<u>56 743 000</u>	<u>57 584 000</u>	<u>60 456 000</u>

4. that an additional \$770 000, be provided to aviation security for the 2002–2004 triennium (\$250 000 in 2002, \$260 000 in 2003 and \$260 000 in 2004) by utilizing the positive difference resulting from the Canadian dollar requirements budgeted in U.S. dollars and the U.S. dollars required to purchase Canadian dollars in accordance with the forward contracts. Such funds are under the control of the Council and are to be used in accordance with the provisions of the ICAO Financial Regulations.

B. Disposition of cash surplus

The Assembly notes that:

1. Financial Regulation 6.2 provides that any balance of cash surplus available 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; and

2. on 1 January 2001 the amount of cash surplus available for distribution was \$11 688 000.

The Assembly resolves that:

1. the Organization, from the balance of cash surplus, dispose of the amount of \$1 000 000 as credits to Contracting States in respect of the incentive scheme on 1 January 2002 in accordance with Assembly Resolution A26-23; States wishing to have their portion of the surplus returned or attributed to the International Financial Facility for Aviation Safety (IFFAS) should officially notify the Secretary General to this effect by 31 December 2001. Should no notification be received, the Secretary General will consider the amount as a voluntary contribution to the Aviation Security (AVSEC) mechanism and States will be notified accordingly;

2. the Organization allocate the amount of \$763 000, \$1 052 000 and \$2 062 000 to the Universal Safety Oversight Audit Programme (Remainder of continuation and Expansion) on 1 January 2002, 1 January 2003 and 1 January 2004 respectively; and

3. the Organization allocate the amount of \$1 496 000, \$1 748 000 and \$3 567 000 to finance some of the Regular Programme budget for the years 2002, 2003 and 2004 in order to minimize the assessments on Contracting States.

A35-22: Budgets 2005, 2006 and 2007

A. The Assembly, with respect to the **Programme Budget 2005-2006-2007**, 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 2005, 2006 and 2007; and

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 income from implementation of projects assigned to ICAO for execution by external funding sources such as governments and the United Nations Development Programme;

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 difficulties cited above, the annual AOSC net budget figures shown below for the years 2005, 2006 and 2007 represent indicative budget estimates only:

2005	2006	2007
6 299 000	6 051 000	5 993 000

Recognizing that technical cooperation is an indispensable 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;

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; and

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, 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**:

Recognizing that on the one hand, the increasing demand for resources due to addition or expansion of activities and unavoidable cost increases have resulted in increasing budgets from year to year and that on the other, the ability of Contracting States to finance these increases is not unlimited; and

Recognizing that it is imperative that: (i) the cost of all operations continue to be properly reviewed and controlled; (ii) new programmes or activities added to the Programme Budget be adequately justified within the Budget levels, the context of the Organization's principal objectives and widely supported and ensured of funding by Contracting States; and (iii) alternative sources of funding, without affecting the character of the Organization, be identified and used;

Resolves that:

1. for the financial years 2005, 2006 and 2007, there are hereby authorized for expenditure in accordance with the Financial Regulations, and subject to the provisions of this resolution, the following amounts for the Regular Programme, **separately** for the years stated:

	2005	2006	2007
I. General Policy and Direction	1 090 000	1 118 000	1 718 000
II. Air Navigation	9 138 000	9 314 000	9 521 000
III. Air Transport	5 363 000	5 468 000	5 561 000
IV. Legal	1 171 000	1 123 000	1 069 000
V. Regional and Other Programmes	17 120 000	16 493 000	16 392 000
VI. Administrative Support	25 646 000	26 047 000	26 401 000
VII. Finance, External Relations/Public Information and Programmes Evaluation, Audit and Management Review	3 984 000	4 081 000	4 101 000
VIII. Universal Safety Oversight Audit Programme	2 007 000	3 027 000	2 599 000
Reduction (not to adversely affect safety, security, and environment activities both at Headquarters and regional levels)	<u>(850 000)</u>	<u>(851 000)</u>	<u>(851 000)</u>
TOTAL AUTHORIZED APPROPRIATION	<u><u>64 669 000</u></u>	<u><u>65 820 000</u></u>	<u><u>66 511 000</u></u>

2. the separate annual Total Authorized Appropriation be financed as follows, in accordance with the Financial Regulations:

	2005	2006	2007
a) by Assessments on Contracting States in accordance with Resolution on the Scale of Assessments	58 507 000	60 407 000	60 788 000
b) by Miscellaneous Income	5 162 000	5 413 000	5 723 000
c) by Transfer from the Incentive Scheme for Long-Outstanding Arrears Account	<u>1 000 000</u>		
TOTAL	<u><u>64 669 000</u></u>	<u><u>65 820 000</u></u>	<u><u>66 511 000</u></u>

3. the Secretary General inform all Contracting States of the revised appropriations for the Regular Programme Budget by Major Programme, which would take into account the proposed reduction of \$2.55 million, before the end of 2004.

WORKING CAPITAL FUND

A35-28: Working Capital Fund

The Assembly:

I. Notes that:

- a) in accordance with Resolution A33-28, 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 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 17.7 per cent;
- f) based on past trends, the average annual cash flow shortfall accumulated by the end of September and November could range between \$7.5 million and \$11.3 million;
- 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 grave 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 2003 and determined that the need for the increase in the level from \$6.0 million to \$8.0 million was not urgent and immediate for the year 2004;
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 each year, and no later than November 2004, 2005, 2006 and 2007, 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 2004, 2005 and 2006;
- 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 A33-28 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 A35-26.

CONTRIBUTIONS IN ARREARS

A35-26: 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 2005:

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 the payment of their contributions should:

a) effect without delay payment of the amounts outstanding with respect to advances to the Working Capital Fund, the current year contribution, and partial settlement of their arrears in the amount of no less than \$2 000, such minimum amount to be increased proportionately in cases of States that are assessed at more than the minimum contribution of the ICAO scale; 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 for 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;

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; and

11. this resolution supersedes Assembly Resolutions A21-10 and A31-26.

A35-27: Incentives for the settlement of long-outstanding arrears

The Assembly,

Recalling the concern expressed by previous Assemblies at the increase in the contributions in arrears;

Reiterating the necessity of all 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.

A34-1: Use of funds in the separate account established under Resolving Clause 3 of Assembly Resolution A33-27

The Assembly,

Considering that Assembly Resolution A33-27, Resolving Clause 3, provides that payments of contributions in arrears by Contracting States with arrears of three full years or more will be retained in a separate account to finance expenditure on aviation security activities, and new and unforeseen projects related to aviation safety, and/or to the enhancement of the efficient delivery of ICAO programmes, such action to be under the control of the Council and reported to the next ordinary session of the Assembly;

Recalling that Assembly Resolution A33-10 endorses the concept of an International Financial Facility for Aviation Safety (IFFAS) with the objective of financing safety-related projects for which States cannot otherwise provide or obtain the necessary financial resources, with the principal area of application being safety-related deficiencies identified through the ICAO Universal Safety Oversight Audit Programme (USOAP) as an element of the Global Aviation Safety Plan (GASP);

Recalling further that Assembly Resolution A33-10, Resolving Clause 5 a) encourages Contracting States to consider voluntary contributions to finance preparatory work in development of the IFFAS;

Noting that the Council considered at its 167th and 168th Sessions the question of the use of funds from the separate account established under Resolution A33-27, Resolving Clause 3, to finance in particular aviation security activities and IFFAS;

Noting that it is essential for the proper functioning of ICAO that Contracting States pay their contributions on the date they fall due, and that the use of the funds in the separate account should not create an incentive for Contracting States to withhold their contributions in order to direct those contributions to a particular use;

Taking into account the view of the Council that this Extraordinary Session of the Assembly should be invited to decide, as a policy matter without prejudice to the aforesaid resolutions, on the use of the funds currently standing in the separate account;

Therefore:

1. *Agrees* to apply, on a non-recurring basis, the funds presently held pursuant to Resolving Clause 3 of Assembly Resolution A33-27, amounting to U.S.\$ 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 sub-regional 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.

A32-28, Urges Clause 2: Working Capital Fund

ACCOUNTS AND AUDITS

A35-29: Approval of the accounts of the Organization for the financial years 2001, 2002 and 2003 and examination of the Audit Reports thereon

Whereas the accounts of the Organization for the financial years 2001, 2002 and 2003 and the Audit Reports thereon, submitted by the Auditor General of Canada — 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 2001 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 2002 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 2003 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 recommendations for prior years;

4. *Urges* the Secretary General to take the necessary action, as deemed appropriate, on the recommendations made by the External Auditor;

5. *Approves* the audited accounts for the financial year 2001;

6. *Approves* the audited accounts for the financial year 2002; and

7. *Approves* the audited accounts for the financial year 2003.

