

# ASSEMBLY 37th SESSION

Montréal, 28 September – 8 October 2010

## PLENARY MEETINGS

### Minutes



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

**INTERNATIONAL CIVIL AVIATION ORGANIZATION**



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**INTERNATIONAL CIVIL AVIATION ORGANIZATION**

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SCHEDULE OF ITEMS DISCUSSED BY THE PLENARY MEETINGS

Item	Date and Number of Meetings									
	September					October				
	28 AM 1	28 PM 2	29 AM 3	02 AM 4	05 PM 5	07 AM 6	07 PM 7	08 AM 8	08 PM 9	
1. Opening of the Session by the President of the Council	X									
2. Statements by delegations of Contracting States and of Observers		X	X	X	X	X				
3. Establishment of the Executive and Credentials Committees	X	X				X				
4. Election of the President and Vice-Presidents of the Assembly		X								
5. Adoption of the Agenda	X									
6. Establishment of Commissions, Co-ordinating Committee and election of Chairpersons of Commissions	X	X								
7. Reference of agenda items to the Executive Committee and Commissions and directives concerning coordination of action by those bodies	X									
8. Election of Contracting States to be represented on the Council	X			X	X	X				
9. Reports by Commissions and Committees of the Assembly and action thereon - Administrative Commission - Legal Commission - Technical Commission - Economic Commission - Executive Committee - Credentials Committee						X	X	X	X	
18. Contributions in arrears			X							
Delegation of authority to the President of the Assembly for the approval of outstanding minutes of the Executive Committee and Plenary										X





**Minutes of the First Meeting**  
(Tuesday, 28 September 2010 at 1100 hours)

**SUBJECTS DISCUSSED**

1. Agenda Item 1: Opening of the Session by the President of the Council
  - Address by the Honourable Jean Charest, Premier of Québec
  - Address by Mr. Gérald Tremblay, Mayor of the City of Montréal
  - Address by the Honourable Chuck Strahl, Minister of Transport, Infrastructure and Communities, representing the Government of Canada
2. Agenda Item 5: Adoption of the Agenda
3. Agenda Item 8: Election of Contracting States to be represented on the Council
  - Deadline for notification of candidacies for the first and second parts of the Council election
  - Maximum number of Contracting States to be elected in each part of the election
  - Amendment of Section IX of the Standing Rules of Procedure of the Assembly (Doc 7600)
4. Agenda Item 3: Establishment of the Executive and Credentials Committees
5. Agenda Item 6: Establishment of Commissions, Coordinating Committee and election of Chairpersons of Commissions
  - Establishment of the Technical, Economic, Legal and Administrative Commissions and of the Coordinating Committee
6. Agenda Item 7: Reference of agenda items to the Executive Committee and Commissions and directives concerning coordination of action by those bodies

**SUMMARY OF DISCUSSIONS**

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

1. The President of the Council, Mr. Roberto Kobeh González, as Temporary President of the Assembly, declared the 37th Session of the Assembly open and spoke as follows:

“I have the honour to declare open the 37th Session of the Assembly of the International Civil Aviation Organization. On behalf of the Council of ICAO, the Secretary General, Mr. Raymond Benjamin, and members of this Assembly, I extend a most warm welcome to our three distinguished guests: the Honourable Chuck Strahl, Minister of Transport, Infrastructure and Communities, representing the Government of Canada; the Honourable Jean Charest, the Premier of Québec; and Mr. Gérald Tremblay, Mayor of the City of Montréal.

“Ladies and gentlemen, this Assembly promises to be one of the most significant in years.

“Consider the following:

“Forty years from now, in 2050, there will be nine billion people on the planet, compared to 6.9 billion today. This is according to the United Nations Population Division.

“Significantly, most of this growth will occur in developing countries and will undoubtedly generate a substantial increase in air transport activity.

“Currently, our longest forecast goes to the year 2030 and shows passenger traffic growing at a rate of 4.6 per cent per year. From these figures, we can assume that the number of passengers could more than double to five billion passengers by then, compared to 2.3 billion today, and certainly increase even more by the middle of this century.

“Progressively handling hundreds of millions of additional passengers will require huge investments in new aircraft, airports and air navigation facilities. It will mean training hundreds of thousands of aviation workers to manage and operate extraordinarily complex systems and technologies that have not yet been invented. And it will involve collaborating even more closely — States, industry and, yes, passengers — to maintain the integrity of the global air transport system as it grows to meet ever increasing demand.

“My belief is that over the past three years since our last Assembly in 2007, we have made such progress that our achievements can be considered to have laid the basis for long-term strategies that can significantly impact the safety, security and sustainability of air travel for decades to come. Over the next few minutes, I would like to highlight our most significant accomplishments.

### **Aviation Safety**

“I will begin with safety. When this Assembly met three years ago, the global accident rate was approximately four aircraft accidents per million departures, a remarkable achievement by any measure. The reality was that this rate of accidents had been relatively stable for years. If nothing was undertaken to bring it down, the number of accidents would eventually go up, in line with the coming increase in traffic.

“Another reality was that two regions of the world had an accident rate which exceeded the world average by more than twice, precisely among the regions where the strongest growth in air traffic is expected in the coming years.

“We realized that if we were to bring down both the global and regional accident rates, we would need to think and act differently. And we did!

“At a High-level Safety Conference held this past March at ICAO, we proposed a far-sighted strategy, two years in the making. It was unanimously endorsed by 117 Member States and fully supported by 32 international organizations and industry partners in attendance.

“Five key recommendations of the Conference capture the essence of the new strategy.

“The first recommendation is for States to commit to sharing information regarding the performance of their respective safety oversight systems. This should help States identify deficiencies more quickly and efficiently, and to correct them more effectively by making it easier to allocate resources in a more targeted way.

“The second recommendation supports this concept of transparency with the creation of an international mechanism for the sharing of safety information, based on globally-harmonized safety metrics and analysis methods.

“In just a few minutes, outside this Assembly Hall, this project will come to life with the signing, by ICAO, the Federal Aviation Administration of the United States (FAA), the Commission of the European Union (EC) and the International Air Transport Association (IATA), of a Global Safety Information Exchange.

“Still with the sharing of information, the third recommendation would see the development of a code of conduct to ensure that the sensitive safety information is used only for the purpose of improving the safety of civil aviation. This protection is essential for the required information to flow freely and in a timely fashion, to ICAO and to other organizations involved.

“The fourth recommendation reaffirms the productive role that regional safety oversight organizations can play in improving safety. In many cases, individual States do not possess the resources or the expertise to act alone in resolving safety concerns. Dedicated regional bodies are best suited to coordinate and align multiple safety initiatives by strategically leveraging expertise and resources of States concerned.

“Finally, the fifth recommendation proposed the creation of a new Annex to the Chicago Convention — ICAO’s charter — dedicated to safety management processes. This would reaffirm that safety is ICAO’s primary focus and facilitate the promulgation of Standards and Recommended Practices, absolutely necessary to consistently achieve the highest levels of safety.

“Overall, then, the new safety strategy takes us from a largely reactive model to predictive model, relying on a performance-based and results-oriented approach.

“During this Assembly, you will be invited to review and endorse these and other proposals that will shape the long-term future of ICAO safety programmes.

### **Aviation Security**

“In the field of aviation security, we were similarly aggressive.

“A recent catalyst, although by no means the primary motivator, was the attempted bombing of Northwest Flight 253 on 25 December 2009.

“Within hours, we were in contact with government agencies and industry partners involved. Together, we set the stage for concerted and coordinated action to deal more effectively with terrorist activities.

“In the first half of 2010, four Ministerial-level Regional Aviation Security Conferences were held in Mexico City, Tokyo, Abuja and Abu Dhabi. Similar meetings involving senior State officials were held in Toledo and another with industry in Geneva. Attendees at these meetings reaffirmed the commitment of their countries to fight terrorism and emphasized the need to respond more effectively to new and emerging threats.

“They made recommendations to broaden existing cooperation mechanisms among States and industry; utilize modern technologies to detect prohibited items, while respecting the privacy and safety of individuals; strengthen and promote travel document security; and seek to achieve both a high level of security and the efficient facilitation of passenger travel.

“In March, our Aviation Security Panel produced its own recommendations to strengthen and support the ICAO Aviation Security Programme, including enhancements to international standards and recommended practices.

“Over and above these reactive measures, however, this Assembly will have the opportunity to adopt a proactive Comprehensive Aviation Security Strategy for the next six years, to succeed the Aviation Security Plan of Action that was adopted to deal with events of 11 September 2001.

“This proposed strategy comprises seven focus areas: addressing new and existing threats; promoting innovative, effective and efficient security approaches; promoting the sharing of information amongst Member States; promoting global compliance and establishing the sustainable aviation security oversight capability of States; improving human factors and security culture; promoting the development of mutual recognition for aviation security processes; and emphasizing the importance of security amongst States and stakeholders.

“As we know, aviation security is a moving target. Aircraft and air transport facilities have always been attractive targets to potential terrorists. That is why we must be forever vigilant and sensitive to all forms of new and emerging threats. Even when terrorists don't succeed, they can still destabilize the system and reduce public confidence in air travel. We must not let this happen.

“On September 10 in Beijing, under the auspices of ICAO, a diplomatic conference adopted two international air law instruments for the suppression of unlawful acts relating to civil aviation.

“The treaties further criminalize the act of using civil aircraft as a weapon and of using dangerous materials to attack aircraft or other targets on the ground. The unlawful transport of biological, chemical and nuclear weapons and their related material becomes now punishable and making a threat against civil aviation may also trigger criminal liability. The message is clear — any form of unlawful interference against civil aviation is not tolerable.

## **Environmental Protection**

“Let me now turn to environmental protection, where we also raised the bar on future expectations through our impressive progress.

“A highlight of the triennium was the *Programme of Action on International Aviation and Climate Change* adopted at the High-level meeting of October 2009. States representing 93 per cent of global commercial traffic produced, with the support of industry, the first and to date only globally-harmonized agreement from a sector for addressing its CO<sub>2</sub> emissions. Highlights include:

- 1) a global goal of 2 per cent of annual fuel efficiency improvement up to the year 2050;
- 2) an objective to develop a CO<sub>2</sub> certification standard for aircraft engines;
- 3) development of a framework for market-based measures in international aviation; and
- 4) further elaboration on measures to assist developing States and to facilitate access to financial resources, technology transfer and capacity-building.

“In February 2010, ICAO's Committee on Aviation Environmental Protection (CAEP) committed to a timetable for the CO<sub>2</sub> standard, aiming at 2013. Once adopted, the standard will become the only global fuel efficiency standard for any industry sector.

“CAEP also recommended NO<sub>x</sub> (Nitrogen Oxides) standards up to 15 per cent more stringent than the current levels, applicable to new aircraft engines certified after 31 December 2013.

“Another milestone was the adoption, in November 2009, of a global framework on the development and deployment of sustainable alternative fuels for aviation. Alternative aviation drop-in fuels use existing aircraft and airport infrastructures. They can be produced from a wide variety of feed stocks, enabling many regions to be candidate production locations and placing aviation in a position to be the first sector to be able to use sustainable alternative fuels globally.

