

Doc 7559/11



Rules of Procedure for the Council

Approved by the Council and
published by its decision

Eleventh Edition — 2022

International Civil Aviation Organization

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Published in separate English, Arabic, Chinese, French, Russian
and Spanish editions by the
INTERNATIONAL CIVIL AVIATION ORGANIZATION
999 Robert-Bourassa Boulevard, Montréal, Quebec, Canada H3C 5H7

For ordering information and for a complete listing of sales agents
and booksellers, please go to the ICAO website at www.icao.int

Eighth Edition, 2007
Ninth Edition, 2013
Tenth Edition, 2014
Eleventh Edition, 2022

Doc 7559, *Rules of Procedure for the Council*

Order Number: 7559

ISBN 978-92-9265-587-7 (print version)

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RULES OF PROCEDURE FOR THE COUNCIL*

PRELIMINARY SECTION

DEFINITIONS

For the purpose of these Rules, the expression:

Alternate — means a person designated and authorized by a Member of the Council to act on its behalf in the absence** of the Representative, and holding credentials as evidence thereof.

Convention — means the Convention on International Civil Aviation.

Majority of the Members of the Council — means more than half of the total membership of the Council.

Meeting — means a single sitting of the Council from the time the Council comes to order until it adjourns.

Member of the Council — means a Contracting State elected by the Assembly to form part of the Council in accordance with Article 50 of the Convention.

* Revised on 28 November 1969, entered into force on 27 April 1970; amended by the Council on 12 May 1971 (Rule 50), 17 March 1976 (Rules 56 and 57), 13 April 1976 (Rule 16 a)), 12 September 1980 (Rule 56), 9 June 1999 (Rule 56), 9 June 2006 (entered into force on 1 August 2006), 16 March 2007, 20 June 2013 (Rule 12), 7 June 2021 (Rules 26, 57 and Appendix J), 26 April 2021 (Appendices G, H and I), 13 September 2021 (Rule 17), 25 October 2021 (Definitions, Rules 4, 7, 9, 11, 15, 19, 20, 31, 34, 35, 39, 49, 53, 54 and Appendix E) and 13 December 2021 (Appendices G and H).

** This does not require the Representative to leave the room in the case of a Council meeting.

Observer — means a person representing a Contracting State not represented on the Council, a non-Contracting State, an inter-national organization or other body, designated and authorized by the State or organization to participate in one or more of the meetings of the Council without the right to vote or to move or second motions or amendments, under such further conditions as the Council may determine and holding credentials as evidence of appointment.

Order of business — means a list of items of business for consideration at one meeting.

President — means the President of the Council.

Representative — means a person designated and authorized by a Member of the Council to act on the Council, and holding credentials as evidence thereof.

Secret Ballot — means a ballot where the marking of the ballot paper by a Representative takes place in private and cannot be overseen by any person other than the Representative's Alternate. All ballot papers distributed should be exactly alike so that it cannot be determined how any one Representative voted.

Work Programme — means the list of items to be considered during a session of the Council.

Working Day — means a weekday on which the Organization conducts business at Headquarters and does not observe a public holiday.

Working paper — means a paper proposing Action by the Council.

SECTION I

REPRESENTATIVES, ALTERNATES AND OBSERVERS, AND THEIR CREDENTIALS

Rule 1

Each Member of the Council shall have one Representative, whose place may be taken by an Alternate. No person may represent more than one State.

Rule 2

Credentials of Representatives, of their Alternates and of Observers shall be signed on behalf of the State, organization or body concerned and indicate the capacity in which the individual is to serve, and shall be deposited with the Secretary General.

Rule 3

The credentials shall be examined by the President, one of the Vice-Presidents and the Secretary General, who shall report to the Council.

Rule 4

Representatives, Alternates or Observers shall be entitled, pending the presentation of the reports on their credentials and Council action thereon, to attend meetings and to participate in them subject, however, to the limits set forth in these Rules. The Council may bar from any further part in the activities of the Council, Commissions, Committees and Working Groups any Representative, Alternate or Observer whose credentials it finds to be insufficient.

SECTION II

OFFICERS OF THE COUNCIL AND THE SECRETARY GENERAL

Rule 5

The Council shall elect its President for a term of three years, the exact dates of commencement and termination of which will be determined by the Council. Candidates shall be nominated by Contracting States. The rules and procedures governing the election of the President are set out in Appendix A.

Rule 6

The President of the Council may be removed from office at any time by a decision of the Council taken by a majority of its Members, provided that the motion for that purpose is introduced in writing and is moved jointly by not less than one third of the Members of the Council. Upon the introduction of such a motion, the meeting shall be adjourned. As soon as practicable thereafter, a meeting to consider the motion shall be called by the Vice-President entitled to act under Rule 10. Pending the decision of the Council, the President shall refrain from carrying out the normal functions of the President.