A35-30: Approval of those accounts with respect to the United Nations Development Programme activities administered by ICAO as Executing Agency for the financial years 2001, 2002 and 2003 and examination of the Audit Reports on the financial statements of the Organization which also cover the United Nations Development Programme accounts

Whereas those accounts showing the status of funds allocated to ICAO by the Administrator of the United Nations Development Programme and administered by ICAO as Executing Agency for the financial years 2001, 2002 and 2003, as well as the Audit Reports on the financial statements of the Organization which also cover the United Nations Development Programme accounts submitted by the Auditor General of Canada, a member of the 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 review and for submission to the Administrator of the United Nations Development Programme; and

Whereas the Financial Regulations and Rules of the United Nations Development Programme provide that Organizations of the United Nations system entrusted with the execution or implementation of UNDP Programme

activities shall transmit to the Administrator for submission to the Executive Board accounts showing the status of funds allocated to them by the Administrator and that such accounts shall bear audit certificates from the External Auditors of the Organizations and shall be accompanied by their reports;

The Assembly:

1. *Notes* the Report of the External Auditor on the financial statements of the Organization, which also covers those accounts relating to the United Nations Development Programme administered by ICAO as Executing Agency, for the financial year 2001 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 financial statements of the Organization, which also covers those accounts relating to the United Nations Development Programme administered by ICAO as Executing Agency, for the financial year 2002 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 financial statements of the Organization, which also covers those accounts relating to the United Nations Development Programme administered by ICAO as Executing Agency, for the financial year 2003 and the comments by the Secretary General in response to the recommendations in the Audit Report;

4. *Urges* the Secretary General to take the necessary action, as deemed appropriate, on the recommendations made by the External Auditor;

5. *Approves* those accounts with respect to the United Nations Development Programme administered by ICAO as Executing Agency for the financial year 2001;

6. *Approves* those accounts with respect to the United Nations Development Programme administered by ICAO as Executing Agency for the financial year 2002;

7. *Approves* those accounts with respect to the United Nations Development Programme administered by ICAO as Executing Agency for the financial year 2003; and

8. *Directs* that the financial statements of the Organization, which also include accounts of the United Nations Development Programme administered by ICAO, and the Audit Reports be transmitted to the Administrator of the United Nations Development Programme for submission to the Executive Board.

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.

A35-31: 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;

b) the Council approved the extension of the appointment of Mrs. Sheila Fraser, the Auditor General of Canada and a member of the Joint Panel of External Auditors of the United Nations and Specialized Agencies, as ICAO's External Auditor for the accounts of the financial years 2000 to 2004, in accordance with Financial Regulation 13.1; and

c) the Council reviewed the nominations submitted by Contracting States in 2004 and approved the appointment of Mrs. Sheila Fraser, the Auditor General of Canada, as ICAO's External Auditor for the accounts of the financial years 2005, 2006 and 2007; and therefore

2. *Expresses* its sincere appreciation to Mrs. Sheila Fraser for the high quality of her service to the Organization as its External Auditor (2000–2003) and for her effective and cooperative assistance during that period to the officials and organs of ICAO; and

3. *Confirms:*

a) the action taken by the Council in appointing Mrs. Sheila Fraser, the Auditor General of Canada, as ICAO's External Auditor for the accounts of the financial years 2000 to 2004; and

b) the action taken by the Council in appointing Mrs. Sheila Fraser, the Auditor General of Canada, as ICAO's External Auditor for the accounts of the financial years 2005, 2006 and 2007; and

4. *Declares* that this resolution supersedes Resolutions A29-34 and A33-22.

MISCELLANEOUS**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 A32-2 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 A33-WP/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; and

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; and

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.

6. *Requests* the Council to monitor progress achieved through the use of the ICT Fund and report at the next ordinary session of the Assembly on use of the ICT fund.

**A35-32: Information and Communication
Technology (ICT) Fund**

The Assembly,

Recalling that:

1. improvements to the information and communication systems of the Organization are important means to improve the efficiency and effectiveness of the Organization set forth in Assembly Resolutions A31-2 and A32-1;

2. the current accounting system is over 30 years old and improvements are necessary to meet the information requirements of Contracting States for the Regular and Technical Co-operation 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 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 Co-operation 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

**A35-10: Financial contributions to the Aviation
Security Plan of Action**

APPENDIX A

Assembly resolutions no longer in force

A16-1: Assembly resolutions no longer in force

Whereas since the establishment of the International Civil Aviation Organization on 4 April 1947, the Assembly has passed several hundred resolutions but many of them or parts of them are no longer in force because, among other reasons, they, or parts of them, have expired or were cancelled or superseded, expressly or by implication, by subsequent action of the Assembly;

Whereas, as recognized in Assembly Resolution A15-2, it is not always clear whether some of those resolutions are currently valid;

Whereas it is desirable to specify which of the resolutions or parts of resolutions adopted by the Assembly in the past are no longer in force at this time; and

Whereas it is desirable to indicate clearly that the resolutions of the Interim Assembly of the Provisional International Civil Aviation Organization (PICAO) are no longer in force;

The Assembly declares:

1. that, subject to the provisions of clause 2 following, the resolutions or parts of resolutions specified in the attached list, which includes all resolutions previously cancelled, are no longer in force; and

2. that the present action shall not affect any right, privilege, obligation or liability acquired, accrued or incurred or any arrangement made under any of the resolutions specified in the attached list and, in particular, shall not cancel or in any way diminish the indebtedness of any Contracting State to the Organization which arose by virtue of any of those resolutions.

Furthermore, *the Assembly notes:*

3. that all the resolutions adopted by the Interim Assembly of the Provisional International Civil Aviation Organization (PICAO) are no longer in force.

Assembly resolutions and parts thereof no longer in force

Assembly Session

Resolution No.

PICAO

I; II; III; IV; V; VI; VII; VIII; IX; X; XI; XII; XIII; XIV; XV; XVI; XVII; XVIII; XIX; XX; XXI; XXII; XXIII; XXIV; XXV; XXVI; XXVII; XXVIII; XXIX; XXX; XXXI; XXXII; XXXIII; XXXIV; XXXV; XXXVI; XXXVII; XXXVIII; XXXIX; XL; XLI; XLII; XLIII; XLIV; XLV; XLVI; XLVII; XLVIII; XLIX; L; LI; LII; LIII;

1st Session

A1-1; A1-4; A1-5; A1-6; A1-7; A1-12; A1-13; A1-16; A1-18; A1-19; A1-20; A1-21; A1-22; A1-24; A1-25; A1-26; A1-27; A1-28; A1-29; A1-30; A1-31; A1-32; A1-33; A1-34; A1-35; A1-36; A1-37; A1-38; A1-39; A1-40; A1-41; A1-42; A1-43; A1-44; A1-45; A1-46; A1-47; A1-48; A1-49; A1-50; A1-51 (clause 4); A1-52; A1-53; A1-55; A1-56; A1-57; A1-58; A1-59; A1-60; A1-61; A1-62; A1-63; A1-64; A1-65 (clause 2 and paragraph 4.1.6 of Annex 1 to the resolution); A1-66; A1-67; A1-68; A1-69; A1-70; A1-71;

2nd Session

A2-1; A2-2; A2-3; A2-4; A2-5; A2-7; A2-8; A2-9 (clauses 1, 3); A2-10; A2-11; A2-12; A2-13; A2-14; A2-15; A2-16; A2-17; A2-18; A2-19; A2-20; A2-21; A2-22; A2-23; A2-28; A2-29; A2-30; A2-31; A2-32; A2-33; A2-34; A2-35; A2-36; A2-37; A2-38; A2-39; A2-40; A2-41; A2-42; A2-43; A2-44; A2-45; A2-46; A2-47; A2-48; A2-49; A2-50; A2-51; A2-52; Rec. 1; Rec. 2; Rec. 3; Rec. 4; Rec. 5; Rec. 6; Rec. 7; Rec. 8; Rec. 9; Rec. 10; Rec. 11; Rec. 12; Rec. 13; Rec. 14; Rec. 15;

3rd Session

A3-1; A3-2; A3-3; A3-4; A3-5 (clauses 1, 3); A3-6; A3-7; A3-8; A3-9 (clauses 1, 2, 3, 4 and all *whereas* clauses); A3-10; A3-11; A3-12; A3-13; A3-14; A3-15; A3-16; A3-17; A3-18; A3-19; A3-20; A3-21; A3-22; A3-23; A3-24;

4th Session

A4-2; A4-4; A4-5; A4-6; A4-7; A4-8; A4-9; A4-10; A4-11; A4-12; A4-13; A4-14; A4-15; A4-16; A4-17; A4-18; A4-20; A4-21; A4-22; A4-23; A4-24; A4-25; A4-26; A4-27; A4-28;