“We look to this Assembly to offer guidance to the Organization as it pursues its efforts on three main areas: more ambitious environmental goals; the development and application of a framework of market-based measures; and measures to assist States.

“Moreover, policies and recommendations from this Assembly will form the basis for aviation’s input to the 16th Conference of the Parties (COP16) of the United Nations Framework Convention on Climate Change (UNFCCC) in December 2010, in Mexico.

### **Efficiency**

“Beyond the safety, security and environmental sustainability aspects of aviation, great strides were made for improving the efficiency of air transport operations, in technological and operational terms. This in turn will make it possible to further reduce fuel burn, and hence emissions, lower the risks associated with accidents, and improve customer service.

“One milestone initiative was the convening, for the first time in history, of a Global Air Traffic Management Forum on Civil/Military Cooperation. The objective was to foster awareness among the two airspace users of each other’s needs and constraints, aiming at optimum use of all available airspace for operational requirements of air transportation, national defense and environmental conservation. An action plan was outlined in which ICAO would play a key role as the international platform for progress on civil/military cooperation.

“Efficiency also means reacting quickly to keep aircraft flying safely in times of emergency. Here are two examples among many:

“When the devastating earthquake struck Haiti on 12 January of this year, we immediately sprang into action to ensure the safety of the airspace in and around Haiti, through our Regional Office in Mexico and in cooperation with Member States in the Region. We are now helping with plans for the rehabilitation of the civil aviation infrastructure in the country.

“The eruption of a volcano in Iceland in April was the first time that a volcanic disruption of this magnitude had impacted such densely utilized airspace. Members of the ICAO Council met together with IATA only two days after the eruption to review the situation, while the following day ICAO’s Air Navigation Commission (ANC) considered near-term initiatives to advance the science of aviation safety in airspace contaminated by volcanic ash. ICAO established a new International Volcanic Ash Task Force (IVATF) that is hard at work on a global safety risk management framework associated with volcanic ash events, with the objective to being better prepared for a similar event should it occur.

### **Conclusion**

“So there you have it ladies and gentlemen — a triennium marked by solid achievements and future-oriented policies and programmes, as outlined in the Annual Reports of the Council of the past three years.

“The point is that they all constitute potential building blocks for long-term strategies that can ensure the safe and orderly development of civil aviation for the decades to come. As we move ahead in time, we will need to adjust and modify them, yet they capture the fundamental principles that are essential to safe, secure and sustainable air transport operations, now and in the future.

“If the past three years were the launching pad to 2050, your challenge for the next two weeks is to design and approve the flight plan that will get us to the next stage.

“When you return to Montréal for the 38th Session of the Assembly, I hope that the aviation community will have evolved to the point of being able to say the following:

“In safety, we have made significant progress in diagnosing emerging safety issues, providing regulators and industry parties with the information they need to mitigate safety risks before they result in accidents.

“In security, our actions now reflect the full understanding that, in an aviation security environment that is constantly changing, we must maintain a global aviation security mindset which strives for continuous improvement, supported by determined political will and the full engagement of all States and industry.

“In environmental protection, we have adopted a CO<sub>2</sub> standard for aircraft engines and we are unequivocally committed to reaching goals that are in line with the demands of a society determined to achieve carbon neutrality.

“And finally, that we have definitely set into motion the system and programmes that will promote the highest levels of efficiency in all aspects of international civil aviation for decades to come.

“I thank you for your attention and I wish us all a very successful Assembly.”

***Address by the Honourable Jean Charest, Premier of Québec***

2. “Welcome to Montréal, welcome to Québec, and welcome to Canada. It is with great pleasure that we welcome you to the 37th Session of the ICAO Assembly, and it is with equal pleasure that we participate in its opening ceremony.

“More than a hundred years after its creation, world aviation must deal with the extraordinary effects of its success. It today represents millions of jobs. It is at the centre of economic globalization and is thus particularly exposed to the ups and downs of both the world economy and regional economies as well.

“I would like to underscore that we are extremely proud to host this United Nations organization here in Montreal. The presence of ICAO makes the city the world capital of civil aviation. This status is further consolidated by the presence of the International Air Transport Association (IATA) and the International Business Aviation Council (IBAC). This is also a reflection of our local industry, in which aircraft manufacturing plays a major role: Québec is home to hundreds of companies specializing in the manufacture of aeroplanes, helicopters, engines, aircraft parts, and flight simulators. Not only does our aviation industry employ more than 22 000 people here, but it also employs many other people elsewhere in the world. In 2009 alone, sales totalled \$10.6 billion. Fifty per cent of Canadian aviation industry workers work in Québec and 70 per cent of Canadian aeronautical product deliveries originate in Québec. All this activity takes place in a vast industry where airports have become veritable cities.

“Aviation is an essential link in what has become the world’s main industry: tourism. International civil aviation must thus deal with innumerable elements which either influence it or are part of its environment. The major issues faced by aviation include an increased number of passengers, the proliferation of flight routes, deregulation, competition which has not abated, ever-

unpredictable energy costs, new safety imperatives, and environmental concerns, all of which sets civil aviation apart in a category of its own.

“Civil aviation has ambitious goals for the reduction of greenhouse gas (GHG) emissions, and I was very happy to hear the President of the Council mention this. ICAO has established, *inter alia*, ambitious goals for the reduction of nitrogen oxides, which are commonly known as NO<sub>x</sub>. In addition, more direct and shorter routes and higher-performing engines are being sought in order to reduce aviation’s carbon footprint.

“As civil aviation has become more complex over the past several decades, ICAO’s mandate has grown accordingly. I have noted, as you have, that the *Convention on International Civil Aviation* has shown itself to be a framework sufficiently flexible to enable ICAO to successfully handle its increasingly complex responsibilities. The high degree of professionalism of both the Organization’s management and its personnel, with whom the Government of Québec, as one of ICAO’s host governments, has had the opportunity to work very closely, will, we know, help ensure the soundness and efficiency of the Organization over the years.

“ICAO is the sole global forum capable of bringing all stakeholders — industry, governments, experts from all over the world — to the same table in order to try to resolve the most complex and critical issues confronting civil aviation, no matter how divergent individual interests might sometimes be. I am pleased to note that, in the face of these formidable challenges, ICAO’s presence in Montréal is a positive contribution. Montréal is a francophone city, but it is also a city of diversity, a city where one finds a community capable of expressing itself in the two official languages of Canada, and a city with a multicultural dimension which allows us to communicate in several languages.

“Montréal has five large universities. It also has centres for research and study which deal with the major issues of our time. Moreover, the city has research centres specifically devoted to the field of aeronautics.

“The Government of Québec intends to continue its financial support of ICAO’s Technical Cooperation Bureau. I wish to reaffirm that today. For us, it is a fundamental partnership. We are very proud to have had ICAO among us for the last sixty years and I am very proud to participate, on behalf of all Québécois, in the opening of the 37th Session of the Assembly.”

3. On behalf of the Assembly, the Temporary President expressed its most sincere appreciation to the Government and the people of Québec for the financial and administrative assistance that they had provided to ICAO over the years, most notably in making precious office space available to house its Technical Co-operation Programme. He assured the Premier that that tangible expression of support, coupled with the cordial relations that ICAO continued to enjoy with his officials, would enhance the Organization’s ability to better serve the international aviation community.

***Address by Mr. Gérald Tremblay, Mayor of the City of Montréal***

4. “I am also very happy to warmly welcome you to Montréal on the occasion of your 37th Session of the Assembly of the International Civil Aviation Organization (ICAO).

“Yes, ICAO has been here for sixty years. For us in Montréal, it is a great source of pride. I hope you feel right at home here, in what you can consider your adoptive city. Every three years, Montreal welcomes you and provides an opportunity to debate increasingly important issues. ICAO’s 2010 Assembly is no exception to this rule; we all know that civil aviation is currently confronted with important challenges. I have no doubt that you will find the way to common and internationally applicable solutions, whether in the field of security, safety, or the environment.

“I listened attentively to the President of the Council when he said earlier that there will be a significant increase in the world population by 2050, the total growing from 6.9 billion to 9 billion. I would just remind you that the large majority of these people live in cities. At present, 80 per cent of Canada’s population lives in cities, while 50 per cent of the world’s population lives in cities. It is thus important that our partnerships feature not only action programmes, but also ambitious goals.

“You can count on Montréal as far as the environment is concerned. Ours is a city in the environmental vanguard, where it intends to stay. You will recall that during your last Assembly, in 2007, I discussed the actions taken to reduce Montréal’s greenhouse gas (GHG) emissions, establish an active and responsible public transit policy, and generally secure Montréal’s position at the head of the major world cities applying the principles of sustainable development.

“Since then, in a very important declaration made in the context of the Copenhagen Agreement, the Premier of Québec stated that the goal of the Government of Québec is to reduce GHG emissions by 20 per cent between now and 2020 through the promotion of effective public transit and the establishment of a finance programme including, in particular, an excise tax on gas, which was approved in the last budget. The unflagging will of the Government of Québec is pushed forward by its Premier. This is the first time in Québec that a Premier has very clearly stated, ‘Our goal is a 20 per cent decrease in GHG emissions by 2020; we will achieve this and we will put in place a source of revenue dedicated to this goal.’

“We have here, as you know, the Secretariat of the Convention on Biological Diversity. The City of Montréal is a member of the World Mayors Council on Climate Change, which has now included biodiversity in its agenda. We are privileged in Montréal to have what is now known as the *Quartier de la vie*: our nature museums, namely, the Montréal Botanical Gardens, the second largest in the world after Kew Gardens in England; the Biodome; the Insectarium; and the Planetarium. The critical mass of scientific facilities is such that, with the support of the Government of Québec and the Federal Government, we will be inaugurating, in the coming weeks, the Biodiversity Centre. The Biodiversity Centre is a consortium of Canadian universities and 200 research centres dedicated to the development, innovation, and creation of new medicinal products. Furthermore, at the end of October, we will be attending the meeting of the Conference of the Parties in Nagoya (Japan) to discuss biodiversity, which is extremely important, as it plays a role in climate change. Four world cities will be explicitly advocating biodiversity: Curitiba (Brazil), Bonn (Germany), Nagoya, and Montréal.

“It is from this perspective that I am happy to see ICAO play a major environmental role, overseeing the contribution of civil aviation and working ceaselessly to make improvements, whether through better use of airspace, the use of alternative fuels, or the reduction of noise annoyance.

“ICAO is the oldest international organization in Montréal. The city has always striven to be a loyal partner, supporting the Organization as it grows, and ensuring that its needs are met. This is the reason why ICAO is in the Quartier international. Today, when you leave the Quartier international and head towards the St. Lawrence River, you will see an elevated concrete structure; in a few years, with the assistance of the Government of Québec, we will have transformed the area into the Quartier Bonaventure. We intend to give you green spaces, a view of the river and a distinctive and important gateway to the city in order to complete the work which you began when you chose Montréal to host ICAO. Our intention is to give you a Quartier international which reflects the degree of respect that we have for your Organization. We are particularly aware that, because of your presence and the existence of a well-established centre of world aviation, Montréal is (together with Seattle and Toulouse) a member of a very select group of metropolises able to assemble absolutely any aircraft component, without exception. The city thus brings together all the skills, services, know-how, and training necessary, and this is fundamental as regards the recruitment of personnel in a sector which is to remain on the cutting edge of technology, research and development.