Rule 7

In the event of the President's death, removal from office, or resignation, or if the President is otherwise unable to complete the term of office, a new President shall be elected by the Council as soon as possible thereafter and the latter shall hold office for the remainder of the term of the President's predecessor. If the President gives prior notice of resignation, the election shall be held on a date to be decided by the Council, if possible before the resignation takes effect.

Rule 8

The Council shall elect from among Representatives a First, a Second and a Third Vice-President. Candidates shall be nominated by one or more Council Members. The rules set out in Appendix B shall govern the election of each Vice-President.

Rule 9

The term of office of a Vice-President shall extend for one year from the date of the election, but the Vice-President may continue to hold office thereafter until a successor is elected, provided that the term of office shall not extend beyond the end of the term of the Council unless the State which the Vice-President represents continues to be a Member of the Council.

Rule 10

In the absence of the President, the First Vice-President, the Second Vice-President or the Third Vice-President in that order shall exercise the functions vested in the President by these Rules of Procedure.

Rule 11

A Vice-President when acting in the absence of the President shall retain the right to vote.

Rule 12

The Council shall appoint the Secretary General for a term of three years. Candidates shall be nominated by Contracting States. A Secretary General who has served for two terms shall not be appointed for a third term. The rules and procedures governing the appointment of the Secretary General are set out in Appendix C.

Rule 13

The Secretary General of the Organization shall be the Secretary of the Council.

Rule 14

The Secretary General may be removed from office by a decision of the Council taken by a majority of its Members, provided that the motion for that purpose is introduced in writing and is moved jointly by not less than one third of the Members of the Council. As soon as practicable thereafter, a meeting to consider the motion shall be called by the President. Pending the decision of the Council, the Secretary General shall refrain from carrying out the normal functions of the Secretary General.

Rule 15

In the event of the Secretary General's death, removal from office, or resignation, or if the Secretary General is otherwise unable to complete the term of office, the Council shall, notwithstanding the procedure in Appendix C, draw up an appropriate timetable for appointing a successor. If the Secretary General gives prior notice of resignation, the appointment shall be held on a date to be decided by the Council, if possible before the resignation takes effect.

SECTION III

**COMMISSIONS, COMMITTEES AND
WORKING GROUPS OF THE COUNCIL**

Rule 16

- a) The Council shall appoint the Members of the Air Navigation Commission from candidates nominated by Contracting States. Such appointment shall be for a term of three years, or for the remainder of the term of a predecessor.

- b) The Council may appoint Alternates to act in the absence of a member of the Air Navigation Commission.
- c) The Council shall appoint the President of the Air Navigation Commission in accordance with the Guidelines set out in paragraph 4 of Appendix D.
- d) The rules and procedures governing the appointment of the Members, Alternates and President of the Air Navigation Commission are set out in Appendix D.

Rule 17

- a) In addition to the Air Navigation Commission, the Air Transport Committee and the Finance Committee, the Council may establish other Commissions, Committees or Working Groups, either Standing or Temporary. The Council shall appoint the Members and Alternates of standing bodies and shall specify at the time of establishing such bodies whether the body shall also elect its own Chairperson. Standing bodies shall elect their own Vice-Chairpersons.
- b) The Council may appoint an Alternate who may act and vote on behalf of a Member of the Standing Commission, Committee or Working Group who is absent or who is discharging the functions of Chairperson.
- c) The rules and procedures for cases where the Council elects the Members, Alternates and Chairpersons of Commissions (other than the Air Navigation Commission), Committees and Working Groups are set out in Appendix E.
- d) The temporary bodies mentioned in paragraph a) shall elect their own officers, unless the Council decides otherwise.
- e) The method of selection, terms of reference and working methods of Temporary Commissions, Committees or Working Groups shall be determined by the Council in each case.

SECTION IV

SESSIONS OF THE COUNCIL

Rule 18

The Council shall meet at such times and for such periods as it deems necessary for the proper discharge of its responsibilities. The Council shall determine the dates of the opening and termination of each session.

Rule 19

- a) Between two consecutive sessions of the Council, at the President's initiative or at the request of a Contracting State, after consulting the Members of the Council and with the approval of the majority of the Members of the Council, the President shall call an extra-ordinary session or change the date which the Council has set for the opening of the next session. No such action shall result in a Council Meeting being held on less than seven days' notice.
- b) When the President considers that the urgency of a situation so warrants, the President may, after consultation with the most senior Vice-President available, convene a special session of the Council provided that no less than 48 hours' notice is given.

Rule 20

If a part of a Council session is devoted primarily to Committee meetings, the President may, when considered necessary, call Council meetings. No such meetings shall be called on less than 48 hours' notice without the approval of the majority of the Council.

Rule 21

The Council shall meet at the seat of the Organization unless the Council decides that a particular session or meeting shall take place elsewhere.

SECTION V

WORK PROGRAMME AND ORDER OF BUSINESS

Rule 22

A Provisional Work Programme of each session of the Council shall be prepared by the Secretary General after consultation with the President and presented to the Council for approval. The presentation to the Council should normally, and wherever practicable, be made during the preceding session. The Council should indicate the priority which it attaches to the consideration of the various items in the Provisional Work Programme.