<i>Assembly Session</i>	<i>Resolution No.</i>	<i>Assembly Session</i>	<i>Resolution No.</i>
	A4-29; A4-30; A4-32; A4-33; A4-34; A4-35; A4-36; A4-37; Rec. 1; Rec. 2; Rec. 3; Rec. 4; Rec. 5; Rec. 6;		A14-31; A14-32; A14-35; A14-36; A14-38; A14-39; A14-40; A14-41; A14-42; A14-44; A14-45; A14-46; A14-47; A14-48; A14-49; A14-50; A14-51; A14-52;
5th Session	A5-1; A5-2; A5-4; A5-6; A5-7; A5-8; A5-9; A5-11; A5-12; A5-13; A5-14; A5-15; A5-16; A5-17; A5-18; A5-19; A5-20; A5-21;	15th Session	A15-1; A15-2; A15-3; A15-4; A15-5 (clauses 1, 2, 4, and all <i>whereas</i> clauses except the fifth)**; A15-6; A15-8; A15-11; A15-13; A15-14; A15-16; A15-19; A15-20; A15-21; A15-23; A15-24; A15-25; A15-26; A15-27; A15-29; A15-30; A15-31; A15-32; A15-33; A15-35; A15-36; A15-37; A15-38;
6th Session	A6-1; A6-2; A6-3; A6-4; A6-5; A6-6; A6-7; A6-8; A6-9; A6-10; A6-11; A6-13; A6-14; A6-15;		
7th Session	A7-1; A7-2; A7-4; A7-7; A7-8; A7-9; A7-10; A7-11; A7-12; A7-13; A7-14 (clause 2); A7-15 (clause 2); A7-16; A7-17; A7-18; A7-19; A7-20; A7-21; A7-22; A7-23; A7-24; A7-25; A7-26; A7-27; A7-28; A7-29; A7-30; A7-31; A7-32; A7-33;		
8th Session	A8-2; A8-3; A8-6; A8-7; A8-8; A8-9; A8-10; A8-11; A8-12; A8-13; A8-14; A8-15; A8-16; A8-17; A8-18;		
9th Session	A9-1; A9-2; A9-3; A9-4; A9-5; A9-6; A9-7; A9-8; A9-9; A9-10; A9-11; A9-12; A9-13; A9-14; A9-15;		
10th Session	A10-1; A10-2; A10-3; A10-4; A10-6; A10-7; A10-8; A10-9; A10-10; A10-12; A10-13; A10-14; A10-15; A10-16; A10-17; A10-18; A10-19; A10-20; A10-21; A10-22; A10-23; A10-24; A10-25; A10-26; A10-27; A10-28; A10-29; A10-30; A10-31; A10-32 (clauses 1, 2, 4, 7); A10-33; A10-34; A10-35; A10-37; A10-38; A10-39; A10-41; A10-42; A10-43; A10-44; A10-45; A10-46; A10-47; A10-48; A10-49; A10-50; A10-51; A10-52; A10-53;		
11th Session	A11-2; A11-3; A11-4; A11-5; A11-6; A11-7; A11-8; A11-9; A11-10; A11-11; A11-12; A11-13; A11-14; A11-15; A11-17; A11-18;		
12th Session	A12-1; A12-2; A12-3; A12-5; A12-6; A12-7; A12-8; A12-9; A12-10; A12-11; A12-12; A12-13; A12-14; A12-15; A12-16; A12-17; A12-19 (clauses 1, 3); A12-20; A12-21; A12-22; A12-23; A12-24; A12-25; A12-26; A12-27; A12-28; A12-29; A12-31; A12-32; A12-33; A12-34; A12-36; A12-37; A12-38; A12-39; A12-40; A12-41;		
14th Session*	A14-2; A14-3; A14-4; A14-6 (clauses 4, 5); A14-8; A14-9; A14-10; A14-11; A14-12; A14-13; A14-14; A14-15; A14-16; A14-17; A14-18; A14-19; A14-20; A14-21; A14-22; A14-23; A14-24; A14-25 (clauses 1, 2); A14-26; A14-27; A14-28; A14-29; A14-30;		

A18-1: Assembly resolutions no longer in force

The Assembly declares that, for the reasons referred to below, the following resolutions, though not superseded by new resolutions, are no longer in force:

<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>
A15-28	Budget appropriations for the financial year 1968	<i>Action completed</i>
A15-34	Apportionment of the expenses of ICAO among Contracting States for 1966, 1967 and 1968	<i>Action completed</i>
A16-21	Statistics on non-scheduled commercial air transport	<i>Action completed</i>
A16-38	Supplementary Budget 1968	<i>Action completed</i>
A16-39	Staffing of the Language Branch	<i>Action completed</i>
A16-40	Budget 1969	<i>Action completed</i>
A16-41	Budget 1970	<i>Action completed</i>
A16-43	Approval of the accounts of the Organization for the financial year 1965 and examination of the audit report thereon	<i>Action completed</i>
A16-44	Approval of the Technical Assistance Accounts for the financial year 1965 and examination of the audit report thereon	<i>Action completed</i>

* The words "and 12-5" from the first *whereas* clause of A14-37 have been deleted.

**The title of the resolution has been changed to "Economic value of facilities".

<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>			
					in any way diminish the indebtedness of any Contracting State to the Organization which arose by virtue of any of those resolutions.
A16-45	Approval of the United Nations Special Fund Accounts for the financial year 1965 and examination of the audit report thereon	<i>Action completed</i>			
			<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>
A16-46	Approval of the accounts of the Organization for the financial year 1966 and examination of the audit report thereon	<i>Action completed</i>	A1-17	Language policy in ICAO	<i>Obsolete (subject now covered in Rules of Procedure for different types of meetings)</i>
A16-47	Approval of the accounts of the United Nations Development Programme for the financial year 1966 and examination of the audit reports thereon	<i>Action completed</i>	A1-54 Clause 4	ICAO publications	<i>Obsolete</i>
			A2-6	Adoption of the Convention on the international recognition of rights in aircraft as a document open for signature	<i>Action completed</i>
A16-48	Approval of the accounts of the Organization for the financial year 1967 and examination of the audit report thereon	<i>Action completed</i>	A4-19	Statistical Programme of the Organization 3rd <i>whereas</i> Clause 2	<i>Obsolete</i> <i>Obsolete</i>
A16-49	Approval of the accounts of the United Nations Development Programme for the financial year 1967 and examination of the audit reports thereon	<i>Action completed</i>	A13-2	Ratification of the Protocol amending Article 50(a) of the Convention	<i>Superseded by A17A-1 and 2</i>
			A14-43	Appointment of External Auditor	<i>Superseded by A21-39</i>
A16-50	Confirmation of Council Action with respect to the assessments of Romania, Singapore, Guyana, Barbados, Uganda, Bulgaria and Burundi	<i>Action completed</i>	A14-53	Air conditioning and alterations of the Headquarters premises	<i>Action completed</i>
			A15-12	Measures to facilitate implementation of SARPs and PANS	<i>Action completed</i>
A16-51	Reduction of the assessment of Malaysia for the years 1966, 1967 and 1968	<i>Action completed</i>	A15-15	Consideration of the needs of international general aviation in relation to the scope of ICAO technical activities	<i>Action completed</i>
			A16-3	Aircraft noise in the vicinity of airports 4th and 5th <i>whereas</i> Clauses 1 and 4	<i>Obsolete</i> <i>Action completed</i>
			A16-20	Possible reconstruction of the consolidated statement of continuing air navigation policies	<i>Action completed</i>
			A16-34	Statistics Division and Statistical panels and meetings 3rd <i>whereas</i> 4th <i>whereas</i>	<i>Obsolete</i> <i>Action completed</i>

A21-1: Assembly resolutions no longer in force

The Assembly declares:

1. that, subject to the provisions of clause 2 following, the resolutions or parts of resolutions specified in the list below are no longer in force; and

2. that the present action shall not affect any right, privilege, obligation or liability acquired, accrued or incurred or any arrangement made under any of the resolutions specified below and, in particular, shall not cancel or

<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>	<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>
A16-35	Further work on the revision of the Warsaw Convention as amended by the Protocol of The Hague	<i>Action completed</i>	A18-22	Supplementary Budget 1971	<i>Action completed</i>
A16-42	Budget 1971	<i>Action completed</i>	A18-29	Confirmation of Council action with respect to the assessments of Hungary, People's Democratic Rep. of Yemen, Mauritius and the USSR	<i>Action completed</i>
A16-52	Apportionment of the expenses of ICAO among Contracting States for 1969, 1970 and 1971	<i>Action completed</i>	A18-30	Approval of the accounts of the Organization for the financial years 1968, 1969 and 1970 and examination of the audit reports thereon	<i>Action completed</i>
A17-4	Reports to the Council	<i>Action completed</i>	A18-31	Approval of the financial statements of the UNDP for the financial years 1968, 1969 and 1970 and examination of the audit reports thereon	<i>Action completed</i>
A17-10 Clause 3	Implementation by States of security specifications and practices adopted by this Assembly and further work by ICAO related to such specifications and practices	<i>Action completed</i>			
A17-17 Items 3 and 4 of the Attachment	General security measures aboard aircraft in flight	<i>Action completed</i>			
A17-19	Letter from the President of the Council to Heads of Government	<i>Action completed</i>			
A17-20	Proposed convention on acts of unlawful interference against international civil aviation	<i>Action completed</i>			
A17-21	Revision of the Convention on International Civil Aviation	<i>Action completed</i>			
A17-22 Clause 2	Proposed simplification of convention-making procedures	<i>Action completed</i>			
A17-23 Clause 2	Circulation of a paper on the linking of bilateral air agreements to ICAO international conventions relating to unlawful interference	<i>Action completed</i>			
A17-24	Time schedule for work to be done by the Council and other ICAO bodies to combat unlawful interference	<i>Action completed</i>			
A17A-2	Ratification of the Protocol amending Article 50(a) of the Convention	<i>Superseded by A21-2 and 3</i>			
A18-19	Study of possible development of ICAO traffic flow statistics	<i>Study in progress</i>			

A22-1: Assembly resolutions no longer in force

The Assembly declares:

1. that, subject to the provisions of clause 2 following, the resolutions or parts of resolutions specified in the list below are no longer in force;

2. that the present action shall not affect any right, privilege, obligation or liability acquired, accrued or incurred or any arrangement made under any of the resolutions specified below and, in particular, shall not cancel or in any way diminish the indebtedness of any Contracting State to the Organization which arose by virtue of any of those resolutions.