“Montréal’s passion for aviation is not new. At the beginning of the summer, we celebrated the 100th anniversary of the first airplane flight over Montréal. It was a Blériot XI, piloted by Jacques



de Lesseps. In the coming weeks, a replica of this aircraft will be completed, and the Blériot XI will fly over Montréal once again. Our hundred-year aviation history explains why we are proud to have seen Montréal-Trudeau Airport expand, modernize and become more secure in recent years; why we are proud of this spring's inauguration of the much-appreciated 747 express bus between downtown Montréal and the airport; and why we are even prouder of the upcoming opportunity to inaugurate an airport rail shuttle between downtown Montréal and Montréal-Trudeau Airport.

“We are working with airlines more and more to establish direct links with countries around the world. We will inaugurate one of these links, the Montréal-Phoenix route, during the coming weeks. We have had many discussions with China, which now recognizes Montréal as a major tourist destination and which has a consulate here; soon, we hope, there will be direct flights between Shanghai, Beijing and Montréal. I believe that this acknowledges the efforts that we have made vis-à-vis the Montréal Chinese community; more particularly, I believe this also stems from the city's twinning with Shanghai in 1985. With the support of our governments, the Government of Québec, and the Canadian Government, we work with our other partners, Montréal International and the Board of Trade of Metropolitan Montréal. We have had the pleasure of encouraging new international organizations and specialized companies to establish their offices in Montréal in recent years. Examples in the domain of aviation alone include the Civil Air Navigation Services Organization (CANSO), Airports Council International (ACI), the COSPAS-SARSAT Programme (International Satellite System for Search and Rescue), and the May 2010 opening of the Société internationale de télécommunications aéronautiques (SITA) Command Centre. That these organizations chose Montréal is tremendously gratifying. They join the ranks of the 65 major international organizations located in Montréal - in Québec, in Canada - and the almost 90 consulates and diplomatic delegations established here. We are now the premier destination in North America for business conferences. Thus, our reputation – so important to this city - as a world-class host continues to grow.

“Mr. Roberto Kobeh González, President of the Council, and Mr. Raymond Benjamin, Secretary General, please know that you can count on your city. I thank you for raising the profile of Montréal through your exemplary partnership. Through you, I would also like to thank the more than 600 internationally recruited public servants and employees of your esteemed organization. Their presence and their work contribute to Montréal's status as cosmopolitan hub of learning. Their actions throughout the world are truly remarkable. Allow me to recall a single recent example, the earthquake in Haiti.

“I was particularly struck by the speed with which ICAO mobilized its resources to reorganize airspace and flights after the catastrophe. Today, on behalf of Montréal's Haitian community, I thank you. We were directly able to appreciate the magnitude of the undertaking because of the strong ties between Montréal and Port-au-Prince and Haiti. ICAO carried out its relief efforts extremely efficiently, as it usually does when coming to the aid of countries in a state of emergency.

“I congratulate and thank you individually and collectively as I wish the 37th Session of the Assembly fruitful discussions and productive efforts. As the President of the Council said, now is the time to make a difference; when you return to Montréal in 2013, the action programme objectives and ambitious goals for society and for the planet will have to have been achieved.

“I wish you a pleasant stay in Montréal. I hope that you have some time to enjoy our city's numerous charms. If you find yourself downtown, you will come across several construction projects which are under way. While they pose somewhat of a temporary inconvenience, their ultimate aim is to beautify the part of Montréal where the Quartier des spectacles is located. A great deal of other work is also being carried out so that when you return to Montréal in three years, you will be able to say, ‘What a beautiful city Montréal is! We love this great metropolis, and we are very happy that, over sixty years ago, ICAO chose to establish its Headquarters here in Montréal, Québec, Canada!’”

5. The Temporary President thanked Mr. Tremblay for his kind words. In also expressing appreciation, on behalf of the Delegates and participants at the Assembly, for the warm hospitality that the City of Montréal had shown to them since their arrival, he underscored that, as the Mayor had mentioned, the cosmopolitan nature of Montréal reflected the many cultures present in the Assembly Hall and went a long way to making everyone feel at home, whether as visitors or permanent residents.

***Address by the Honourable Chuck Strahl, Minister of Transport, Infrastructure and Communities, representing the Government of Canada***

6. “Canada is proud to host the 37th General Assembly of the International Civil Aviation Organization, and I am pleased to welcome everyone to Montréal, to Québec, and to Canada.

“As Minister of Transport, Infrastructure and Communities, I am proud of Canada’s aviation history and its role within this great multilateral organization.

“You will recall that last year we celebrated 100 years of flight in Canada — a proud moment for our country.

“Flight brought Canada to the world, and with it, Canada’s commitment as a global partner. This was reflected in our reconstruction efforts following the Second World War, and the establishment of organizations such as the United Nations and ICAO.

“The desire for collaborative solutions is why Canada was a strong supporter of ICAO when it was founded in 1944.

“We were one of the original 52 Member States and, since then, we’ve had the privilege of being host country to ICAO. It’s a position we look upon with pride.

“Today, Canada’s commitment to ICAO is stronger than ever because today civil aviation faces new challenges.

“The worst economic downturn in recent memory set back the profitability of the aviation sector; the threat of terrorism continues; and expectations are high that international aviation will play its part to combat climate change.

“We are fortunate to have the right leadership for these times. Mr. Raymond Benjamin, the Secretary General of ICAO, has taken office at a time of great change and challenge and has already displayed the energy and values so vital for the work ahead.

“Mr. Roberto Kobeh González, the President of the Council of Permanent Representatives to ICAO, is playing a vital role in seeking consensus and advancing a growing ICAO agenda.

“I would like to take this opportunity to speak briefly about what we’ve achieved together at ICAO in the areas of safety, security and the environment, and the work that lies ahead.

**Safety**

“Aviation safety has been, and always will remain, top priority. Civil aviation has never been safer. The numbers reflect this: as the President already mentioned, the global accident rate is about four accidents per million departures.

“Still, more needs to be done. Canada believes the next step is to make the transition away from an approach where the international community responds to events, to a more proactive one, using models and analysis that can identify emerging safety issues.

“ICAO is the right body to lead this transition and we’ve already seen great progress.

“Earlier this year, ICAO hosted a number of high-level safety conferences. They centered on the development of a Global Aviation Safety Plan which would articulate ICAO’s strategy to guide its global safety initiatives.

“This General Assembly will seek Member States’ commitment to advance the Plan, which will help ensure that ICAO’s safety efforts are coordinated with those of government and industry.

“Canada has also been an active participant in advancing other safety-related measures. This includes support for the evolution of ICAO’s audit program into a Continuous Monitoring Approach.

“Canada sees this shift as fundamental to improving global safety, including through the support offered to Member States in meeting their safety obligations.

“I am proud that Canada has been a leader in the development and advancement of new approaches that have been adopted at ICAO. This includes Safety Management Systems, now a global standard.

“SMS concentrates on the organizational and human factor in aviation incidents. It focuses on making safety a culture and an integral part of the way business is conducted.

“It is a risk-based approach that works and saves lives. Canada recognizes it, industry recognizes it, and the world agrees.

“Canada applauds ICAO’s recent moves to extend the systems approach by mandating Member States to have their own State Safety Program.

“I would like to take this opportunity to acknowledge ICAO’s contribution a few years ago when ICAO experts appeared in front of Canada’s Parliamentary Committees as they considered Canada’s efforts with respect to SMS.

“We will continue our rigorous focus on Safety Management Systems in the years ahead. We will also participate with ICAO and other Member States in such areas as the development of Fatigue Risk Management Systems, and the ongoing development of State Safety Programs.

“Canada is a strong believer in the safety of our civil aviation system. We look forward to working with ICAO Member States to continue strengthening the safety of Canadian and international air travel.

## **Security**

“Safety and security go hand-in-hand, and Canada is determined that civil aviation systems remain safe and secure.

“A secure system is a trusted system, vital for air passengers and the economic health of all nations.

“It should be pointed out that the global air transport system remains secure.

“However, the attempted bombing of Northwest Flight 253 on 25 December last year was a dramatic reminder that civil aviation remains a target. Therefore we must continue to be vigilant.

“The progress of ICAO and its Member States in this area, as seen at recent regional aviation security conferences, has been exemplary.

“Conference recommendations covered areas such as the strengthening of travel document security, the facilitation of passenger travel, and the use of modern technology to detect prohibited items.

“These recommendations complemented and strengthened ICAO’s Aviation Security Panel recommendation to fortify and support the ICAO Aviation Security Programme.

“Canada has been an active participant in this agenda. We were pleased to contribute \$1.5 million to support the building of aviation security capacity in countries where it is most needed. We are also pleased that other Member States are contemplating similar voluntary grants.

“The Assembly is asked to adopt an amended resolution on aviation security policies. It will also be asked to adopt a Comprehensive Aviation Security Strategy for the next six years.

“This strategy will succeed the Aviation Security Plan of Action adopted following the events of 11 September 2001.

“Canada supports ICAO’s work to improve security and has made significant domestic air security investments, such as an investment of nearly \$100 million over five years to strengthen air cargo security and to make it compatible with the systems of key international partners.

“We are also investing \$1.5 billion over five years for the Canadian Air Transport Security Authority to help strengthen our air transportation system against terrorist attacks and enhance the protection of air travellers.

“We are revitalizing our regulatory régime to make our rules more flexible and performance-based. This will help Canada remain aligned with international requirements while strengthening accountability.

“Canada has played, and will continue to play, an active role with partners in supporting the excellent initiatives undertaken by ICAO to strengthen its leadership role in enhancing aviation security in today’s connected world.

“Before leaving the security area, I would like to briefly mention ICAO’s work with respect to the new global *Convention on Compensation for Damage to Third Parties, Resulting from Acts of Unlawful Interference Involving Aircraft*.

“In response to worldwide concerns about the cost of aviation war risk insurance for third parties, the International Conference on Air Law, held at ICAO’s Headquarters, approved the new Convention on 2 May 2009.

“This is yet another example of ICAO’s continued leadership in response to global aviation industry needs.

## **Environment**

“The sustainable development of civil aviation is the third pillar of ICAO’s agenda, together with safety and security.

“While historically ICAO’s work has focused on noise and local air pollutants, it has grown to include greenhouse gases and climate change.

“The progress made has been significant.

“Among ICAO’s accomplishments, I note the Programme of Action on International Aviation and Climate Change, the only globally-harmonized agreement on a framework for addressing CO<sub>2</sub> emissions.

“While results are impressive, I believe we can do more — beginning right here at this Assembly. We must build on the momentum that ICAO and its Member States have already made to limit aviation’s environmental impact.

“This includes developing the first-ever CO<sub>2</sub> engine standard, a global framework for market-based measures, and an agreement on more ambitious medium- and long-term goals.

“I am aware that some of these areas remain the subject of active discussions.

“I am aware there are concerns that more ambitious goals may not be feasible and may not be able to accommodate aviation growth, especially in the developing world.