Rule 23

In preparing the Provisional Work Programme, the Secretary General shall include therein:

- a) subjects which require consideration by the Council by virtue of provisions of the Convention or other international agreement;
- b) subjects to be considered by virtue of decisions of the Assembly or decisions taken by the Council at a previous session;
- c) reports presented or references made to the Council by bodies of the Organization or other international bodies;
- d) any subject proposed by a Member of the Council and transmitted directly to the President or the Secretary General;
- e) any subject referred by a Contracting State for consideration by the Council;
- f) any subject which the President or the Secretary General desires to bring before the Council;

- g) a report on action carried out to implement the decisions of the Council taken at its previous session;
- h) a report on the financial situation of the Organization; and
- i) a report on the progress made by the Organization towards its strategic objectives and the objectives of the Business Plan.

Rule 24

- a) Supplementary items may be placed on the Work Programme during a session at the request of any Member of the Council, or of the President or the Secretary General, subject to the approval of the Council.
- b) Any additional subject which fulfils the conditions specified in Rule 26, paragraph d), shall be deemed to be included in the Work Programme of the session concerned.
- c) Supplements to the Work Programme should be issued by the Secretary General showing results of the application of paragraphs a) and b) of this Rule.

Rule 25

The Order of Business for each meeting shall be prepared by the Secretary General and approved by the President.

Rule 26

- a) The Order of Business shall be distributed to all Representatives at least two working days before the meeting of the Council.
- b) All documents listed in the Order of Business shall be distributed to all Representatives in advance of the meeting of the Council to which the Order of Business relates as follows:

- i) for working papers containing proposals for adopting or amending the Annexes under Article 90 of the Convention — at least ten working days before the meeting;
 - ii) for other working papers — at least five working days before the meeting;
 - iii) for reports from Standing Commissions or Committees of the Council or reports of other bodies established under Rule 17 — at least three working days before the meeting; and
 - iv) for all other documents — at least 24 hours before the meeting.
- c) A revised Order of Business may be distributed less than 24 hours before the meeting of the Council to include, without substantial change, items of business included in the Order of Business already distributed for that meeting or an item carried over from the immediately preceding meeting provided that the revised Order of Business shall not list any documents not distributed in accordance with paragraph b) of this Rule.
- d) If the Secretary General, or the President, or a Contracting State requests that a new subject, whether or not included in the Work Programme, be considered at a meeting of the Council, such subject shall be listed in an Addendum to the Order of Business to be issued by the Secretary General. Any such additional item shall be considered only if the Council so decides by a majority of its Members.
- e) Notwithstanding paragraphs a) and b), for special sessions of the Council convened pursuant to Rule 19 b), the Order of Business and other documents shall be distributed as soon as practicable, but not less than three working days in advance of the meeting.

Rule 27

Any subject on the Work Programme of the Council and any document presented in connection therewith may be referred by the Council to an appropriate existing Committee, Commission or Working Group for consideration and report before its consideration by the Council.

Rule 28

Any Member of the Council may have placed on the Order of Business any item of the Work Programme which it wishes to be considered forthwith by the Council. This right is subject to the provisions of the second sentence of paragraph d) of Rule 26, and subject also to the proviso contained in clause b) of Rule 30.

Rule 29

- a) Any Member of the Council, the President or the Secretary General may introduce for the consideration of the Council documents bearing upon any item on the Council Work Programme, or present any recommendations with respect thereto.
- b) The Council shall, as necessary, issue guidelines on the structure and presentation of working papers and other documents.

Rule 30

The Council may at any time:

- a) amend the Work Programme of a session; or
- b) decide, by a majority of its Members, to amend the Order of Business of a meeting, provided that no item or other matter which was not included in the Order of Business as distributed in accordance with the provisions of Rule 26, shall be brought to final action at that meeting except by the unanimous consent of all the Members of the Council represented at the meeting.

SECTION VI

CONDUCT OF BUSINESS

Rule 31

Any Contracting State may participate, without a vote, in the consideration by the Council and by its Committees and Commissions of any question which especially affects its interests (Article 53 of the Convention). Subject to the approval of the Council, the President may invite such participation when considering that the condition of special interest is fulfilled. If a Contracting State requests permission to participate on the grounds of special interest, the President shall refer the request to the Council for decision.

Rule 32

- a) The Council may invite non-Contracting States and international organizations or other bodies to be represented at any of its meetings by one or more Observers.
- b) The President shall invite the United Nations to be represented by Observers at meetings of the Council.
- c) Subject to the approval of the Council, the President may invite Specialized Agencies in relationship with the United Nations to be represented by Observers at meetings of the Council in which matters of special interest to them are to be discussed.

Rule 33

A majority of the Members of the Council shall constitute a quorum for the conduct of the business of the Council.