<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>
A11-1	Acceptance of Poland's offer for the settlement of arrears and restoration of its voting power	<i>Action completed</i>
A16-12	Premises for ICAO Headquarters in Montreal	<i>Action completed</i>
A17-12	Establishment of airport security committees	<i>Action completed (see Annex 17)</i>

<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>	<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>
A17-18	Development of guidance material on security aspects in airport design and construction	<i>Action completed</i>	A21-37	Confirmation of Council action in assessing the contributions to the General Fund and determining advances to the Working Capital Fund of States which have adhered to the Convention and re-determination of the assessment of Pakistan as recommended by the Council	<i>Action completed</i>
A18-3	Ratification of the protocol amending Article 56 of the Convention	<i>Action completed</i>	A21-38	Re-determination of the assessment of China	<i>Action completed</i>
A18-5	Premises for ICAO Headquarters in Montreal	<i>Action completed</i>	A21-40	Approval of the accounts of the Organization for the financial years 1971, 1972 and 1973 and examination of the audit reports thereon	<i>Action completed</i>
A18-21 Clause 3	Air Transport work in the region	<i>Action completed</i>	A21-41	Approval of the financial statements of the United Nations Development Programme for the financial years 1971, 1972 and 1973 and examination of the audit report thereon	<i>Action completed</i>
A18-23	Budgets 1972, 1973 and 1974	<i>Action completed</i>			
A18-26 A7-3	Apportionment of the expenses of ICAO among Contracting States (1972, 1973 and 1974)	<i>Action completed</i>			
A19-2	Measures to be taken in pursuance of Resolutions 2555 and 2704 of the United Nations General Assembly in relation to Portugal	<i>Rescinded pursuant to Clause 2 of Resolution A21-5</i>			
A21-5	Abrogation of Resolution A19-2	<i>Action completed</i>	A23-1: Assembly resolutions no longer in force		
A21-11	Services of the Joint Inspection Unit	<i>Superseded by Resolution A22-7</i>	<i>The Assembly declares</i>		
A21-20 Further Resolving Clauses a) and b)	Cooperation among Contracting States in investigations of certain aircraft accidents	<i>Action completed</i>	1. that, subject to the provisions of clause 2 following, the resolutions specified in the list below are no longer in force; and		
A21-26 Clause 1 c) The words "to the Council for submission to the Assembly"	International Air Transport Fares and Rates Studies	<i>Superseded by Resolution A22-22 Clause 4</i>	2. that the present action shall not affect any right, privilege, obligation or liability acquired, accrued or incurred or any arrangement made under any of the resolutions specified below and, in particular, shall not cancel or in any way diminish the indebtedness of any Contracting State to the Organization which arose by virtue of any of those resolutions.		
A21-30	Supplementary Budget 1974	<i>Action completed</i>	<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>
A21-32	Principles to be applied in the determination of scales of assessment	<i>Assembly decision has been preserved in A21-33</i>	A14-33	Consideration of the economic situation of international air transport	<i>Action completed</i>
			A17-15	Radiological searching techniques	<i>Action completed</i>

<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>	A24-6: Assembly resolutions no longer in force		
A17-22	Proposed simplification of convention-making procedures	<i>Obsolete</i>	<i>The Assembly declares:</i>		
A18-15	Unification of units of measurement	<i>Became obsolete with the adoption of the new edition (4th) of Annex 5</i>	1. that, subject to the provisions of clause 2 following, the resolutions or parts of resolutions specified in the list below are no longer in force; and		
A21-6	Suspension of the voting power of South Africa	<i>Action completed</i>	2. that the present action shall not affect any right, privilege, obligation or liability acquired, accrued or incurred or any arrangement made under any of the resolutions specified below and, in particular, shall not cancel or in any way diminish the indebtedness of any Contracting State to the Organization which arose by virtue of any of those resolutions.		
A21-13	Authentic Russian text of the Convention on International Civil Aviation	<i>Action completed</i>			
A21-14	Digest of judicial decisions relating to multilateral international air law conventions	<i>Action completed</i>			
A21-27	The procedure for the establishment of tariffs for scheduled air services	<i>Action completed</i>	<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>
A21-31	Budgets 1975, 1976 and 1977	<i>Action completed</i>	A16-4 second <i>whereas</i> clause	Commercial introduction of supersonic aircraft — The problem of sonic boom	<i>Action completed</i>
A21-34	Apportionment of the expenses of ICAO among Contracting States Assessment to the General Fund for 1975, 1976 and 1977	<i>Action completed</i>	A21-15	Study of a system of rotation of sites for Assembly sessions	<i>Action completed</i>
			A22-21	Machinery for the establishment of international fares and rates — IATA Traffic Conferences	<i>Action completed</i>
A22-34	Confirmation of Council action in assessing the contributions to the General Fund and determining advances to the Working Capital Fund of States which have adhered to the Convention, and determination of the assessment of the Democratic People's Republic of Korea	<i>Action completed</i>	A22-26	Priority of studies assigned to the Council	<i>Action completed</i>
			A22-31	Budgets 1978, 1979 and 1980	<i>Action completed</i>
			A22-32	Apportionment of the expenses of ICAO among Contracting States — Assessment to the General Fund for 1978, 1979 and 1980	<i>Action completed</i>
A22-35	Approval of the accounts of the Organization for the financial years 1974, 1975 and 1976 and examination of the audit reports thereon	<i>Action completed</i>	A23-10 second resolving clause	Aircraft noise and engine emissions from subsonic jet aircraft	<i>Action completed</i>
A22-36	Approval of the financial statements of the United Nations Development Programme for the financial years 1974, 1975 and 1976 and examination of the audit reports thereon	<i>Action completed</i>	A23-15	Cost/benefit study of the application of existing systems planning process to the introduction of new aircraft types	<i>Action completed</i>
			A23-20	Future availability of aviation fuel	<i>Action completed</i>

<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>	<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>
A23-23	Confirmation of Council action in assessing the contributions to the General Fund and in determining advances to the Working Capital Fund of States which have adhered to the Convention	<i>Action completed</i>	A21-16	Establishment of an ICAO Regional Office in Eastern Africa	<i>Action completed</i>
A23-28	Approval of the accounts of the Organization for the financial years 1977, 1978 and 1979 and examination of the audit reports thereon	<i>Action completed</i>	A21-39	Appointment of External Auditor	<i>Obsolete</i>
A23-29	Approval of the financial statements of the United Nations Development Programme for the financial years 1977, 1978 and 1979 and examination of the audit reports thereon	<i>Action completed</i>	A23-4	Chinese text of the Convention on Civil Aviation	<i>Action completed</i>
			A23-6	ICAO Regional Office in Eastern Africa	<i>Action completed</i>
			A23-12	Contingency measures for application in the event of disruptions of air traffic services and related supporting services	<i>Action completed</i>
			A23-16	Consideration of air transport problems on a worldwide basis	<i>Action completed</i>
			A23-17	Compilation of ICAO conclusions on air transport problems	<i>Action completed</i>
			A23-25	Apportionment of the expenses of ICAO among Contracting States — assessments to the General Fund for 1981, 1982 and 1983	<i>Action completed</i>
			A23-26	Budgets 1981, 1982, 1983	<i>Action completed</i>
			A24-4	Ratification of the Protocols adopted by the International Conference on Air Law held in Montreal in 1975	<i>Action completed</i>
			A24-23	Approval of the accounts of the Organization for the financial years 1980, 1981 and 1982 and examination of the audit reports	<i>Action completed</i>
			A24-24	Approval of the financial statements of the United Nations Development Programme for the financial years 1980 and 1981 and examination of the audit reports thereon	<i>Action completed</i>
			A24-25	Approval of the financial statements of the United Nations Development Programme for the financial year 1982 and examination of the audit report thereon	<i>Action completed</i>
A14-25	Coordination of civil and military air traffic	<i>Action completed</i>			
A16-8	Aeronautical technical training — Fellowships and scholarships	<i>Action completed</i>			
A21-3	Ratification of the protocol amending Article 50(a) of the Convention	<i>Action completed</i>			

A26-6: Assembly resolutions no longer in force

The Assembly declares:

1. that, subject to the provisions of clause 2 following, the resolutions or parts of resolutions specified in the list below are no longer in force; and

2. that the present action shall not affect any right, privilege, obligation or liability acquired, accrued or incurred or any arrangement made under any of the resolutions specified below and, in particular, shall not cancel or in any way diminish the indebtedness of any Contracting State to the Organization which arose by virtue of any of those resolutions.

<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>	<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>
A24-26	Confirmation of Council action in assessing the contributions to the General Fund and determining advances to the Working Capital Fund of States which have adhered to the Convention	<i>Action completed</i>	A24-9	Improved implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS)	<i>Action completed</i>
			A24-10	Cost/benefit aspects of the application of existing planning process to the introduction of new aircraft types	<i>Action completed</i>
A27-6: Assembly resolutions no longer in force			A24-22	Budgets 1984, 1985, 1986	<i>Action completed</i>
<i>The Assembly declares:</i>			A24-27	Apportionment of the expenses of ICAO among Contracting States Assessments to the General Fund for 1984, 1985 and 1986	<i>Action completed</i>
1. that, subject to the provisions of clause (2) following, the resolutions or parts of resolutions specified in the list below are no longer in force; and			A26-1	Contribution of ICAO to the programme of the International Year of Peace 1986	<i>Action completed</i>
2. that the present action shall not affect any right, privilege, obligation or liability acquired, accrued or incurred or any arrangement made under any of the resolutions specified below and, in particular, shall not cancel or in any way diminish the indebtedness of any Contracting State to the Organization which arose by virtue of any of those resolutions.			A26-4	Development of an instrument for the suppression of unlawful acts of violence at airports serving international civil aviation	<i>Action completed</i>
			A26-10	Examination of the work programme in the air transport field	<i>Action completed</i>
<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>	A26-19	Confirmation of Council action in assessing the contributions to the General Fund and determining advances to the Working Capital Fund of States which have adhered to the Convention	<i>Action completed</i>
A16-28	Facilitation action by States and international operators designed to expedite the processing of passengers, baggage, cargo and mail traffic carried by air Clause 6 Clause 11	<i>Action completed</i> <i>Action completed</i>	A26-24	Approval of the Accounts of the Organization for the Financial Years 1983, 1984 and 1985 and examination of the Audit Reports	<i>Action completed</i>
A16-30	National Facilitation Committees, cooperation among States and Secretariat assistance to States on Facilitation problems Clause 5 Clause 7	<i>Obsolete</i> <i>Replaced by updated clause</i>	A26-25	Approval of the Financial Statements of the United Nations Development Programme for the Financial Years 1983, 1984 and 1985 and examination of the Audit Reports thereon	<i>Action completed</i>
A24-8	Re-examination of the work programme in the air navigation field Second directive clause only	<i>Replaced by new clause adopted at 27th Session of the Assembly</i>			

A29-4: Assembly Resolutions no longer in force

The Assembly declares:

1. that, subject to the provisions of clause (2) following, the resolutions or parts of resolutions specified in the list below are no longer in force; and.