“And I am aware some are concerned that, as Member States make their own decisions with respect to market-based measures, such a piecemeal approach will be difficult for the industry.

“Yet if we are to truly move forward, these concerns must be overcome in this Assembly.

“ICAO’s strength comes from the recognition that multilateral coordination and non-discrimination are essential to the business of international aviation.

“This is as true for the environment as it is for safety and security.

“ICAO was given the mandate to address greenhouse gas emissions from international aviation by the *United Nations Framework Convention on Climate Change*, and expectations are high that ICAO will deliver.

“Canada remains committed to working with all Member States to advance ICAO’s evolving environmental mandate. We will be guided by, and be responsive to, the work being done.

## **Conclusion**

“In each of these areas — safety, security, and the environment — we face numerous challenges. Yet ICAO has a history of meeting great challenges.

“ICAO’s great strength has always been its success as a multilateral body — it has much to show the world with respect to pursuing international goals and achieving them.

“Canada is proud to play a leadership role within ICAO and will remain a strong supporter as, together, we tackle the issues I’ve outlined today.

“I am confident that, at this Assembly, we will continue ICAO’s legacy of building a civil aviation system that is safe, secure and sustainable — an aviation system that brings people together, expands trade and boosts the global economy.

“My best wishes to you for a fruitful session.”

7. In acknowledging the kind words addressed to the Assembly by the Honourable Chuck Strahl, the Temporary President underscored that Canada had always been an exemplary host to ICAO. Canada’s generosity was manifested in the exceptional facilities in which Delegates now found themselves and in its considerable ongoing contributions to the Organization’s progress and activities. In singling out Canada’s leadership role in the development and implementation of ICAO Standards and policies, the Temporary President emphasized that Canada was a shining example of how best to promote the integrity of the global air transport system.

**Agenda Item 5: Adoption of the Agenda**

8. In accordance with Rule 12 of the *Standing Rules of Procedure of the Assembly of the International Civil Aviation Organization* (Doc 7600), the Plenary adopted the Agenda reproduced in WP/1 Revision No. 2.

**Agenda Item 8: Election of Contracting States to be represented on the Council**

***Deadline for notification of candidacies for the first and second parts of the Council election***

9. The Temporary President announced that election to the Council in the first and second parts would be held on Saturday, 2 October 2010, at 0900 hours. The deadline for notification of candidacies, which were to be submitted in writing to the Secretary General, was set for 1230 hours, Thursday, 30 September 2010. Notifications of candidacies for election to the Council in the third part, which would be receivable only after completion of the election in the first and second parts, were to be submitted to the Secretary General during the forty-eight hour period beginning at the close of the meeting on Saturday, 2 October 2010, and ending at that time on Monday, 4 October 2010. The election to the Council in the third part would take place in the afternoon of Tuesday, 5 October 2010.

***Maximum number of Contracting States to be represented on the Council***

10. As recommended by the Council in WP/2, the Assembly established the maximum number of Contracting States to be represented on the Council as follows: Part One - eleven States; Part Two – twelve States; and Part Three - thirteen States.

***Amendment of Section IX of the Standing Rules of Procedure of the Assembly (Doc 7600)***

11. On the basis of a proposal presented by the Council in WP/8 Revised, the Assembly, in accordance with Rule 66 of its Standing Rules of Procedure (Doc 7600), approved, with immediate effect, the amendments to Rules 59 and 60 of Section IX (*Voting on election of the Council*) thereof as set forth in the Appendix to the paper to allow the use of an electronic voting system for Council elections, with the understanding that manual votes would remain as a fall-back option.

**Agenda Item 3: Establishment of the Executive and Credentials Committees**

12. In accordance with Rules 14 and 6 b) of its Standing Rules of Procedure (Doc 7600), the Assembly agreed to the establishment of the Executive and Credentials Committees. The Temporary President requested the Delegations of Cambodia, Kuwait, Panama, Slovakia and Uganda to designate one member of their delegations to sit on the Credentials Committee, which would meet immediately following the close of the Plenary.

**Agenda Item 6: Establishment of Commissions, Coordinating Committee and election of Chairpersons of Commissions*****Establishment of Commissions and Coordinating Committee***

13. The Assembly then established the Technical, Economic, Legal and Administrative Commissions, as well as the Coordinating Committee, in accordance with Rules 14 and 16 of its Standing Rules of Procedure (Doc 7600).

**Agenda Item 7: Reference of agenda items to the Executive Committee and Commissions and directives concerning coordination of action by those bodies**

14. The Plenary assigned the various items in the Agenda as presented in WP/1 Revision No. 2 to the Executive Committee and the Commissions as follows: Items 10 to 22 to the Executive Committee; Items 23 to 46 to the Technical Commission; Items 47 to 54 to the Economic Commission; Items 55 to 62 to the Legal Commission; and Items 63 to 75 to the Administrative Commission.

15. The meeting adjourned at 1230 hours.





**Minutes of the Second Meeting**  
(Tuesday, 28 September 2010 at 1500 hours)

**SUBJECTS DISCUSSED**

1. Agenda Item 3: Establishment of the Executive and Credentials Committees
2. Agenda Item 4: Election of the President and Vice-Presidents of the Assembly
3. Agenda Item 6: Establishment of Commissions, Co-ordinating Committee and election of Chairpersons of Commissions
4. Agenda Item 2: Statements by delegations of Contracting States and of Observers

**SUMMARY OF DISCUSSIONS**

**Agenda Item 3: Establishment of the Executive and Credentials Committees**

*Interim Oral Report of the Credentials Committee*

1. The Chairperson of the Credentials Committee, Mr. A. Martinez (Panama), reported that the Credentials Committee had met after the First Plenary Meeting and had examined the credentials so far received. At the time of the meeting, 152 Contracting States had registered, of which seventy-four had presented credentials in the proper form. Six States had submitted credentials, but had not yet registered. Of the thirty observer delegations registered, twenty-nine had presented proper credentials. Two observer delegations had submitted credentials, but had not yet registered. The Committee recommended that the Assembly urge all States and organizations that had not yet presented proper credentials to do so as soon as possible in order to fully participate in its deliberations and to allow those delegations from Contracting States the right to vote.

2. In the absence of comments, the Plenary approved the Interim Report of the Credentials Committee as presented.

**Agenda Item 4: Election of the President and Vice-Presidents of the Assembly**

3. The Chief Delegate of the United States, seconded by the Chief Delegate of Australia nominated Dr. Harold Demuren, Alternate Chief Delegate of Nigeria, as President of the 37th Session of the Assembly.

4. The nomination was approved by acclamation, whereupon Dr. Demuren was declared elected and was invited to take the chair in the capacity of President.

5. The President thanked the Chief Delegate of the United States for the nomination, the Chief Delegate of Australia for the support, and to the Assembly as a whole for the honour that had

been bestowed upon him. He remarked that the nomination was not only an honour to him, but to Nigeria, which was celebrating its 50th independence anniversary, and to the continent of Africa.

6. The President then invited nominations for the posts of Vice-President and the Chief Delegate of Brazil, seconded by the Chief Delegate of Colombia, proposed the following:

First Vice-President	Mr. C. Radu, Alternate Chief Delegate of Romania
Second Vice-President	Mr. J.T. Pérez, Chief Delegate of the Dominican Republic
Third Vice-President	Mr. V. Okulov, Chief Delegate of the Russian Federation
Fourth Vice-President	Mr. S.M. Al Suwaidi, Delegate of the United Arab Emirates

7. The nominations were accepted by acclamation.

#### **Agenda Item 6: Establishment of Commissions, Co-ordinating Committee and election of Chairpersons of Commissions**

##### *Election of Chairpersons of Commissions*

8. On the nomination of the Chief Delegate of Malaysia, seconded by the Chief Delegate of Canada, the Assembly approved by acclamation the following nominations for Chairpersons of Commissions:

Technical Commission	Mr. S. El Hefny, Chief Delegate of Egypt
Economic Commission	Ms. S. Gehrler, Alternate Chief Delegate of Austria
Legal Commission	Mr. L. Mabaso, Delegate of South Africa
Administrative Commission	Dr. N. Zaidi, Delegate of India

#### **Agenda Item 2: Statements by delegations of Contracting States and of Observers**

9. Statements were presented by the Delegates of Belgium including Mr. S. Kallas, Vice-President of the European Commission (Transport), China, India, the United States including the Honourable Janet Napolitano, Secretary of the Department of Homeland Security, Indonesia, Kenya, Mexico, Nicaragua, Nigeria, Peru, Yemen, Saudi Arabia and Colombia.

10. The meeting adjourned at 1700 hours.

**Minutes of the Third Meeting**  
(Wednesday, 29 September 2010 at 0925 hours)

**SUBJECTS DISCUSSED**

1. Agenda Item 18: Contributions in arrears  
— Approval of the Report from the Executive Committee
2. Agenda Item 2: Statements by delegations of Contracting States and of Observers

**SUMMARY OF DISCUSSIONS**

**Agenda Item 18: Contributions in arrears**

***Approval of the Report from  
the Executive Committee***

1. The President, in his capacity as Chairperson of the Executive Committee, presented the Committee's oral report on its examination of WP/62 Revision No. 1 and Addendum No. 1, which dealt with the financial aspects of the question of contributions in arrears and provided information on the status of contributions in arrears. The working paper also addressed the impact of delays in receipt of contributions, measures in dealing with contributions in arrears and the incentive scheme for the settlement of long-outstanding arrears.
2. In the absence of any comments, the Plenary approved the Executive Committee's oral report and:
  - a) noted the arrears of States as set forth in Appendix A to WP/62 Revision No. 1;
  - b) noted the list of States that had entered into agreements to settle their outstanding assessments over a period of years contained in Appendix B to that paper;
  - c) noted the list of States with voting rights deemed to be suspended, as presented in Appendix C to the paper and updated by Addendum No. 1; and
  - d) approved draft Resolution 18/1 (Discharge by Contracting States of financial obligations to the Organization and action to be taken in the case of their failure to do so) set forth in Appendix D to WP/62 Revision No. 1.
3. The President thanked those Contracting States that had paid their contributions on time and those that were making efforts not to be in arrears by completing arrangements with ICAO to settle their arrears. Those Contracting States that had thus far not paid their arrears or concluded such arrangements for their settlement were urged to do so as early as possible.

**Agenda Item 2:            Statements by delegations of Contracting States and of Observers**

4.            Oral presentations were made by the Chief Delegates of Algeria, Cuba, Japan, Malaysia, Niger, the Russian Federation, Israel, Sudan, the United Arab Emirates, Afghanistan, Argentina, Brazil, Brunei Darussalam, Chad, Egypt, Ethiopia, Ghana, the Gambia, Morocco, Burkina Faso and Namibia.