Rule 34

- a) The President shall convene meetings of the Council (Article 51 a) of the Convention); the President shall preside at, and declare the opening and closing of each meeting, direct the discussion in a structured and focused way, accord the right to speak, put questions and announce the decisions.
- b) The President shall ensure the observance of these Rules.
- c) During the discussion of any matter, a Representative may raise a point of order or any other matter related to the interpretation or application of these Rules. The point of order or matter related to the interpretation or application of these Rules shall be decided immediately by the President, in accordance with these Rules. A Representative raising a point of order may only speak in relation to that point of order.

Rule 35

- a) The President shall call upon speakers in the order in which, in the opinion of the President, they have expressed their desire to speak, taking into account the desirability of maintaining a structured and focused discussion; a speaker may be called to order if the President considers that the speaker's observations are not relevant to the subject under discussion, or for any other appropriate reason.
- b) Generally, no speaker shall be called to intervene a second time on any question, except for clarification, until all others desiring to intervene have had the opportunity to do so.
- c) The President of the Air Navigation Commission and the Chairperson of a Commission, Committee or Working Group may be accorded precedence for the purpose of explaining the conclusions arrived at by the body concerned.

Rule 36

Rulings given by the President during a meeting of the Council on the interpretation or application of these Rules of Procedure may be appealed by any Member of the Council and the appeal shall be put to vote immediately. The ruling of the President shall stand unless over-ruled by a majority of the votes cast.

Rule 37

Meetings of the Council shall be open to the public unless the Council rules by a majority of votes cast that any particular meeting or part thereof be closed. Guidelines on when Council meetings should be held in closed session and when Council documents should be marked “Restricted” are found in Appendix F.

Rule 38

Closed meetings of the Council shall be open to the Alternates and Advisers accompanying the Representatives; to Observers from any other Contracting State, unless the Council decides otherwise; to the members of the Secretariat whose attendance is necessary to the conduct of the meeting or is desired by the Secretary General; and to any other persons invited by the Council. Closed meetings shall not be broadcast by the Organization’s monitoring exchange.

Rule 39

Subject to the approval of the Council, the President may invite the President of the Air Navigation Commission and the Chairpersons of Commissions, Committees or Working Groups who are not Representatives to attend any open or closed meeting of the Council and participate in its discussion without the right to vote when business relating to the work of their Commission, Committee or Working Group, or to any documentation connected therewith, is before the Council.

Rule 40

Any Member of the Council may introduce a motion or amendment thereto, subject to the following rules:

- a) with the exception of motions and amendments relative to nominations, no motion or amendment shall be discussed unless it has been seconded;
- b) no motion or amendment may be withdrawn by its author if an amendment to it is under discussion or has been adopted;
- c) if a motion has been moved, no motion other than one for an amendment to the original motion shall be considered until the original motion has been disposed of. The President shall determine whether such additional motion is so related to the motion already before the Council as to constitute a proper amendment thereto, or whether it is to be regarded as an alternative motion, consideration of which shall be postponed as stipulated above;
- d) if an amendment to a motion has been moved, no amendment other than an amendment to the original one shall be moved until the original amendment has been disposed of. The President shall determine whether such additional amendment is so related to the original one as to constitute an amendment thereto, or whether it is to be regarded as an alternative amendment, consideration of which shall be postponed as stipulated above.

Rule 41

- a) The following motions shall have priority over all other motions and shall be taken in the following order:
 - 1) a motion to reverse a ruling by the President;
 - 2) a motion to adjourn the meeting;
 - 3) a motion to fix the time to adjourn the meeting;

- 4) a motion to suspend the meeting for a limited time;
 - 5) a motion to defer further debate on a particular question, either indefinitely or for a limited period greater than that covered by Rule 42;
 - 6) a motion to refer the matter to a Commission, Committee or Working Group;
 - 7) a motion to invite the opinions of Contracting States on a matter, and to postpone final action thereon until reasonable time for the receipt of such opinions has been allowed;
 - 8) a motion to terminate the debate on a particular motion and to take at once a decision thereon.
- b) Action on these matters will be determined by a majority of the votes cast.

Rule 42

Upon the request of any Member of the Council, and unless objection is raised by the majority of the Members of the Council, further debate on any item of business shall be deferred for a period of not over two working days, or until the next Council meeting following the second day; but no such action under this paragraph shall be admissible when it would have the effect, due to the anticipated adjournment of a Council session, of making it impossible to resume consideration of the deferred item by the seventh day following the action of deferment. Any such request shall be privileged, and shall be considered immediately on its presentation.

Rule 43

The Council may decide, by a majority of its Members, to reopen the discussion of an item already disposed of by the Council in the same session. In that event, and unless the Council by a majority of its Members decides that the item be dealt with forthwith, the item concerned shall be placed on the Order of Business of the next meeting.

SECTION VII

VOTING

Rule 44

Each Member of the Council has one vote.

Rule 45

With the exception of motions and amendments relative to nominations, no motion or amendment shall be voted on, unless it has been seconded.