2. that the present action shall not affect any right, privilege, obligation or liability acquired, accrued or incurred or any arrangement made under any of the resolutions specified below and, in particular, shall not cancel or in any way diminish the indebtedness of any Contracting State to the Organization which arose by virtue of any of those resolutions.

<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>
A22-22	Machinery for the establishment of international fares and rates	<i>Action completed or superseded</i>
A23-19	Second Air Transport Conference, Agenda Item 2	<i>Action completed or superseded</i>
A24-30	Appointment of External Auditor	<i>Action completed</i>
A26-18	Budgets 1987, 1988, 1989	<i>Action completed</i>
A26-20	Apportionment of expenses of ICAO among Contracting States — Assessments to the General Fund for 1987, 1988 and 1989	<i>Action completed</i>
A26-22	Arrangements to settle contributions in arrears	<i>Superseded by A27-26 and A28-6, Section C</i>
A27-8	Marking of plastic or sheet explosives for the purposes of detection	<i>Action completed</i>
A27-19	Allocation of UNDP funds for inter-country programmes	<i>Action completed</i>
A27-22	Confirmation of Council action in assessing the contributions to the General Fund and determining advances to the Working Capital of States which have adhered to the Convention	<i>Action completed</i>

<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>
A27-27	Approval of the Accounts of the Organization for the Financial Years 1986, 1987, 1988 and examination of the Audit Report thereon	<i>Action completed</i>
A27-28	Approval of the Financial Statements of the United Nations Development Programme for the Financial Years 1986, 1987 and 1988 and examination of the Audit Reports thereon	<i>Action completed</i>
A28-4	Approval of the Accounts of the Organization for the Financial Year 1989 and examination of the Audit Report thereon	<i>Action completed</i>
A28-5	Approval of the Financial Statements of the United Nations Development Programme for the Financial Year 1989 and examination of the Audit Report thereon	<i>Action completed</i>

A31-3: Assembly Resolutions no longer in force

The Assembly declares:

1. that, subject to the provisions of clause (2) following, the resolutions or parts of resolutions specified in the list below are no longer in force; and

2. that the present action shall not affect any right, privilege, obligation or liability acquired, accrued or incurred or any arrangement made under any of the resolutions specified below and, in particular, shall not cancel or in any way diminish the indebtedness of any Contracting State to the Organization which arose by virtue of any of those resolutions.

<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>
A15-7	Condemnation of the policies of apartheid and racial discrimination of South Africa	<i>Rescinded by A31</i>
A16-17	Unification of units of measurement	<i>Action completed</i>

<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>	<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>
A18-4	Measures to be taken in pursuance of Resolutions 2555 and 2704 of the United Nations General Assembly in relation to South Africa	<i>Rescinded by A31</i>	A29-25	Scale of Assessment of the Republic of Yemen	<i>Action completed</i>
A21-20	Cooperation among Contracting States in investigations of certain aircraft accidents	<i>To be consolidated with Res. A29-7</i>	A29-26	Confirmation of Council action in assessing the contributions to the General Fund and determining advances to the Working Capital Fund of States which have adhered to the Convention	<i>Action completed</i>
A26-9	Flight safety and human factors	<i>To be consolidated with Res. A29-7</i>	A29-27	Determination of the 1992 assessments of Lithuania, Estonia, Moldova, Armenia, Latvia, Ukraine, Kazakhstan and the Russian Federation	<i>Action completed</i>
A26-21	Apportionment of expenses of ICAO among Contracting States	<i>Action completed</i>	A29-28	Determination of the 1992 assessments of Croatia and Slovenia	<i>Action completed</i>
A27-5	Condemnation of the policies of apartheid and racial discrimination of South Africa and measures to be taken in response to the resolutions adopted by the United Nations General Assembly in that regard	<i>Rescinded by A31</i>	A29-32	Approval of the accounts of the Organization for the financial years 1990 and 1991 and examination of the Audit Report thereon	<i>Action completed</i>
A27-11	Airport and airspace congestion — Directive Clause 6	<i>Action completed</i>	A29-33	Approval of those financial statements of the United Nations Development Programme administered by ICAO as Executive Agency for the financial years 1990 and 1991 and examination of the Audit Reports thereon	<i>Action completed</i>
A27-21	Apportionment of expenses of ICAO among Contracting States Assessment in the General Fund for 1990, 1991 and 1992	<i>Action completed</i>			
A27-23	Budgets 1990, 1991 and 1992	<i>Action completed</i>			
A27-24	Revised procedures relating to the implementation of a programme budget	<i>Action completed</i>			
A28-6	Supplementary budgets 1990, 1991 and 1992	<i>Action completed</i>			
A29-6	Role of ICAO in the implementation of the Convention on the Marking of Plastic Explosives for the Purpose of Detection and of the Resolution in the Final Act	<i>Action completed</i>			
A29-10	Convening of a Special Meeting at the Global Level on the ILS/MLS Transition	<i>Action completed</i>			
A29-22	Amendment of the Financial Regulations	<i>Action completed</i>			
A29-24	Scale of Assessment of the Federal Republic of Germany	<i>Action completed</i>			

A32-4: Assembly resolutions no longer in force

The Assembly declares:

1. that, subject to the provisions of clause (2) following, the resolutions or parts of resolutions specified in the list below are no longer in force; and

2. that the present action shall not affect any right, privilege, obligation or liability acquired, accrued or incurred or any arrangement made under any of the resolutions specified below and, in particular, shall not cancel or in any way diminish the indebtedness of any Contracting State to the Organization which arose by virtue of any of those resolutions.

<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>	<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>
A16-4	Commercial introduction of supersonic aircraft — The problem of sonic boom	<i>To be consolidated with Res. A31-11</i>	A31-27	Approval of the accounts of the Organization for the financial years 1992, 1993 and 1994 and examination of the Audit Reports thereon	<i>Action completed</i>
A22-14	Technical and economic problems related to the introduction into commercial service of supersonic aircraft		A31-28	Approval of those financial statements with respect to the United Nations Development Programme administered by ICAO as Executing Agency for the financial years 1992, 1993 and 1994 and examination of the Audit Reports thereon	<i>Action completed</i>
	Directive Clause 1 c)	<i>To be consolidated with Res. A31-11</i>			
	Directive Clause 1, last six lines	<i>Action completed</i>			
	Directive Clause 3 a) 1) i)	<i>Action completed</i>			
	Directive Clause 3 a) 1) ii)	<i>To be consolidated with Res. A31-11</i>			
A24-2	Ratification of the Protocol incorporating Article 83 bis into the <i>Convention on International Civil Aviation</i>	<i>Action completed</i>	A33-6: Assembly resolutions no longer in force		
A27-26	Arrangements to settle contributions in arrears	<i>Superseded by A31-26</i>	<i>The Assembly declares:</i>		
A29-17	Airworthiness of aircraft	<i>Action completed</i>	1. that, subject to the provisions of clause (2) following, the resolutions or parts of resolutions specified in the list below are no longer in force; and		
A29-23	Assessments to the General Fund for 1993, 1994 and 1995	<i>Action completed</i>	2. that the present action shall not affect any right, privilege, obligation or liability acquired, accrued or incurred or any arrangement made under any of the resolutions specified below and, in particular, shall not cancel or in any way diminish the indebtedness of any Contracting State to the Organization which arose by virtue of any of those resolutions.		
A29-29	Budgets 1993, 1994 and 1995	<i>Action completed</i>			
A31-7	Implementation of the ICAO CNS/ATM Systems — Financial, Organizational, Cooperative and Legal aspects	<i>Action completed</i>			
A31-8	Modernization of the Regional Air Navigation Plan Format and Amendment Processes	<i>Action completed</i>	<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>
A31-22	Disposition of the assets and assessment of contributions of the former Czechoslovakia	<i>Action completed</i>	A31-18	Amendment of the Financial Regulations (Amendment to Articles VI and VII)	<i>Action completed</i>
A31-23	Confirmation of Council action in assessing the contributions to the General Fund and determining advances to the Working Capital Fund of States which have adhered to the Convention	<i>Action completed</i>	A31-19	Amendment of the Financial Regulations (Amendment to Article V)	<i>Action completed</i>
			A31-21	Assessments to the General Fund for 1996, 1997 and 1998	<i>Action completed</i>

<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>			
A32-25	Confirmation of Council action in assessing the contributions to the General Fund and determining advances to the Working Capital Fund of States which have adhered to the Convention	<i>Action completed</i>			
A31-24	Budgets 1996, 1997 and 1998	<i>Action completed</i>			
A32-5	Fiftieth Anniversary of the ICAO Air Navigation Commission	<i>Action completed</i>			
A32-10	International assessment criteria and notification of status concerning Year 2000 compliance	<i>Action completed</i>			
A32-30	Approval of the accounts of the Organization for the financial years 1995, 1996 and 1997 and examination of the Audit Reports thereon	<i>Action completed</i>			
A32-31	Approval of those financial statements with respect to the United Nations Development Programme administered by ICAO as Executing Agency for the financial years 1995, 1996 and 1997 and examination of the Audit Reports thereon	<i>Action completed</i>			
A35-4: Assembly resolutions no longer in force					

The Assembly declares:

1. that, subject to the provisions of clause (2) following, the resolutions or parts of resolutions specified in the list below are no longer in force; and

2. that the present action shall not affect any right, privilege, obligation or liability acquired, accrued or incurred or any arrangement made under any of the resolu-

tions specified below and, in particular, shall not cancel or in any way diminish the indebtedness of any Contracting State to the Organization which arose by virtue of any of those resolutions.