5.            The meeting adjourned at 1200 hours.

**Minutes of the Fourth Meeting**  
(Saturday, 2 October 2010 at 0900 hours)

**SUBJECTS DISCUSSED**

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

**SUMMARY OF DISCUSSIONS**

**Agenda Item 8: Election of Contracting States to be represented on the Council**

***Parts One and Two of the election***

1. The President announced that the meeting had been called for the purpose of holding the first two parts of the Council election. A37-WP/2 recalled the main features of the previous elections. He referred to: Rules 54 through 61 of the Assembly's Standing Rules of Procedure (Doc 7600) (reproduced in Appendix B to WP/2), which described the procedure under which the election would take place; and to the amendments to Rules 59 and 60 approved by the Plenary during its First Meeting on the basis of a proposal presented by the Council in WP/8 in order to allow the use of an electronic voting system for Council elections, with the understanding that manual votes would remain as a fall-back option. The President also drew attention to the papers presented by the various delegations concerning their candidatures [A37-WPs/115, 120 Revision No. 2 and 307]. The Assembly had already decided at its First Plenary Meeting that 11 States were to be elected under Part One and 12 States under Part Two.

2. The following 163 Contracting States that were eligible to vote in Parts One and Two were provided with the materials necessary to participate in the electronic vote:

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

3. As indicated in the Secretary General's memorandum of 30 September 2010 reporting on the candidatures under the two parts, 11 States were standing for election for 11 seats under Part One and 12 States were standing for 12 seats under Part Two.

4. At the close of the voting session for Part One, 161 Contracting States had cast votes electronically. The minimum number of votes required for election was therefore 81. The President announced the results of the electronic vote as follows:

Australia	145 votes
Brazil	143 votes
Canada	133 votes
China	151 votes
France	139 votes
Germany	153 votes
Italy	146 votes
Japan	153 votes
Russian Federation	145 votes
United Kingdom	134 votes
United States	139 votes

and declared all 11 States elected.

5. The Assembly then proceeded to Part Two of the election. At the close of the voting session, 163 Contracting States had cast votes electronically, with there having been one blank ballot. The minimum number of votes required for election was thus 82.

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

Argentina	131 votes
Belgium	148 votes
Colombia	140 votes
Denmark	144 votes
Egypt	148 votes
India	148 votes
Mexico	143 votes
Nigeria	144 votes
Saudi Arabia	137 votes
Singapore	158 votes
South Africa	148 votes
Spain	148 votes

7. The President declared the above 12 States elected.

8. The President congratulated those States elected to the Council and expressed appreciation to the members of the Secretariat for their assistance in conducting the elections.

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

9. The President announced that Part Three of the election to the Council would be held at the Fifth Plenary Meeting on Tuesday, 5 October 2010, at 1400 hours. In accordance with Rule 58 of the Assembly's Standing Rules of Procedure (Doc 7600), candidatures for Part Three were to be submitted in writing to the Secretary General by 1120 hours on Monday, 4 October 2010.

**Agenda Item 2:            Statements by delegations of Contracting States and of Observers**

10.            Oral presentations were made by the Chief Delegates of the Republic of Korea, Turkey, Trinidad and Tobago, Uganda, Sierra Leone and Saint Lucia.

11.            The meeting adjourned at 1240 hours.



**Minutes of the Fifth Meeting**  
(Tuesday, 5 October 2010 at 1400 hours)

**SUBJECTS DISCUSSED**

1. Agenda Item 8: Election of Contracting States to be represented on the Council
  - Part Three of the election
2. Agenda Item 8: Election of Contracting States to be represented on the Council
  - Paper presented by Saudi Arabia
3. Agenda Item 2: Statements by delegations of Contracting States and of Observers

**SUMMARY OF DISCUSSIONS**

**Agenda Item 8: Election of Contracting States to be represented on the Council**

***Part Three of the election***

1. The President declared that the meeting had been called for the purpose of conducting the election to Part Three of the Council. He drew attention to A37-WPs/2 and 8 Revised and to the papers presented by the various delegations concerning their candidatures (A37-WPs/104, 120 Revision No. 2, 278, 307 and 311). He referred to Rules 55 through 62 of the *Standing Rules of Procedure of the Assembly* (Doc 7600) and specifically to amended Rules 59 and 60 (reproduced in the appendix to WP/8) which allowed the use of an electronic voting system for Council elections with the understanding that manual votes would remain in place as a fall-back option. The Assembly had decided at its First Plenary Meeting that 13 States should be elected under Part Three. In accordance with Rule 58 b), a memorandum dated 4 October 2010 had been issued by the Secretary General, listing the 15 States which had submitted their candidatures.

2. At the invitation of the President, a review of the electronic voting system procedures was provided by the Director of the Bureau of Administration and Services (D/ADB). PIN codes were then distributed, one per delegation, for use with the activated voting tablets and the following 161 Contracting States cast votes, a majority of 81 therefore being required for election.

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

3. Following the computer tally, the President announced the results of the balloting, as follows:

Burkina Faso	129 votes
Cameroon	135 votes
Cuba	143 votes
Guatemala	122 votes
Lebanon	69 votes
Malaysia	137 votes
Morocco	141 votes
Paraguay	122 votes
Peru	107 votes
Republic of Korea	141 votes
Slovenia	135 votes
Swaziland	112 votes
Trinidad and Tobago	62 votes
Uganda	143 votes
United Arab Emirates	146 votes

and declared elected the following 13 States: Burkina Faso, Cameroon, Cuba, Guatemala, Malaysia, Morocco, Paraguay, Peru, Republic of Korea, Slovenia, Swaziland, Uganda and the United Arab Emirates.

4. The President congratulated those States elected to the Council and thanked the Secretariat for their assistance in conducting the elections.

***Paper presented by Saudi Arabia***

5. Consideration of WP/333 (Increasing ICAO Council seats to 39) was carried over to the next meeting.

**Agenda Item 2: Statements by delegations of Contracting States and of Observers**

6. Statements were presented by the Delegates of Cameroon, the United Republic of Tanzania, Georgia, Senegal, Paraguay, Sri Lanka, Nepal, Zimbabwe, Sao Tome and Principe, Eritrea and Saint Vincent and the Grenadines.

7. The meeting adjourned at 1715 hours.



**Minutes of the Sixth Meeting**  
(Thursday, 7 October 2010 at 1030 hours)

**SUBJECTS DISCUSSED**

1. Agenda Item 8: Election of Contracting States to be represented on the Council
  - Paper presented by Saudi Arabia
2. Agenda Item 9: Reports by Commissions and Committees of the Assembly and action thereon
  - Approval of Report from the Legal Commission on the General Section and Agenda Items 55 to 62
  - Approval of Reports from the Economic Commission on the General Section and Items 47 to 54
  - Approval of Reports from the Technical Commission on the General Section and Agenda Items 23 to 46
3. Agenda Item 3: Establishment of the Executive and Credentials Committees
  - Final Report of the Credentials Committee
4. Agenda Item 2: Statements by delegations of Contracting States and of Observers

**SUMMARY OF DISCUSSIONS**

**Agenda Item 8: Election of Contracting States to be represented on the Council**

*Paper presented by Saudi Arabia*

1. The Delegate of Saudi Arabia introduced WP/333, in which his State proposed that the membership of the Council be increased from 36 to 39 in view of the increased number of ICAO Contracting States, the emergence of new regional and sub-regional groups that were not represented on the Council, the growth of international air traffic, the increase in demand for air navigation services and other developments in the field of international civil aviation. The Assembly was invited to refer the proposal to accordingly amend Article 50 a) of the Chicago Convention to the Council, to be handled in accordance with Operative Clause 8 of Assembly Resolution A4-3 (*Policy and programme with respect to the amendment of the Convention*) and the procedure established in Rule 10 d) of the *Standing Rules of Procedure of the Assembly* (Doc 7600).

2. In voicing strong support for the paper and the action proposed, the Delegate of Barbados noted that her State and other States in the Caribbean region admired how the Assembly, carefully and thoughtfully, and as recommended by the Council, had, over the years, increased the size of the membership of the Council from 21 to 36. However, having examined the rotational agreements currently in place for representation on the Council, they considered that there were quite

a number of regions which appeared to have a disproportionate number of seats on the Council. She underscored that 15 Member States of the Caribbean Community (CARICOM) had not thus far had the opportunity of having one seat on the Council which could be rotated among them. While the Caribbean States did not consider that the proposal by Saudi Arabia was directed to a particular region, they believed that it was necessary to bring to the Assembly's attention that it was high time that the 13 States of the English-speaking Caribbean region had access to at least one Council seat which could be rotated among them. They fully supported the action proposed in the executive summary of WP/333.

3. Affirming that the appeal made by the Delegate of Barbados for the necessary representation of the said Caribbean States on the Council should be listened to, the Delegate of Canada indicated that he would be pleased to work with her Delegation to ICAO in order to achieve her stated objective. He emphasized, however, that in light of the historical background regarding the increase in the size of the membership of the Council given in the paper, the best possible result that could be hoped for at the present time would be to refer the issue to the Council as proposed, for the purposes of a constitutional and cost-benefit analysis. The Delegate of Canada underscored that, as the proposal would entail major changes to ICAO's rules and procedures, it would be appropriate for the Council, through its Working Group on Governance (Policy) (WGOG) and its Working Group on Efficiency (WGOE) to be seized with that task and to report thereon to the next ordinary session of the Assembly.

4. In observing that the action proposed in the executive summary of WP/333 was at odds with that proposed in paragraph 4.1 of the paper, the Delegate of the United Kingdom stressed the importance of acknowledging that it was not possible for the Assembly to approve an increase in the size of the Council's membership from 36 to 39 during its current session. Recognizing the concerns expressed by the Delegate of Barbados and noting the comments made by the Delegate of Canada, he indicated that, while the Assembly should agree to refer the issue to the Council, it should do so in more general terms. The Delegate of the United Kingdom therefore suggested that the Assembly request the Council to review the governance of the Organization, including: the possibility of increasing the number of seats on the Council from 36 to 39; the timing and frequency of Assembly sessions; the timing and frequency of Council sessions; and the costs and legal requirements of making such changes. He noted that that would be consistent with the Executive Committee's recommendation to the Plenary, made in its Report on Agenda Item 21 (WP/363) in light of its consideration of WP/305 presented by Saudi Arabia, that the Council be instructed to consider the possibility of holding Assembly sessions every two years and a gradual adoption of a two-year budget for the Organization and to submit a report thereon to the next ordinary session of the Assembly.

5. While recognizing the validity of the comments made by the previous speakers, the Delegate of Kenya maintained that the Assembly should take the action set forth in the executive summary of WP/333 and request the Council to specifically consider the proposal by Saudi Arabia to increase the size of the membership of the Council in order to better represent ICAO Contracting States. He underscored, in this regard, that there had been no increase since 1990, when the number of Council seats had been increased from 33 to 36. The Delegate of Kenya indicated that the Plenary could take separate action on governance-related issues.

6. The Delegate of South Africa concurred that the Plenary should take the action proposed in the executive summary.

7. In fully supporting the paper, the Delegate of Egypt stressed that the issue of increasing the size of the membership of the Council was not a new one; proposals to increase the number of seats on the Council had been presented to previous Assemblies and had been approved. He emphasized that the current proposal by Saudi Arabia was aimed at responding to recent developments in the field of international civil aviation, including the growth of air traffic in certain regions, such as the Middle East region, and at ensuring equitable geographical representation (EGR).