Rule 46

Upon the request of any Member of the Council, and unless a majority of its Members decide otherwise:

- a) final action on any motion or amendment thereto shall be delayed until the proposed text of the motion or amendment thereto has been available to Representatives for at least 24 hours;
- b) a vote or final action on any item which has been considered shall, after any initial discussion of the item, be postponed for a period not exceeding that indicated in Rule 42.

Rule 47

Any amendment shall be voted on before the motion or amendment to which it refers.

Rule 48

On the request of any Member of the Council, and unless opposed by a majority of the votes cast, parts of a motion shall be voted on separately. The resulting motion shall then be put to a final vote in its entirety.

Rule 49

Except in the case of a secret ballot, upon request by a Member, the vote or the abstention from voting of any Member of the Council shall be recorded. Subject to the same exception, upon the request of any Member of the Council, the individual votes of all the Members of the Council shall be recorded. In the latter case, the roll-call shall be taken in the English alphabetical order of the names of the Members, beginning with the Member whose name is drawn by lot by the President.

Rule 50

Unless opposed by a majority of the Members of the Council, the vote shall be taken by secret ballot if a request to that effect is supported, if made by a Member of the Council, by one other Member, and, if made by the President, by two Members.

Rule 51

A vote received by correspondence or electronically shall not be counted unless, in a particular case, the Council has previously decided otherwise. In the latter event, a communication approved by the Council or under its authority shall be sent to the Member of the Council concerned for the purpose of ensuring that due consideration is given to the major points of view expressed on the question before the vote is sent, and reasonable time shall be allowed for a reply.

Rule 52

In the event of a tie vote, a second vote on the motion concerned shall be taken at the next meeting of the Council, unless by a majority of the votes

cast the Council decides that such second vote be taken during the meeting at which the tie vote took place. Unless there is a majority in favour of the motion on the second vote, it shall be considered lost.

Rule 53

The President may take a preliminary informal vote or poll of the Members of the Council on any issue, in terms to be phrased by the President, for the purpose of facilitating the subsequent framing of a motion. Such informal procedure shall not commit the Council or any Member thereof. The results of such informal procedure may be recorded in the Minutes, but no mention of the vote of any Member of the Council shall be made.

SECTION VIII

**APPROVAL OF PROPOSALS
WITH RESPECT TO ADMINISTRATIVE MATTERS**

Rule 54

Notwithstanding the other provisions of these Rules of Procedure, proposals of the Secretary General with respect to such administrative matters including amendments to administrative regulations as require approval of the Council may be approved in accordance with the following procedure:

- 1) the Secretary General shall distribute to the Representatives of the Members of the Council a paper explaining the proposals, and the existence of this paper shall be noted on the Orders of Business of two Council meetings, the first of which shall be held at least one week after the date of the distribution of the paper;
- 2) upon the request of any Member of the Council, filed with the President at least 24 hours before either of these two meetings, the paper shall be brought before the Council for consideration under the normal procedure;

- 3) in the absence of a request for discussion under the provisions of paragraph 2) of this Rule, the proposal of the Secretary General shall be deemed to have been approved on the date of the second of the two Council meetings in the Orders of Business of which the existence of the paper has been noted.

SECTION IX

LANGUAGES OF THE COUNCIL

Rule 55

The discussions of the Council shall be conducted in the English, Arabic, Chinese, French, Russian and Spanish languages, and interpretation shall take place accordingly. By unanimous agreement, the Council may decide that interpretation into one or more of such languages shall be waived.

Rule 56

The Council shall decide from time to time in which language or languages, specified in Rule 55, the documentation for the Council shall be drawn up.

SECTION X

RECORDS OF PROCEEDINGS

Rule 57

- a) The Secretary General shall prepare Draft Decisions taken at each meeting within five working days of the meeting to which they relate based on the summary of the President. These Draft Decisions shall be submitted to the President for agreement and shall be distributed to Representatives who shall have three working days to comment thereon. If there are no objections raised

by Representatives to the content of the Draft Decisions, the President shall declare them approved. If any objections are raised, the President shall attempt to resolve them with the Representative concerned. If the objections are not so resolved, the matter shall be considered by the Council, without reopening the substance of the debate, if at least two Representatives ask for it to be so.

- b) The Secretary General shall prepare Draft Minutes of each meeting within six weeks of the session of the Council to which they relate. These shall be submitted to the President for agreement, distributed to Representatives who shall have ten working days to comment thereon and adopted by the Council either through written procedure or at a subsequent meeting.
- c) After adoption, the text of Decisions and Minutes shall be made available to Representatives and to Contracting States.

Rule 58

Council documents other than the Minutes of closed meetings may be provided to non-Contracting States, to international organizations and to the public, unless otherwise directed by the Council or, between sessions of the Council, by the President.

Rule 59

The final texts of all resolutions and decisions of the Council, together with Council working and other papers, shall be made available by the Secretary General to all Contracting States as soon as possible.

Rule 60

Press releases concerning the proceedings of the Council shall be prepared by the Secretary General and shall be approved by the President after consulting with the most senior Vice-President available, before being made public.