<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>
A29-2	Membership of the Federal Republic of Yugoslavia (Serbia and Montenegro)	<i>Action completed</i>
A22-14	Technical and economic problems related to the introduction into commercial service of supersonic aircraft	<i>Action completed</i>
A31-20	Apportionment of expenses of ICAO among Contracting States	<i>Obsolete</i>
A32-26	Assessments to the General Fund for 1999, 2000 and 2001	<i>Action completed</i>
A33-25	Confirmation of Council action in assessing the contributions to the General Fund and determining advances to the Working Capital Fund of States which have adhered to the Convention	<i>Action completed</i>
A32-24	Budgets 1999, 2000 and 2001	<i>Action completed</i>
A33-30	Approval of the accounts of the Organization for the financial years 1998, 1999 and 2000 and examination of the Audit Reports thereon	<i>Action completed</i>
A33-31	Approval of those financial statements with respect to the United Nations Development Programme administered by ICAO as Executing Agency for the financial years 1998, 1999 and 2000 and examination of the Audit Reports thereon	<i>Action completed</i>

**List of resolutions or parts thereof (other than those listed
in Resolutions A18-1, A21-1, A22-1, A23-1, A24-6, A26-6, A27-6, A29-4, A31-3, A32-4, A33-6 and A35-4)
declared no longer in force after the 16th Session of the Assembly**

Note.— For list of resolutions or parts thereof declared no longer in force by the 16th Session of the Assembly, see Resolution A16-1.

<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>	<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>
A2-9	Implementation of Article 54(d) — Establishment of an Air Transport Committee, chosen from among the representatives of the members of the Council	<i>Superseded by A32-17*</i>	A12-30	Principles to be applied in the determination of the scales of assessments for 1960, 1961 and 1962 and in the preparation of draft scales of assessments for 1963, 1964 and 1965	<i>Consolidated in A21-33</i>
A4-19	Statistical programme of the Organization	<i>Superseded by A32-17*</i>	A14-7	Technical and economic problems related to the introduction into commercial service of supersonic aircraft	<i>Superseded by A22-14*</i>
A7-6	Procedure for approval of draft conventions on international air law	<i>Superseded by A31-15</i>	A14-34	Regional studies of air freight	<i>Consolidated in A18-20*</i>
A7-14	Future programme and working methods of the Organization in the economic field	<i>Superseded by A32-17*</i>	A15-5	Economic value of facilities	<i>Superseded by A32-17*</i>
A7-15	Prospects of and methods for further international agreement on commercial rights in international air transport — Scheduled international air services	<i>Superseded by A32-17*</i>	A15-10	Regional planning relative to ability to implement	<i>Superseded by A21-21*</i>
A10-5	Relationship of ICAO with the European Civil Aviation Conference	<i>Superseded by A27-17</i>	A15-17	Development of international air passenger travel	<i>Consolidated in A18-20*</i>
A10-11	Official emblem and seal of ICAO	<i>Superseded by A21-4*</i>	A15-18	Air Transport Conferences	<i>Superseded by A22-25*</i>
A10-32	Further international agreement on commercial rights	<i>Superseded by A32-17*</i>	A15-22	Statistics of non-commercial aviation	<i>Superseded by A32-17*</i>
A10-36	Journey log book	<i>Superseded by A32-17*</i>	A16-2	Discharge by Contracting States of financial obligations to the Organization	<i>Superseded by A18-7*</i>
A10-40	The teaching of air law	<i>Superseded by A31-15</i>	A16-3	Aircraft noise in the vicinity of airports	<i>Consolidated in A22-13*</i>
A12-18	Commercial rights in international air transport	<i>Superseded by A32-17*</i>	A16-5	Possible application of systems planning to the introduction of new aircraft types	<i>Superseded by A23-14</i>
A12-19	The study of charges for airports and air navigation facilities	<i>Superseded by A32-17*</i>	A16-6	Technical Assistance	<i>Superseded by A18-8*</i>
			A16-9	Assistance and advice in the implementation of regional plans	<i>Superseded by A22-19</i>

* Also superseded or action completed — see present list.

<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>	<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>
A16-11	Participation by ICAO in programmes for the exploration and use of outer space	<i>Superseded by A22-20*</i>	A16-31	The effect of Facilitation improvements on airport terminal design	<i>Superseded by A32-17*</i>
A16-14	Composition of the Air Navigation Commission and participation in its work	<i>Superseded by A22-4</i>	A16-32	Registration of agreements and arrangements	<i>Superseded by A27-4*</i>
A16-15	Coordination of administrative and financial practices and procedures	<i>Superseded by A18-6*</i>	A16-33	Joint ownership and operation of international air services	<i>Superseded by A32-17*</i>
A16-17 Whereas Clauses 1-3 and Resolving Clauses a) and c)	Unification of Units of Measurement	<i>Superseded by A23-11, Appendix F*</i>	A16-34	Statistics Division and Statistical panels and meetings	<i>Superseded by A32-17*</i>
A16-18	Units of Measurement in Annex 5	<i>Superseded by A23-11, Appendix F*</i>	A16-36	Participation of States in international conventions on air law	<i>Superseded by A31-15</i>
A16-19	Consolidated statement of continuing ICAO policies related specifically to air navigation	<i>Superseded by A18-13*</i>	A16-37	Unlawful seizure of civil aircraft	<i>Consolidated in A21-9*</i>
A16-22	Air traffic forecasts and forecasting methods	<i>Superseded by A32-17*</i>	A16-53	Principles to be applied in the preparation of draft scales of assessments for 1972, 1973 and 1974	<i>Superseded by A18-26*</i>
A16-23	Air transport work in the regions — General policy	<i>Superseded by A18-21*</i>	A16-54	Implementation of the principle that the contribution to be paid by any one Contracting State should not in any one year exceed 30% of the total contributions assessed	<i>Superseded by A18-26*</i>
A16-24	Tariff enforcement	<i>Superseded by A18-18*</i>	A16-55	Working Capital Fund	<i>Superseded by A18-28*</i>
A16-25	Participation of States in the International Air Services Transit Agreement	<i>Superseded by A21-28*</i>	A16-56	Action to be taken in the case of Contracting States failing to discharge their financial obligations to the Organization	<i>Consolidated in A21-10*</i>
A16-26	International air mail	<i>Superseded by A32-17*</i>	A17-2	Wider acceptance of the Tokyo Convention on offences and certain other acts committed on board aircraft (1963)	<i>Consolidated in A21-9*</i>
A16-27	Implementation of the provisions of Annex 9 and of ICAO recommendations in the field of facilitation	<i>Superseded by A32-17*</i>	A17-5	Measures recommended for adoption to alleviate the consequences of an unlawful seizure	<i>Consolidated in A26-7*</i>
A16-28	Facilitation action by States and international operators designed to expedite the processing of passengers, baggage, cargo and mail traffic carried by air	<i>Superseded by A32-17*</i>	A17-6	Criminal laws relating to the unlawful seizure of aircraft	<i>Consolidated in A26-7*</i>
A16-29	Coordination with other organizations on Facilitation matters	<i>Superseded by A32-17*</i>	A17-7	Strengthening of existing arrangement for extradition	<i>Consolidated in A26-7*</i>
A16-30	National Facilitation committees, cooperation among States and Secretariat assistance to States on Facilitation problems	<i>Superseded by A32-17*</i>	A17-8	Return of unlawfully seized aircraft, their crews, passengers and cargoes	<i>Consolidated in A21-9*</i>
			A17-9	Good offices of ICAO	<i>Consolidated in A26-7*</i>

* Also superseded or action completed — see present list.