The Delegate of Egypt further underscored that the issue of the frequency of Assembly sessions was being addressed under Agenda Item 21: *Increasing the efficiency and effectiveness of ICAO*.

8. In also endorsing the paper, the Delegate of Lebanon observed that it presented forceful arguments for increasing the number of seats on the Council from 36 to 39 based on the strong growth in air traffic in certain regions and the emergence of new regional and sub-regional groups which had to be taken into account pursuant to the EGR principle, one of the pillars of the Chicago Convention. In noting that the recent Council elections had clearly revealed that there were deficiencies in adhering to that principle, he underscored that some States that should have presented their candidatures under Part One (States of chief importance in air transport) or Part Two (States not otherwise included which make the largest contribution to the provision of facilities for international civil air navigation) of the election had instead presented their candidatures under Part Three (States not otherwise included whose designation would ensure that all the major geographic areas of the world were represented on the Council), in light of the maximum number of seats that had been set by the Plenary for Parts One and Two. Emphasizing that that had deprived the relevant regions of the opportunity of being represented on the Council equitably, the Delegate of Lebanon affirmed that increasing the size of the membership of the Council as proposed would resolve the problem.

9. The Delegate of the United States indicated that his State was unfortunately unable to endorse the proposal to increase the size of the Council's membership. In noting that WP/333 had only recently been circulated, he underscored that many questions remained unanswered. It was not apparent how expanding the Council would improve the efficiency and effectiveness of governance and what the budgetary implications might be. While it was noted that the Council's membership had been expanded previously, the United States considered that the current size and composition was adequate to ensure EGR and that any additional adjustments would more appropriately be done through enhanced internal coordination in the regional groups. Expanding the Council's membership would require an amendment to Article 50 a) of the Chicago Convention, a serious, costly and time-consuming undertaking. The United States could not make such a commitment unless it was persuaded that the safety, security and sustainability of international civil aviation would benefit. The United States endorsed the action proposed by the Delegate of the United Kingdom regarding this issue.

10. Having concluded its consideration of WP/333, the Plenary took the action proposed in the executive summary and referred to the Council the proposal by Saudi Arabia to amend Article 50 a) of the Chicago Convention so as to increase the size of the membership of the Council from 36 to 39, to be handled in accordance with Operative Clause 8 of Assembly Resolution A4-3 and the procedure established in Rule 10 d) of the Standing Rules of Procedure of the Assembly (Doc 7600).

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

***Approval of Report from the Legal Commission on the General Section and Agenda Items 55 to 62***

11. The Delegate of South Africa, Mr. L. Mabaso, speaking as the Chairperson of the Legal Commission, presented the Commission's Report (WP/383) for approval by the Plenary.

12. Referring to the report on Agenda Item 57: *International interests in mobile equipment (aircraft equipment)*, the Delegate of Canada noted that, whereas paragraph 57.2 indicated that one Delegation "considered it essential that the registration and search facilities of the Registry be made available in all official languages of ICAO in order to maximize its usefulness to participants", paragraph 57.3 indicated "however the Registry continues to operate in English given the technical challenges involved". He recalled that his Delegation had, for many years, highlighted the efficient

use of the Organization's six official languages, not just one of those languages and not solely for the purposes of registering international interests in mobile equipment (aircraft equipment). It had done so in order to ensure that the action plan was as general as possible and to enable all States to register their international interests in the official language of their choice. Unfortunately, that was still not possible. In expressing doubt that the reference made in paragraph 57.3 to "technical challenges" was justified, the Delegate of Canada suggested that that sentence be amended by adding a phrase indicating that a concrete effort would be made to achieve the use of the Organization's six official languages. He supported the Commission's Report subject to that change. The Delegate of the Russian Federation endorsed these comments.

13. In noting that his Government also supported the Commission's Report, the Delegate of the United States underscored that it was pleased to have been a sponsor, along with dozens of other delegations, of Assembly Resolution 59/1 (Promotion of the Beijing Convention and the Beijing Protocol of 2010) and Assembly Resolution 60/1 (Promotion of the Montréal Convention of 1999). Although the Consolidated statement of continuing ICAO policies in the legal field, which was renewed at each session of the Assembly, included an extended exposition encouraging States to ratify outstanding air law instruments, his Government and its co-sponsors believed that it was important to draw special attention to those landmark treaties. The Montréal Convention of 1999 ended the chaos that had developed in the field of air carrier liability for passengers since the adoption of the Warsaw Convention in 1929. That unified and updated régime ensured that passengers would be fully, but not unreasonably, compensated in the event of an accident. It permitted victims to bring claims in their own country's courts. It addressed, for the first time, the allocation of liability in a code-share situation, making both the ticketing and the operating carrier liable. It established realistic liability limits for damage caused by the delay, damage or destruction of baggage and cargo and allowed for an efficient documentation system with respect to the carriage of cargo. The Montréal Convention had gained nearly 100 parties since its adoption a little over ten years ago.

14. The Beijing treaties, in contrast, were brand new, just four weeks old. The Convention and Protocol already had 20 and 21 signatures, respectively. Those two treaties formed a broadened and strengthened civil aviation counter-terrorism framework for the 21st century. They required parties to criminalize new and emerging threats to the safety of civil aviation, including using an aircraft as a weapon and organising, directing and financing acts of terrorism. They updated, modernized and expanded provisions on jurisdiction over offenders, attempted offences and contribution and agreement to commit offences. They promoted cooperation between States while emphasizing the human rights and fair treatment of terrorist suspects. Those treaties would replace or amend instruments that had some 180 parties each. The Beijing Convention of 2010 also required States to criminalize the transport of biological, chemical and nuclear weapons and related material. Those provisions reflected the nexus between non-proliferation and terrorism and would strengthen global efforts to ensure that those extraordinarily dangerous materials would not be transported on civil aircraft for illicit purposes.

15. Although the substantial number of parties to the 1999 Montréal Convention and the promising early number of signatures to the 2010 Beijing treaties were a good start, they were just a start. While those instruments represented major achievements by ICAO, in order to be truly effective, they needed to be universally embraced. There were more than 175 States represented at the Assembly. Each Delegation needed to go home and begin the process of acceding to those treaties, if it had not already done so. The Delegate of the United States congratulated the Assembly on adopting the said two important Resolutions and was pleased to have had the opportunity to speak in support of them in the Plenary.

16. The Delegates of Lebanon and South Africa expressed support for the Commission's Report. In so doing, the Delegate of Lebanon suggested that Preambular Clause 1 of Resolutions 59/1 and 60/1 be amended to refer the updated Consolidated statement of continuing ICAO policies in the



legal field (Resolution 61/1) instead of to Resolution A36-26, Appendix C, which Resolution it superseded.

17. In the absence of further comments, the President declared the following Report of the Legal Commission approved and Resolutions as indicated adopted, subject to the amendments recorded in paragraph 16 above:

- WP/383 — General section
- Agenda Item 55: *Annual Reports of the Council to the Assembly for 2007, 2008 and 2009*
  - Agenda Item 56: *Budgets for 2011, 2012 and 2013*
  - Agenda Item 57: *International interests in mobile equipment (aircraft equipment)*
  - Agenda Item 58: *Progress report on the item “Compensation for damage caused by aircraft to third parties arising from acts of unlawful interference or from general risks”*
  - Agenda Item 59: *Acts or offences of concern to the international aviation community and not covered by existing air law instruments*  
(Resolution 59/1)
  - Agenda Item 60: *Work Programme of the Organization in the legal field*  
(Resolution 60/1)
  - Agenda Item 61: *Consolidated statement of continuing ICAO policies in the legal field*  
(Resolution 61/1)

18. The President thanked the Chairperson of the Legal Commission, the First and Second Vice-Chairpersons, Mr. S. Eid (Lebanon) and Mr. S. Clegg (New Zealand), respectively, and the Members of the Commission for their excellent work.

***Approval of Reports from the Economic Commission on the General Section and Agenda Items 47 to 54***

19. The Delegate of Austria, Ms. S. Gehrler, speaking as the Chairperson of the Economic Commission, presented five reports by the Commission [WPs/376, /377, /378, /379 & Corr. No. 1 (French only) and /382] for the Plenary’s approval.

20. Referring to the Commission’s Report on Agenda Item 49: *Liberalization of international air transport services* (WP/377), the Delegate of the United States suggested that the second sentence of paragraph 49.17 be amended by adding the words “and the United States” after the words “European Union”.

21. Subject to this amendment, the President declared the following Reports of the Economic Commission approved and Resolutions as indicated adopted:

- WP/376 — General section
- Agenda Item 47: *Annual Reports of the Council to the Assembly for 2007, 2008 and 2009*
- Agenda Item 48: *Budgets for 2011, 2012 and 2013*
- WP/377 — Agenda Item 49: *Liberalization of international air transport services*
- Agenda Item 50: *Economics of airports and air navigation services*
- WP/378 — Agenda Item 51: *Consolidated statement of continuing ICAO policies in the air transport field*  
(Resolution 51/1)
- WP/382 — Agenda Item 52: *Facilitation*
- WP/379 — Agenda Item 53: *Economic analysis*  
& Corr. No. 1
- (French only) — Agenda Item 54: *Other issues to be considered by the Economic Commission*

22. The President expressed appreciation for the excellent work done by the Chairperson of the Economic Commission, the First and Second Vice-Chairpersons, Mr. S.A.R. Hashem (Saudi Arabia) and Ms. V. Browne (Barbados), respectively, and the Members of the Commission.

***Approval of Reports from the Technical Commission on the General Section and Agenda Items 23 to 46***

23. The Chief Delegate of Egypt, Mr. S. El Hefny, speaking as the Chairperson of the Technical Commission, presented a series of fourteen reports by the Commission [WPs/392, /394 & Corr. Nos. 1 and 2 & Revision No. 1 (French only); /389, /388 Revision No. 1, /395, /386, /385 Revision No. 1, /391, /397, /398, /399, /390, /396 and /400 & Corrigendum No. 1] for approval by the Plenary.

24. The Delegate of Venezuela raised an editorial point regarding the acronym used for State Safety Programme (SSP) in the Spanish version of paragraph 26.4 of the Report on Agenda Item 26: *Safety management and safety data* (WP/389).

25. Drawing attention to the Report on Agenda Item 45: *Next Generation of Aviation Professionals* (WP/399), paragraph 45.7, the Delegate of the United States suggested that the words “should not be limited to the type certificate holder, but should be shared amongst the type certificate holder, the operator” be replaced with the words “belongs to the civil aviation authority” to read “... concern was expressed that the responsibility for oversight of training programmes belongs to the civil aviation authority and the State of the Operator, as specified in Annex 6 — *Operation of Aircraft*”. The Delegate of Poland endorsed this proposal.

26. Referring to the Report on Agenda Item 31: *Comprehensive Regional Implementation Plan for Aviation Safety in Africa* (WP/385 Revision No. 1), the Delegate of South Africa thanked the President of the Council and the Secretary General for their unshaken support of the AFI Comprehensive Implementation Programme (ACIP). He advocated instructing the Council “to ensure a stronger ICAO leadership role in coordinating activities, initiatives and implementation strategies

aimed specifically at implementing priority projects to achieve sustainable improvement of flight safety in the AFI Region and to allocate resources to the relevant Regional Offices accordingly”, as called for in Operative Clause 10 of proposed Resolution 31/1.