SECTION XI

INTERPRETATION, REVOCATION, SUSPENSION AND AMENDMENT OF THE RULES OF PROCEDURE

Rule 61

Any Member of the Council may request that any application or interpretation of these Rules by the President otherwise than during a meeting of the Council, be reviewed by the Council. Such request shall be considered by the Council at its next regular meeting, unless the President considers it advisable to call a special meeting for that purpose under Rule 20 of these Rules of Procedure. The action taken by the President shall stand confirmed unless decided otherwise by a majority of the votes cast.

Rule 62

In the case of any provision herein which does not specify the majority by which a decision shall be taken, it is understood that a majority of the votes cast will be sufficient, provided that if a Member of the Council has requested that the decision be taken by a majority of Members of the Council, the latter majority shall apply.

Rule 63

- a) These Rules of Procedure or any portion thereof may be revoked, temporarily suspended or amended by Council decision taken by a majority of its Members, provided that no such action is in conflict with the Convention or with any direction given or decision taken by the Assembly. The Secretary General shall maintain and make available to Council Members a central record of all such temporary suspensions.
- b) Notwithstanding Rule 26, proposals to amend or revoke these Rules of Procedure shall be circulated to Representatives at least ten working days in advance of the meeting of the Council in which they will be considered.

APPENDIX A

Rules and Procedures for the election of the President of the Council

1. The Council shall, not less than three months before the opening of the ordinary session of the Assembly which will elect a new Council, inform Contracting States that the Council to be elected at that Session of the Assembly will elect the President of the Council. The communication should also:

- a) invite attention to the provisions of Article 51 of the Convention;
- b) set out the qualifications, experience and abilities which candidates are expected to demonstrate; and
- c) indicate the date by which the names of candidates for the Presidency should be in the hands of the Secretary General.

2. The names of the candidates shall be circulated by the Secretary General to all Contracting States as soon as they are received.

3. The Council shall invite candidates, at an appropriate date before the election, to present their views and ideas to a meeting of Representatives, and to answer any questions which may be posed.

4. The election of the President shall require a majority of the Members of the Council.

5. If no candidate receives the majority on the first ballot, a second and, if necessary, subsequent ballots shall be held on the two candidates who received the largest number of votes in the preceding ballot. Candidates tying for the last qualifying place in a ballot shall all be included in the next ballot.

6. The election shall take place by secret ballot, unless waived by unanimous decision of the Members represented at the meeting.

APPENDIX B

Rules and Procedures for the election of the Vice-Presidents of the Council

1. The election of each Vice-President shall require a majority of the Members of the Council.
2. If no candidate receives the majority on the first ballot, a second and, if necessary, subsequent ballots shall be held on the two candidates who received the largest number of votes in the preceding ballot. Candidates tying for the last qualifying place in a ballot shall all be included in the next ballot.
3. The election shall take place by secret ballot, unless waived by unanimous decision of the Members represented at the meeting.

APPENDIX C

Rules and Procedures for the appointment of the Secretary General

1. The appointment of the Secretary General will take place approximately five months before the termination of the period for which the incumbent was appointed.

2. Ten months before the termination of that period, the Council shall inform Contracting States that it will proceed to the appointment of the Secretary General. The communication should also:

- a) invite attention to the provisions of Articles 54 (h), 58 and 59 of the Convention;
- b) set out the qualifications, experience and abilities which candidates are expected to demonstrate; and
- c) indicate the date by which the names of candidates for the Secretary General should be in the hands of the President; that date to provide Contracting States three full months for reply.

3. The names of the candidates shall be circulated by the President to all Contracting States as soon as they are received.

4. The Council shall invite candidates, at an appropriate date before the election, to present their views and ideas to a meeting of Representatives, and to answer any questions which may be posed.

5. The appointment of the Secretary General shall require a majority of the Members of the Council.

6. If no candidate receives the majority on the first ballot, a second and, if necessary, subsequent ballots shall be held on the two candidates who received the largest number of votes in the preceding ballot. Candidates tying for the last qualifying place in a ballot shall all be included in the next ballot.

7. The election shall take place by secret ballot, unless waived by unanimous decision of the Members represented at the meeting.

APPENDIX D

Rules and Procedures governing the appointment of the Members, Alternates and President of the Air Navigation Commission

1. The appointment of the Members, Alternates and President of the Air Navigation Commission shall require a majority of the Members of the Council and, unless waived by unanimous agreement of the Members represented at the meeting, shall be by secret ballot.

Appointment of Members and Alternates

2. If the number of candidates receiving the required majority on the first ballot is in excess of the number of places to be filled, those receiving the highest number of votes shall be appointed. If the number of candidates appointed on the first ballot is less than the number of places to be filled, additional ballots shall be held as necessary. In each ballot subsequent to the first one, the names considered shall be those having received the highest number of votes in the previous ballot, up to a total number of candidates equal to twice the total number of places to be filled. Candidates tying for the last qualifying place in a ballot shall all be included in the next ballot.