<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>	<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>
A17-10	Implementation by States of security specifications and practices adopted by this Assembly and further work by ICAO related to such specifications and practices	<i>Consolidated in A26-7*</i>	A18-11	ICAO position at the International Conference on the Problems of the Human Environment (Stockholm, June 1972)	<i>Consolidated in A22-12*</i>
A17-11	Application, upon request, of the specifications and procedures set forth in Appendix B to Resolution A17-10	<i>Consolidated in A26-7*</i>	A18-12	Development of Standards, Recommended Practices and Procedures and/or guidance material relating to the quality of the human environment	<i>Consolidated in A22-13*</i>
A17-13	Assistance to States in the implementation of technical measures for the protection of international civil aviation	<i>Consolidated in A26-7*</i>	A18-13	Consolidated statement of continuing policies related specifically to air navigation	<i>Superseded by A21-21*</i>
A17-14	International cooperation and exchange and dissemination of information related to unlawful interference	<i>Consolidated in A26-7*</i>	A18-14	ICAO Technical Manuals	<i>Superseded by A23-11, Appendix E*</i>
A17-16	Reports on incidents of unlawful interference	<i>Consolidated in A26-7*</i>	A18-16	Problems arising out of the lease, charter and interchange of aircraft in international operations	<i>Superseded by A21-22*</i>
A17-17	General security measures aboard aircraft in flight	<i>Consolidated in A26-7*</i>	A18-17	International air transport fares and rates studies	<i>Superseded by A21-26*</i>
A17-23	Circulation of a paper on the linking of bilateral air agreements to ICAO international conventions relating to unlawful interference with civil aviation	<i>Consolidated in A26-7*</i>	A18-18	Tariff enforcement	<i>Superseded by A27-15*</i>
A18-6	Services of the Joint Inspection Unit	<i>Superseded by A21-11*</i>	A18-20	Regional Air Transport Studies	<i>Superseded by A32-17*</i>
A18-7	Discharge by Contracting States of financial obligations to the Organization	<i>Consolidated in A21-10*</i>	A18-21	Air transport work in the regions — General policy	<i>Action completed</i>
A18-8	Technical Assistance	<i>Superseded by A21-17*</i>	Clause 3		<i>Superseded by A27-17</i>
A18-9	Speedy adoption and ratification of a convention on acts of unlawful interference with international civil aviation other than acts of unlawful seizure of aircraft	<i>Consolidated in A21-9*</i>	Clause 1 a)		<i>Superseded by A27-17</i>
A18-10	Additional technical measures for the protection of the security of international civil air transport	<i>Superseded by A21-23*</i>	Remaining clauses		<i>Superseded by A32-17*</i>
			A18-24	Principles to be applied in the determination of scales of assessment (minimum assessment)	<i>Consolidated in A21-33</i>
			A18-25	Principles to be applied in the determination of scales of assessment (maximum assessment)	<i>Superseded by A19-3*</i>
			A18-26	Apportionment of the expenses of ICAO among Contracting States	<i>Action completed</i>
			A18-27	Supplementary appropriation limits	<i>Superseded by A21-35</i>
			A18-28	Working Capital Fund	<i>Superseded by A21-36*</i>
			A19-3	Principles to be applied in the determination of scales of assessments (maximum assessment)	<i>Consolidated in A21-33</i>

* Also superseded or action completed — see present list.

<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>	<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>
A19-4	Principles to be applied in the determination of scales of assessments (minimum assessment)	<i>Consolidated in A21-33</i>	A21-26	International air transport fares and rates studies	<i>Superseded by A22-22 (Clause 4)*</i>
A19-5	Principles to be applied in the determination of scales of assessments (capacity of Contracting States to pay)	<i>Consolidated in A21-33</i>	words: “to the Council for submission to the Assembly”		
A20-2	Acts of unlawful interference with civil aviation	<i>Consolidated in A26-7*</i>	Remaining clauses		<i>Superseded by A32-17*</i>
A21-4	Official emblem and seal of ICAO	<i>Superseded by A31-1</i>	A21-28	International Air Services Transit Agreement	<i>Superseded by A32-17*</i>
A21-8	Relations between ICAO and the Regional Civil Aviation Bodies and between those Bodies and Contracting States not members of them	<i>Superseded by A27-17</i>	A21-29	Tariff enforcement	<i>Superseded by A27-15*</i>
A21-9	Expeditious ratification of conventions relating to unlawful interference	<i>Consolidated in A26-7*</i>	A21-33	Apportionment of expenses of ICAO among Contracting States	<i>Superseded by A31-20*</i>
A21-10	Discharge by Contracting States of financial obligations to the Organization and action to be taken in case of their failure to do so	<i>Superseded by A35-26</i>	A21-36	Working Capital Fund	<i>Superseded by A22-33*</i>
A21-11	Statute of the Joint Inspection Unit	<i>Superseded by A22-7</i>	A22-8	Technical Assistance	<i>Superseded by A23-7*</i>
A21-17	Technical Assistance	<i>Superseded by A22-8*</i>	A22-9	Funding for Technical Assistance Activities	<i>Superseded by A23-8*</i>
A21-18	Allocation of UNDP funds for inter-country programmes	<i>Superseded by A27-19*</i>	A22-10	Scholarships and fellowships for basic and advanced training	<i>Superseded by A23-9*</i>
A21-19	International civil aviation and the human environment	<i>Consolidated in A22-12*</i>	A22-12	International civil aviation and the human environment	<i>Superseded by A31-11*</i>
A21-21	Consolidated statement of continuing policies and associated practices related specifically to air navigation	<i>Superseded by A22-18*</i>	A22-13	Development of SARPs related to the quality of the environment	<i>Superseded by A31-11*</i>
A21-22	Lease, charter and interchange of aircraft in international operations	<i>Superseded by A23-13</i>	A22-15	National policy and programmes to alleviate the problem of aircraft noise	<i>Superseded by A31-11*</i>
A21-23	Technical measures for safeguarding international civil air transport against acts of unlawful interference	<i>Superseded by A22-17*</i>	A22-16	Strengthening of measures to suppress acts of unlawful interference with civil aviation	<i>Consolidated in A26-7*</i>
A21-25	Consideration of air transport problems on a worldwide basis	<i>Superseded by A22-25*</i>	A22-17	Technical measures for safeguarding international civil air transport against acts of unlawful interference	<i>Consolidated in A26-7*</i>
			A22-18	Consolidated statement of continuing policies and associated practices related specifically to air navigation	<i>Superseded by A23-11*</i>
			A22-20	Use of space technology in the field of air navigation	<i>Superseded by A29-11</i>

* Also superseded or action completed — see present list.

<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>	<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>
A22-23	Special Air Transport Conference Recommendations 1, 2, 3 and 4	<i>Action completed</i>	A23-22	Refusal to allow unlawfully seized aeroplanes to land	<i>Consolidated in A26-7*</i>
<i>Whereas and resolving clauses related to tariff enforcement</i>		<i>Superseded by A27-15*</i>	A23-24 Transitional Clauses 2 to 4 and Clause 5	Apportionment of the expenses of ICAO among Contracting States (Principles to be applied in the determination of scales of assessment)	<i>Cancelled automatically as of 31 December 1983 in accordance with Clause 5</i>
A22-24	Inventory of major air transport problems	<i>Superseded by A32-17*</i>	A23-27	Working Capital Fund	<i>Superseded by A24-28*</i>
A22-25	Consideration of air transport problems on a worldwide basis	<i>Superseded by A23-16*</i>	A24-7	Consolidated statement of continuing policies and associated practices related specifically to air navigation	<i>Superseded by A26-8*</i>
A22-27	Future availability of aviation fuel	<i>Superseded by A23-20*</i>	A24-11	Continued work by the Organization in the regulation of international air transport services	<i>Action completed</i>
A22-28	Lease, charter and interchange of aircraft in international operations	<i>Superseded by A23-13</i>	A24-12	Practical measures to provide an enhanced opportunity for developing States with community of interest to operate international air transport services	<i>Superseded by A32-17*</i>
A22-30 Resolving Clause 3	Review of all aspects of language services	<i>Action completed</i>	A24-13	Tariff enforcement	<i>Superseded by A27-15*</i>
A22-33	Working Capital Fund	<i>Superseded by A23-27*</i>	A24-14 Clause 2	Unilateral measures which affect international air transport	<i>Action completed</i>
A23-7	Technical Assistance	<i>Superseded by A24-15*</i>	Remaining clauses		<i>Superseded by A32-17*</i>
A23-8	Funding for Technical Assistance activities	<i>Superseded by A24-16*</i>	A24-15	Technical Assistance	<i>Superseded by A26-16</i>
A23-9	Scholarships and fellowships for basic and advanced training	<i>Superseded by A24-17</i>	A24-16	Funding for Technical Assistance activities	<i>Superseded by A26-17*</i>
A23-10	Aircraft noise and engine emissions from subsonic jet aircraft	<i>Superseded by A31-11*</i>	A24-18	Reaffirmation of resolutions for the encouragement of ratification of and accession to international air law conventions and reporting requirements under Article 11 of The Hague Convention and Article 13 of the Montreal Convention	<i>Consolidated in A26-7*</i>
Noise aspects		<i>Superseded by A28-3*</i>	A24-19	Strengthening of measures to suppress acts of unlawful seizure of aircraft and other unlawful acts against the security of civil aviation	<i>Consolidated in A26-7*</i>
A23-11	Consolidated statement of continuing policies and associated practices related specifically to air navigation	<i>Superseded by A24-7*</i>			
A23-18	Second Air Transport Conference, Agenda Item 1	<i>Action completed</i>			
A23-21	Encouragement of ratification of and accession to international air law conventions and reporting requirements under Article 11 of The Hague and Article 13 of the Montreal Conventions	<i>Consolidated in A26-7*</i>			

* Also superseded or action completed — see present list.