27. The Delegates of Uganda, Burkina Faso and Togo fully supported these comments. The Delegate of Burkina Faso encouraged the Council and the Secretariat to go ahead with the ACIP, which was an excellent Programme. While congratulating ICAO on that type of regional approach, the Delegate of Togo emphasized the need to be very careful to avoid duplication between the ACIP and other regional programmes. It was necessary to have clarity in the ACIP and to have the possibility of verifying the application of that and other regional programmes as there were many initiatives aimed at resolving safety-related problems. In underscoring that progress had been made in safety oversight, the Delegate of Togo thanked ICAO for the ACIP, which should be encouraged and continued.

28. The Delegate of Australia suggested that the second sentence of paragraph 46.18 of the Report on Agenda Item 46: *Other issues to be considered by the Technical Commission* (WP/400) be amended to indicate that her State also supported WP/266 (Alternative means of reporting the position of aircraft in distress) presented by the Russian Federation.

29. Referring to paragraph 46.38 of WP/400 relating to WP/135 (The implications of embargo on the purchase of aircraft and spare parts and the use of modern technology negatively impact and threaten aviation safety) presented by his Commission, the Observer from the Arab Civil Aviation Commission (ACAC) expressed dissatisfaction with the last sentence, which indicated that the Technical Commission had noted the information contained in the paper and agreed to refer the delicate embargo issue to the attention of the President of the Council. He underscored that the latter had been aware of the problem for many years. The President of the Assembly assured the Observer from ACAC that the President of the Council would look into the matter and take appropriate action.

30. Drawing attention to the Commission’s Report on Agenda Item 37: *Development of an up-to-date Consolidated statement of continuing ICAO policies and practices related to a global ATM system and communications, navigation and surveillance/air traffic management (CNS/ATM) systems* (WP/398), the Delegate of the Russian Federation suggested that paragraph 37.3 relating to WP/258 presented by his State be amended to reflect that the proposal made in that paper had been supported by the Delegation of Sweden, which had had a very positive experience in the practical deployment of automatic dependent surveillance – broadcast (ADS-B) with an additional VHF Mode 4 data link (VDL-4).

31. Referring to the Report on Agenda Item 43: *Non-chemical disinsection of the aircraft cabin and flight deck for international flights* (WP/396), the Delegate of Australia indicated that his State wished to maintain its reservations concerning non-chemical disinsection of the aircraft cabin and flight deck for international flights (Assembly Resolutions A35-13 and A36-24) by making a reservation to proposed Resolution 43/1. It considered that the limited research on non-chemical methods of disinsection had yet to demonstrate conclusively that they were efficacious. Australia therefore did not support trials of non-chemical disinsection technology over its territory. Australia retained a comprehensive chemical disinsection régime and would continue to do so.

32. Noting that his State likewise had concerns regarding Resolution 43/1, which were recorded in paragraph 43.5 of WP/396, the Delegate of New Zealand also wished to place on record its formal reservation thereto.

33. In the absence of further comments, the President declared the following Reports of the Technical Commission approved and Resolutions as indicated adopted, subject to the aforementioned amendments and reservations:

- WP/392 — General section
- Agenda Item 23: *Annual Reports of the Council to the Assembly for 2007, 2008 and 2009*
- Agenda Item 24: *Budgets for 2011, 2012 and 2013*
- WP/394 & Corr. Nos. 1 and 2 & Rev. No. 1 (French only) — Agenda Item 25: *Follow-up of the High-level Safety Conference (2010)*  
(Resolution 25/1)
- WP/389 — Agenda Item 26: *Safety management and safety data*
- Agenda Item 28: *ICAO Global Aviation Safety Plan (GASP) and Regional Aviation Safety Groups (RASGs)*  
(Resolution 28/1)
- WP/388 Rev. No. 1 — Agenda Item 27: *The protection of certain accident and incident records*  
(Resolutions 27/1 and 27/2)
- WP/395 — Agenda Item 29: *Report on the implementation of the ICAO Universal Safety Oversight Audit Programme (USOAP) under the comprehensive systems approach and Evolution of the ICAO Universal Safety Oversight Audit Programme (USOAP) beyond 2010*  
(Resolution 29/1)
- WP/386 — Agenda Item 30: *Runway safety*  
(Resolution 30/1)
- WP/385 Rev. No. 1 — Agenda Item 31: *Comprehensive Regional Implementation Plan for Aviation Safety in Africa*  
(Resolution 31/1)
- Agenda Item 32: *Regional Safety Oversight Organizations (RSOOs)*  
(Resolution 32/1)
- Agenda Item 33: *Halon replacement*  
(Resolution 33/1)
- WP/391 — Agenda Item 34: *Proficiency in the English language used for radiotelephony communications*  
(Resolution 34/1)

- WP/397 — Agenda Item 35: *The Global Air Traffic Management (ATM) system*
- Agenda Item 36: *NextGen and SESAR as part of the Global ATM system*  
(Resolutions 36/1 and 36/2)
- WP/398 — Agenda Item 37: *Development of an up-to-date consolidated statement of continuing ICAO policies and practices related to a global ATM system and communications, navigation and surveillance/air traffic management (CNS/ATM) systems*
- Agenda Item 44: *Development of an up-to-date consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation*  
(Resolution 44/1)
- WP/399 — Agenda Item 38: *Civil/military cooperation*
- Agenda Item 40: *Electronic Safety Tools*
- Agenda Item 41: *Support of the ICAO policy on radio frequency spectrum matters*
- Agenda Item 45: *Next Generation of Aviation Professionals*
- WP/390 — Agenda Item 39: *Transition from Aeronautical Information Services (AIS) to Aeronautical Information Management (AIM)*
- WP/396 — Agenda Item 42: *Cooperative Arrangement for the Prevention of Spread of Communicable Disease through Air Travel (CAPSCA)*  
(Resolution 42/1)
- Agenda Item 43: *Non-chemical disinsection of the aircraft cabin and flight deck for international flights*  
(Resolution 43/1 with reservations by Australia and New Zealand)
- WP/400 & Corr. No. 1 — Agenda Item 46: *Other issues to be considered by the Technical Commission*

34. The President thanked the Chairperson of the Technical Commission, the First and Second Vice-Chairpersons, Mr. R. Borges Cardoso (Brazil) and Mr. O. Derby (Jamaica), respectively, and the Members of the Commission for the excellent work done.

### **Agenda Item 3: Establishment of the Executive and Credentials Committees**

#### ***Final report of the Credentials Committee***

35. In presenting the final report of the Credentials Committee contained in WP/324, the Chairperson of the Committee, Mr. A.E. Martínez E., the Delegate of Panama, recalled that at the First Plenary Meeting held on 28 September 2010, the Assembly had agreed to the establishment of the Credentials Committee and that the Delegations of Cambodia, Kuwait, Panama, Slovakia and

Uganda had been invited to nominate Members. At its Fourth Meeting, held on 5 October 2010, the Credentials Committee had found that the credentials submitted by 171 Member States and from 32 Observer Delegations had been presented in due and proper form. Credentials had subsequently been received, on 7 October 2010, from another Observer Delegation, bringing the total to 33. Paragraph 5 of the paper was updated accordingly.

36. In the absence of comments, the Plenary approved the final report of the Credentials Committee set forth in WP/324, as updated above. The Chairperson voiced appreciation for the excellent work done by all of the Members of the Credentials Committee.

**Agenda Item 2: Statements by delegations of Contracting States and of Observers**

37. A statement was made by the Chief Delegate of the Russian Federation in response to the oral presentation given earlier (P/5) by the Chief Delegate of Georgia.

38. The meeting adjourned at 1230 hours.

**Minutes of the Seventh Meeting**  
(Thursday, 7 October 2010 at 1400 hours)

**SUBJECTS DISCUSSED**

1. Agenda Item 9: Reports by Commissions and Committees of the Assembly and action thereon
  - Approval of Reports from the Executive Committee on General Section and Item 10; Item 11; Item 12; Items 13, 14 and 15; Item 16; Items 19 and 20; Items 21 and 22
  - Approval of Report from the Administrative Commission on General Section and Items 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74 and 75

**SUMMARY OF DISCUSSIONS**

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

***Approval of Reports from the Executive Committee on General Section and Item 10; Item 11; Item 12; Items 13, 14 and 15; Item 16; Items 19 and 20; and Items 21 and 22***

1. The President informed the Plenary that the Report on Agenda Item 17 — *Environmental protection* and approval of text for the Report of the Executive Committee on Agenda Item 17 (*Section on Climate Change*) contained in WPs/361 and 402, respectively, would be presented at the next plenary meeting as work continued on finalizing draft Resolution 17/2: *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*. He then invited the Secretary General to introduce a series of seven reports from the Executive Committee for consideration by the Plenary.

2. Referring to Agenda Item 11 — *Technical cooperation — Activities and policy on technical cooperation during the period 2007 – 2009* in WP/357, the Delegate of Colombia proposed an editorial amendment in the seventh line of paragraph 11.10 to replace “independent mechanism or” with “independent evaluation mechanism and”.

3. The following Reports of the Executive Committee were approved and the Resolutions as indicated adopted subject to the aforementioned amendment:

- |        |   |
|--------|---|
| WP/364 | <ul style="list-style-type: none"> <li>— General Section</li> <li>— Agenda Item 10: <i>Annual Reports of the Council to the Assembly for 2007, 2008 and 2009</i></li> </ul>     |
| WP/357 | <ul style="list-style-type: none"> <li>— Agenda Item 11: <i>Technical cooperation — Activities and policy on technical cooperation during the period 2007 – 2009</i></li> </ul> |

- WP/358 — Agenda Item 12: *International Financial Facility for Aviation Safety (IFFAS)*
- WP/359 — Agenda Item 13: *Security Policy*  
(Resolution 13/1)
- Agenda Item 14: *Universal Security Audit Programme (USAP)*  
(Resolution 13/1, Appendix E)
- Agenda Item 15: *Implementation Support and Development (ISD)*
- WP/360 — Agenda Item 16: *Cooperation with regional bodies*  
(Resolution 16/1)
- WP/362 — Agenda Item 19: *Human Resources management*
- Agenda Item 20: *ICAO workforce*
- WP/363 — Agenda Item 21: *Increasing the efficiency and effectiveness of ICAO*
- Agenda Item 22: *Other high level policy issues to be considered by the Executive Committee*  
(Resolution 22/1)

***Approval of Report from the Administrative Commission on General Section and Items 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74 and 75***

4. The Delegate of India, Dr. N. Zaidi, speaking as Chairperson of the Administrative Commission, presented a report by that Commission for approval by the Plenary.

5. In endorsing the report, the Delegate of India, supported by the Delegate of Uganda, commended the President, the Secretary General and members of the Administrative Commission for the efficient manner in which they had conducted the work of the Commission.