Appointment of President

3. If no candidate receives the majority on the first ballot, a second and, if necessary, subsequent ballots shall be held on the two candidates who received the largest number of votes in the preceding ballot. Candidates tying for the last qualifying place in a ballot shall all be included in the next ballot.

4. Pursuant to Rule 16 c), the following constitutes the Guidelines relating to the appointment of the President of the Air Navigation Commission:

- a) the candidacies to the post of the President of the Commission should be declared to the President of the Council;
- b) the Commission should indicate to the Council what is expected of its future President, the major tasks to be performed during its mandate, and the main qualities needed by its future President in this context;
- c) the Commission should refrain from voting on this issue.

APPENDIX E

Rules and Procedures governing the appointment of the Members, Alternates and Chairpersons of Commissions (other than the Air Navigation Commission), Committees and Working Groups

1. In cases where the Council has to elect Members, Alternates or a Chairperson of a Standing Commission (other than the Air Navigation Commission), Committee or Working Group, each Member of the Council may present names from among the Representatives or Alternates, with their consent, for inclusion in a list to be presented to the Council by the President. Not more than one Representative or Alternate of any State may be elected.

2. The election of Members, Alternates and Chairpersons of such Commissions, Committees and Working Groups shall require a majority of the Members of the Council and, unless waived by unanimous agreement of the Members represented at the meeting, shall be by secret ballot.

Election of Members, Alternates and Chairpersons

3. If the number of candidates receiving the required majority on the first ballot is in excess of the number of places to be filled, those receiving the highest number of votes shall be elected. If the number of candidates elected on the first ballot is less than the number of places to be filled, additional ballots shall be held as necessary. In each ballot subsequent to the first one, the names considered shall be those having received the highest number of votes in the previous ballot, up to a total number of candidates equal to twice the total number of places to be filled. Candidates tying for the last qualifying place in a ballot shall all be included in the next ballot.

APPENDIX F

Guidelines on when Council meetings should be held in closed session (Rule 37) and when Council documents should be marked “Restricted”

1. Meetings of the Council should normally be open to the public. In general, meetings should only be held in closed session if discussion involves the following:

- a) the level of aviation security in specified States or in general;
- b) current or future provisions concerning aviation security;
- c) salaries or allowances of an individual member of staff or of a category of staff;
- d) disputes between Contracting States; and
- e) issues where Representatives’ personal security could be endangered if their statements were made public.

2. Normally, only documents relating to meetings considering the subjects listed under a) to e) above should be marked “Restricted”.

APPENDIX G

Rules and Procedures to address allegations of misconduct or retaliation against the Secretary General of ICAO

Scope

1. In conformity with paragraph 1 of the ICAO Framework on Ethics (Annex I to the ICAO Service Code), these Rules and Procedures for addressing allegations of misconduct or retaliation against the Secretary General of ICAO shall apply to all staff members of ICAO. They shall also apply *mutatis mutandis* to all non-staff personnel of ICAO, including, but not limited to, *gratis* personnel, consultants, experts, interns and individuals working for ICAO under a contractual relationship.

Investigative entity

2. ICAO shall enter into an agreement with an investigative entity within the United Nations system, such as the Office of Internal Oversight Services (OIOS), or a similar expert entity, to establish a mechanism for the reporting and handling of allegations of misconduct committed by the Secretary General. In principle, this should be the same investigative entity engaged as a mechanism for the reporting and handling of all cases of misconduct committed by staff members of the Organization, as defined in the ICAO Framework on Ethics (Annex I to the ICAO Service Code). The agreement should address *inter alia* the issue of access by the investigative entity to documents and records.

3. The Council delegates to the investigative entity the responsibility to receive, assess, investigate, close and report on any allegations of misconduct against the Secretary General, without the need to request further authorization from the Council.

External ethics entity

4. ICAO shall enter into an agreement with an external ethics entity within the United Nations system, such as the Ethics Office, or similar expert entity, to establish a mechanism for the direct reporting and handling of complaints of retaliation committed by the Secretary General. In principle, this should be the same external ethics entity engaged to review determinations by the Ethics Officer that there was no prima facie case of retaliation or threat of retaliation.

5. The Council delegates to the external ethics entity the responsibility to receive, assess, close and report on any requests by staff members for protection against retaliation by the Secretary General, without the need to request further authorization from the Council.

Misconduct

6. For the purposes of these Rules and Procedures, misconduct is defined as the non-compliance, through acts or omissions, with the Secretary General's obligations under the Convention on International Civil Aviation (Chicago Convention), the Code of Conduct for the President of the Council and the Secretary General of ICAO and the principles and values of the ICAO Framework on Ethics. Misconduct is also defined as disregard for the standards of conduct expected from an international civil servant, as defined by the International Civil Service Commission (ICSC) and other relevant administrative issuances such as those on anti-fraud and anti-corruption, protection against sexual exploitation and abuse, and prevention of sexual harassment.