<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>	<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>
A24-28	Working Capital Fund	<i>Superseded by A26-26*</i>	A27-7	Consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference	<i>Superseded by A29-5*</i>
A26-2	Ratification of ICAO international instruments	<i>Superseded by A27-3*</i>	A27-10	Consolidated statement of continuing policies and associated practices related specifically to air navigation	<i>Superseded by A29-7*</i>
A26-5	Condemnation of the policies of apartheid and racial discrimination of South Africa and measures to be taken in response to the resolutions adopted by the United Nations General Assembly in that regard	<i>Superseded by A27-5**</i>	A27-14	Trade in services	<i>Superseded by A31-12*</i>
A26-7	Consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference	<i>Superseded by A27-7*</i>	A27-15	Tariff enforcement	<i>Superseded by A32-17*</i>
A26-8	Consolidated statement of continuing policies and associated practices related specifically to air navigation	<i>Superseded by A27-10*</i>	A27-16	Computer reservation systems	<i>Superseded by A31-13*</i>
A26-11	Possible restrictions on subsonic jet aircraft which do not meet the requirements in Annex 16	<i>Superseded by A28-3*</i>	A27-25	Working Capital Fund	<i>Superseded by A29-30*</i>
A26-12	The role of ICAO in the suppression of illicit transport of narcotic drugs by air	<i>Superseded by A27-12</i>	A28-3	Possible operating restrictions on subsonic jet aircraft which exceed the noise levels in Volume I, Chapter 3 of Annex 16	<i>Superseded by A31-11*</i>
A26-13	Access to Air Transportation for elderly and disabled persons	<i>Superseded by A32-17*</i>	A29-5	Consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference	<i>Superseded by A31-4*</i>
A26-14	Air transport related activities by other international bodies interested in trade in services	<i>Superseded by A27-14*</i>	A29-7	Consolidated statement of continuing policies and associated practices related specifically to air navigation	<i>Superseded by A31-5*</i>
A26-15	Taxation in the field of international air transport	<i>Superseded by A29-18*</i>	A29-8	The ICAO communications, navigation, surveillance/air traffic management (CNS/ATM) systems	<i>Superseded by A31-6*</i>
A26-16 Clause 7	Technical Assistance	<i>Superseded by A29-20*</i>	A29-9	Harmonization in implementation of CNS/ATM	<i>Superseded by A31-6*</i>
A26-17	Funding for Technical Assistance activities	<i>Superseded by A27-18</i>	A29-12	Environmental impact of civil aviation on upper atmosphere	<i>Superseded by A31-11*</i>
A26-26	Working Capital Fund	<i>Superseded by A27-25*</i>	A29-18	Taxation in the field of international air transport	<i>Superseded by A32-17*</i>
A27-3	Ratification of ICAO international instruments	<i>Superseded by A31-15</i>	A29-20	Transition to a new policy on Technical Co-operation	<i>Superseded by A31-14*</i>
A27-4	Registration of aeronautical agreements and arrangements with ICAO	<i>Superseded by A32-17*</i>	A29-30	Working Capital Fund	<i>Superseded by A31-25*</i>
			A29-31	Arrangements to settle contributions in arrears	<i>Superseded by A31-26*</i>
			A29-34	Appointment of the External Auditor	<i>Superseded by A35-31</i>

* Also superseded or action completed — see present list.

** Rescinded by A31.

<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>	<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>
A31-4	Consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference	<i>Superseded by A32-22*</i>	A32-8	Consolidated statement of continuing ICAO policies and practices related to environmental protection	<i>Superseded by A33-7*</i>
A31-5	Consolidated statement of continuing policies and associated practices related specifically to air navigation	<i>Superseded by A32-14*</i>	A32-9	Preventing the introduction of invasive alien species	<i>Superseded by A33-18*</i>
A31-6	Consolidated statement of continuing ICAO policies and practices related to communications, navigation and surveillance/air traffic management (CNS/ATM) systems	<i>Superseded by A33-15*</i>	A32-10	International assessment criteria and notification of status concerning Year 2000 compliance	<i>Action completed</i>
A31-11	Consolidated statement of continuing ICAO policies and practices related to environmental protection	<i>Superseded by A32-8*</i>	A32-14	Consolidated statement of ICAO continuing policies and associated practices related specifically to air navigation	<i>Superseded by A33-14*</i>
A31-12	Trade in services	<i>Superseded by A32-17*</i>	A32-15	ICAO Global Aviation Safety Plan (GASP)	<i>Superseded by A33-16</i>
A31-13	Computer reservation systems	<i>Superseded by A32-17*</i>	A32-17	Consolidated statement of continuing ICAO policies in the air transport field	<i>Superseded by A33-19*</i>
A31-14	Transition to a new policy on Technical Co-operation	<i>Superseded by A32-21*</i>	A32-18	International cooperation in protecting the security and integrity of passports	<i>Superseded by A33-19*</i>
A31-18	Amendment of the Financial Regulations (Amendment to Articles VI and VII)	<i>Action completed</i>	A32-21	Transition to a new policy on Technical Co-operation	<i>Superseded by A33-21*</i>
A31-19	Amendment of the Financial Regulations (Amendment to Article V)	<i>Action completed</i>	A32-22	Consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference	<i>Superseded by A33-2*</i>
A31-20	Apportionment of expenses of ICAO among Contracting States	<i>Action completed</i>	A32-23	MANPADS Export Control	<i>Superseded by A35-11</i>
A31-21	Assessments to the General Fund for 1996, 1997 and 1998	<i>Action completed</i>	A32-25	Confirmation of Council action in assessing the contributions to the General Fund and determining advances to the Working Capital Fund of States which have adhered to the Convention	<i>Action completed</i>
A31-24	Budgets 1996, 1997 and 1998	<i>Action completed</i>	A32-27	Incentives for the settlement of long outstanding arrears	<i>Superseded by A33-27*</i>
A31-25	Working Capital Fund	<i>Superseded by A32-28*</i>	A32-28	Working Capital Fund	<i>Superseded by A33-28*</i>
A31-26	Arrangements to settle contributions in arrears	<i>Superseded by A32-27*</i>	A32-30	Approval of the accounts of the Organization for the financial years 1995, 1996 and 1997 and examination of the Audit Reports thereon	<i>Action completed</i>
A31-26	Arrangements to settle contributions in arrears	<i>Superseded by A35-26</i>			
A32-5	Fiftieth Anniversary of the ICAO Air Navigation Commission	<i>Action completed</i>			

* Also superseded or action completed — see present list.

Resolutions of the Assembly

<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>	<i>Resolution</i>	<i>Subject</i>	<i>No longer in force because</i>
A32-31	Approval of those financial statements with respect to the United Nations Development Programme administered by ICAO as Executing Agency for the financial years 1995, 1996 and 1997 and examination of the Audit Reports thereon	<i>Action completed</i>	A33-15	Consolidated statement of continuing ICAO policies and practices related to communications, navigation and surveillance/air traffic management (CNS/ATM) systems	<i>Superseded by A35-15</i>
A33-2	Consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference	<i>Superseded by A35-9</i>	A33-18	Preventing the introduction of invasive alien species	<i>Superseded by A35-19</i>
A33-7	Consolidated statement of continuing ICAO policies and practices related to environmental protection	<i>Superseded by A35-5</i>	A33-19	Consolidated statement of continuing ICAO policies in the air transport field	<i>Superseded by A35-18</i>
A33-8	Continuation and expansion of the ICAO Universal Safety Oversight Audit Programme	<i>Superseded by A35-6</i>	A33-21	Update of the new policy on technical cooperation	<i>Superseded by A35-20</i>
A33-10	Establishment of an International Financial Facility for Aviation Safety (IFFAS)	<i>Superseded by A35-8</i>	A33-22	Arrangements for the external audit of Financial Years 2000 and 2001 Accounts	<i>Superseded by A35-31</i>
A33-14	Consolidated statement of ICAO continuing policies and associated practices related specifically to air navigation	<i>Superseded by A35-14</i>	A33-27	Incentives for the settlement of long-outstanding arrears	<i>Superseded by A35-27</i>
			A33-28	Working Capital Fund	<i>Superseded by A35-28</i>

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 and 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 Appendix A of the present document.

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*	A15-4	A16-6*
		A15-5	A16-9* and A16-10
A2-8	A16-14	A15-8,	
A2-13	A16-33	Appendix H	A16-9*
A2-15	A16-29	A15-17	A18-20
A2-22	A16-32*	A15-19	A16-6* and A16-23*
		A15-20	A16-23*
A4-4	A16-14*	A15-21	A16-42*
A4-6	A16-13	A15-23	A16-27 and A16-28
A4-17	A16-33	A15-36	A16-54*
A4-20	A16-6*		
		A16-3	A22-13
A6-2	A16-56*	A16-4	A31-11
		A16-36	A31-15
A7-1	A16-56*	A16-37	A21-9*
A7-6	A31-15	A16-56	A21-10
A8-7	A16-56*	A17-2	A21-9*
		A17-3	A21-9*
A9-6	A16-56*	A17-5	A26-7*
		A17-6	A26-7*
A10-6	A16-6*	A17-7	A26-7*
A10-9	A16-14*	A17-8	A21-9*
A10-33	A16-26	A17-9	A26-7*
A10-35	A16-27, A16-28, A16-29 and A16-30	A17-10	A26-7*
		A17-11	A26-7*
A10-38	A16-34	A17-13	A26-7*
A10-39	A16-36	A17-14	A26-7*
A10-40	A31-15	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
		A18-16	A23-13
A12-23	A16-36	A18-24	A21-33
A12-30	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 Appendix A of the present document.

<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	A28-3	A31-11
A22-13	A31-11		
A22-14, Directive clauses		A29-8	A31-6
1 c) and 3 a) 1) ii)	A31-11	A29-9	A31-6
A22-15	A31-11	A29-12	A31-11
A22-16	A26-7*		
A22-17	A26-7*		
A22-28	A23-13		
A23-10	A31-11		
A23-21	A26-7*		
		* No longer in force. See Appendix A of the present document.	

APPENDIX D

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A32-7 (I-66)
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**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 and A35-4 and Appendix A in the present document.*

In addition to the resolutions listed in this Index, nine other resolutions are also in force but their texts have not been reproduced in this document for the following reasons:

- *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.*
- *A12-35, A14-54, A14-55, A18-27, A21-35 and A24-29: these resolutions govern the Financial Regulations. The current version of these Regulations appears in Doc 7515.*

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