6. The following Report of the Administrative Commission was approved and the Resolutions as indicated were adopted:

- WP/375 — General Section
- Agenda Item 63: *Annual Reports of the Council to the Assembly for 2007, 2008 and 2009*
- Agenda Item 64: *Budgets for 2011, 2012 and 2013*  
(Resolution 64/1)
- Agenda Item 65: *Confirmation of Council action in assessing the contributions to the General Fund and determining advances to the Working Capital Fund of States which have adhered to the Convention*



- Agenda Item 66: *Arrears of contributions of the former Socialist Federal Republic of Yugoslavia*
- Agenda Item 67: *Contribution in arrears*  
(Resolution 18/1)
- Agenda Item 68: *Assessments to the General Fund for 2011, 2012 and 2013* (Resolution 68/1)
- Agenda Item 69: *Report on the Working Capital Fund*  
(Resolution 69/1)
- Agenda Item 70: *Disposition of cash surplus*
- Agenda Item 71: *Amendment of the Financial Regulations*  
(Resolution 71/1)
- Agenda Item 72: *Review of expenditures, approval of accounts and examination of Audit Reports for the financial years 2007, 2008 and 2009*  
(Resolution 72/1)
- Agenda Item 73: *Appointment of External Auditor*  
(Resolution 73/1)
- Agenda Item 74: *Report on the Use of the Information and Communication Technology (ICT) Fund*
- Agenda Item 75: *Other issues to be considered by the Administrative Commission*  
(Resolution 75/1)

7. The Chairperson of the Administrative Commission thanked the members of the Administrative Commission and the First and Second Vice-Chairpersons, Mr. P. Pape of France and Ms. D. Jimenez of Mexico, respectively, as well as the Secretariat for its work in support of the Commission. The President also expressed his appreciation for the Commission's work.

8. In thanking the Plenary for adopting a budget that would allow the Organization to implement an ambitious work programme, the Secretary General pledged that it would be used as efficiently and transparently as possible.

9. The meeting adjourned at 1445 hours.



**Minutes of the Eighth Meeting**  
(Friday, 8 October 2010 at 1145 hours)

**SUBJECTS DISCUSSED**

1. Agenda Item 9: Reports by Commissions and Committees of the Assembly and action thereon
  - Approval of Report from the Executive Committee on Agenda Item 17  
(Section on General provisions, noise and local air quality)

**SUMMARY OF DISCUSSIONS**

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

*Approval of Report from the Executive Committee on Agenda Item 17  
(Section on General provisions, noise and local air quality)*

1. The Plenary reviewed and approved, without comment, the Report of the Executive Committee on Agenda Item 17: Environmental protection (Section on General provisions, noise and local air quality) contained in WP/361 and adopted Resolution 17/1 (*Consolidated statement of continuing ICAO policies and practices related to environmental protection – General provisions, noise and local air quality*).
2. The President declared the meeting adjourned at 1155 hours in order to continue working in an Executive Committee meeting.



**Minutes of the Ninth Meeting**  
(Friday, 8 October 2010 at 1515 hours)

**SUBJECTS DISCUSSED**

1. Agenda Item 9: Reports by Commissions and Committees of the Assembly and action thereon
  - Approval of Report from the Executive Committee on Item 17  
(*Section on Climate Change*)
2. Delegation of authority for approval of minutes
3. Vote of Thanks

**SUMMARY OF DISCUSSIONS**

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

***Approval of Report from the Executive Committee  
on Item 17 (Section on Climate Change)***

1. The President, speaking as the Chairperson of the Executive Committee, presented WP/402 covering the Committee's Report on Agenda Item 17 — *Environmental protection (Section on Climate Change)*.
2. Noting the reservations expressed during the Executive Committee's deliberations on the issues covered in Operative Clauses 6, 14, 15 and 16 of Resolution 17/2, and recognizing that further work would be required by the Council to resolve those concerns, the Plenary then proceeded to consider the Resolution.
3. On the understanding that the Council would be very cautious in its review of the unresolved items, the Delegate of Mexico supported the proposal as did the Delegates of Togo and Nigeria with a further request by the Delegate of Nigeria that the Council note that Resolution 17/2 was a carefully considered document that sought to balance the effect of the individual items. Taking into account the hard work and flexibility involved to produce the text of the Resolution, in the spirit of cooperation, the Delegate of Japan could also accept the proposal with a reservation on Operative Clause 6 c).
4. The Delegate of the Russian Federation, recalling his reservations on Resolution 17/2 (EX/7), felt that as the non discrimination principle had been removed from the Resolution, the market-based measures were distorted, and therefore urged all Contracting States from unilateral implementation of these measures. The Russian Federation would refrain from implementation of the *de minimis* principle, Operative Clauses 12 and 15 of Resolution 17/2 until such time that ICAO developed a consensual concept for the application of the principle.
5. Although in support of Resolution 17/2, the Delegate of the United Arab Emirates registered a reservation on Operative Clause 15 as he believed it diverged from the Chicago Convention.

6. The Delegate of Belgium, on behalf of the 44 Member States of the EU and the other States Members of ECAC, made the following statement of reservation regarding Resolution 17/2: The said States welcomed the progress achieved during the 37th Session of the Assembly in order to address within ICAO the issues relating to international aviation and climate change. The said States had worked constructively throughout the Assembly tabling proposals with a view to achieving a successful and ambitious outcome which would allow aviation to play its full part in the effort to tackle climate change.

7. The said States, recognizing the progress made at the Assembly, supported stronger global goals of much greater ambition and were taking more ambitious action prior to 2020 as their contribution to the collective effort. Allowing aviation emissions to peak only in 2020 would result in ten years of considerable growth in emissions and would not see aviation contributing equally to attaining the maximum 2 degree centigrade temperature rise which would require global emissions to peak well in advance of 2020. Accordingly, the EU advocated that the global reduction target for GHG emissions from international aviation should be a 10 per cent reduction by 2020 compared to 2005 levels. Nevertheless, recognizing the compromises made and discussions to come in the Council, they could support the Resolution.

8. In relation to MBM in Operative Clause 14 of the Resolution, the EU emphasized that its emissions trading system allowed it to take into account measures adopted by third countries in relation to incoming flights with a view to exempting them from the system following consultations with these States, and was ready to engage constructively in such consultations.

9. With regard to the *de minimis* provisions applicable to MBM in Operative Clauses 15 and 17, the EU drew the attention of the Assembly to the fact that its ETS contained such provisions in relation to aircraft operators. Modification of the scope of these provisions would require an amendment of the EU's legislation. More generally, in relation to MBM, and in particular to taxation, it was important to emphasize that this was a prerogative related to the physical sovereignty of States. On that basis, the said States would enter a reservation on Operative Clauses 6, 14, 15 and 17.

10. Europe wanted to send a message to the rest of the world; it was true that only a first step was being taken, but it was extremely significant because it represented the first global sectoral approach to develop, with the valuable support of industry, an action plan for the coming years. Europe was committed to making an effective contribution to the collective effort and welcomed the contribution of all nations to succeed.

11. In opposition to Resolution 17/2, the Delegate of China entered a formal reserve on Operative Clauses 6, 14 and 15 and made the following statement: International aviation in developing countries was still at a developmental stage and it would be impossible for them to achieve carbon neutral growth by 2020. It was both unfair and unrealistic to ask them to do so. Climate change was the result mainly of the developed countries long-term emissions and historic emissions plus the current high per capita emissions. Developed countries should abide by the position of the UNFCCC and the Kyoto Protocol and take the lead in reducing their GHG emissions including emissions from international aviation. Developed countries must achieve carbon neutral growth by 2020.

12. It was regrettable that the developed countries were still not willing to commit to their responsibilities in Operative Clause 6. The appropriate wording should have been "developed countries", but the developed countries only agreed to the ambiguous and vague expression or wording of "some States". To achieve clarity, the Chinese Delegation maintained that the reference in Operative Clause 6 c) to "some States" was a reference to developed countries. Therefore, the developed countries should take more ambitious measures and actions immediately and substantially reduce their emissions from international aviation in order to offset an increase in emissions by the

growth of international aviation in the developing countries. Only by doing so could the carbon neutral growth be achieved for global international aviation.

13. With regard to the issue of the *de minimis* threshold in Operative Clause 15, the Chinese Delegation held that this should not be applied to developed countries and that ICAO should urge States, particularly the developed States, to take specific measures to implement the *de minimis* provisions so as to ensure the benefits truly assisted those developing countries that they were intended for instead of throwing an empty promise again at developing countries.

14. With regard to the issue of MBM in Operative Clause 14 of the Resolution, the Chinese Delegation maintained that any such measures must be implemented on the basis of the agreements reached among the parties concerned.

15. In the absence of further comments, the President expressed appreciation to all Delegations for their cooperation, hard work and dedication to overcome all difficulties on this item and declared the text of the Committee's Report on climate change approved and Resolution 17/2 adopted subject to the aforementioned reservations.

#### ***Delegation of authority for approval of minutes***

16. The Plenary delegated to the President authority to approve on behalf of the Assembly the outstanding minutes of the 37th Session of the Assembly.

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

17. The Delegate of Mexico expressed his appreciation for the excellent work of the Secretariat which had facilitated the significant outcome of the meeting. He praised the Secretary General for his effective leadership in the successful policy direction of ICAO which was a benefit to the safety and security of international aviation. He also thanked all Delegations for their cooperation in helping to achieve success on many difficult issues.

18. The Secretary General thanked the Delegate of Mexico for his kind words. He congratulated all Delegations for their significant support towards the three Strategic Objectives of safety, security and environmental protection and believed that the remarkable efficiency with which items were considered demonstrated the excellent collaboration between Chairpersons of Committees and Commissions, Delegates and the Secretariat in the proceedings of the Assembly. He thanked the Assembly for the approval of a realistic budget and corresponding work programme and he also took the opportunity to thank those Member States who had provided voluntary contributions and secondments to support specific programmes and projects. The Secretary General noted that another dimension of the Assembly had been the strengthening of collaboration with regions and industry through the conclusion of memoranda of cooperation. He was of the opinion that it had truly been an Assembly of firsts with a record number of participants and working papers, which clearly indicated the relevance and pertinence of the Organization, and the media coverage had surpassed that of any previous Assembly which allowed for effective broadcast of its achievements.

19. The Delegate of Singapore, expressing the sentiments of all Delegates, congratulated the President on his excellent stewardship of the 37th Session of the Assembly. With his patience, humility and dedication, even in very trying times, the Assembly and its various bodies had worked in a spirit of friendship and cooperation to reach consensus on most issues, and the significant progress that had been achieved by the Assembly in many important areas was testimony to his leadership and commitment to international civil aviation.

20. The President of the Assembly thanked the Delegate of Singapore for his kind remarks and extended his appreciation to the Commission Chairpersons for their ability to preside over discussions that covered a wide range of issues of vital importance to international civil aviation. He was grateful to the President of the Council, the Secretary General and the Secretary of the Executive Committee for their timely advice and generous support throughout the Assembly. He thanked Delegates for their enthusiasm, understanding and determination which resulted in a productive Assembly. To conclude, he thanked the Government of Canada, the province of Quebec and the city of Montréal for their support and hospitality to ICAO during the meeting and over the years.

21. The President of the Assembly declared the 37th Session of the Assembly of ICAO closed and the meeting ended at 1600 hours.

— END —





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