Reporting alleged cases of misconduct by the Secretary General

7. Staff members should report any allegations of misconduct against the Secretary General directly to the investigative entity according to instructions provided on the public websites of the investigative entity and ICAO.

8. Notwithstanding the provisions of paragraph 7, staff members reporting allegations of misconduct in relation to any administrative decisions taken by the Secretary General that are of direct concern to them shall, as a rule, first avail themselves of the appropriate appeal mechanisms

available to them under Article XI of the ICAO Service Code, before reporting such cases to the investigative entity. Non-staff personnel, as defined in paragraph 1, reporting allegations of misconduct in relation to any contractual disputes with the Organization shall, as a rule, first avail themselves of the contractual remedies available to them before reporting such cases to the investigative entity.

Protection against retaliation by the Secretary General

9. Staff members should submit any requests for protection against retaliation by the Secretary General directly to the external ethics entity according to instructions provided on the public websites of the external ethics entity and ICAO. Staff members should consider that the primary objective of the provisions on retaliation is to provide enhanced protection to individuals who have reported behaviour that poses a significant risk to the Organization, i.e. a report that, if established, would be manifestly harmful to the interests, operations or governance of the Organization. Such reports should be made in the public interest and not stem from personal disagreements over policy or management decisions or individual grievances.

Responsibilities of staff reporting allegations of misconduct

10. Staff members reporting allegations of misconduct by the Secretary General, or requesting protection against retaliation, should only do so in good faith and must provide credible arguments supporting their claims. Claims must be supported by evidence that includes documents and records, verbal statements and even tangible items, or the physical condition of those items. Staff members reporting complaints of misconduct shall adhere to the confidentiality of the process and cooperate in good faith with a subsequent investigation.

11. Reporting shall not be used to transmit or disseminate unsubstantiated rumours and must respect the appropriate reporting channels as outlined in paragraphs 7, 8 and 9 above. Making a report or providing information that is deliberately false or misleading constitutes misconduct. The transmission or dissemination of unsubstantiated rumours is not a protected activity. Making a report or providing information that is intentionally false or misleading constitutes misconduct and may result in disciplinary or other appropriate action.

Responsibilities of the investigative entity in cases of misconduct

12. The investigative entity will receive, promptly log, assess and take appropriate action on all incoming complaints of misconduct, while ensuring the confidentiality and integrity of the entire process.

13. Upon receiving and assessing allegations of misconduct against the Secretary General, the investigative entity shall, where possible within three weeks of receiving such reports or information:

- a) close the case due to insufficient information, obviously frivolous claims, or because the matter falls outside the scope of a typical investigation conducted by the investigative entity and inform the complainant; or
- b) notify the President of the Council of its intention to launch an investigation into the allegations. Where there is a credible allegation of misconduct, the investigative entity shall interview the Secretary General and offer an opportunity to comment on the transcript of that interview before closing the case, or completing the investigation and delivering its report.

14. After investigating the allegations, the investigative entity shall:

- a) close the case when misconduct is not substantiated, provide a closure notice to the President of the Council and inform the complainant; or
- b) refer the matter, including an investigation report and supporting documentation, to the President of the Council for further consideration by the Council.

15. The investigative entity shall, on or before 31 January of each year, provide to the Council an annual report of all cases of misconduct handled on behalf of ICAO within the preceding year. The annual report shall contain sufficient details of the cases, while respecting the utmost confidentiality and privacy rights. It shall contain a redacted summary of investigations, and the findings and recommendations arising from such investigations pertaining to systemic improvement. The annual report should also contain information on the timelines, as appropriate, from initial intake to assessment, investigation, closure and reporting.

Responsibilities of the external ethics entity in cases involving retaliation by the Secretary General

16. The provisions on protection against retaliation are without prejudice to the legitimate application of regulations, rules and administrative procedures, including those governing evaluation of performance, non-extension or termination of appointment.

17. Upon receiving and assessing a request for protection against retaliation, the external ethics entity shall, where possible within three weeks of receiving such a request:

- a) close the case if there is no prima facie case of retaliation and inform the complainant; or
- b) refer the case for investigation by the investigative entity, notify the President of the Council and, where appropriate, make recommendations for interim protection measures.

18. Upon completion of the investigation into retaliation, normally within 90 calendar days of referral, the investigative entity shall submit its investigation report to the external ethics entity. The external ethics entity shall conduct an independent review of the investigation report and supporting documentation and determine whether:

- a) retaliation did not occur, in which case it shall close the case, provide a closure notice to the President of the Council and inform the complainant; or
- b) retaliation occurred, in which case it shall refer the matter to the President of the Council for further consideration by the Council, including a reasoned determination and recommendations, accompanied by the investigation report and supporting documentation released by the investigative entity.

Responsibilities of the President of the Council

19. The President of the Council shall inform the Council and the Secretary General of complaints reported by the investigative entity and/or the external ethics entity, according to paragraphs 13b, 14a, 17b and 18a above. Details of any case, including the identities of claimants and witnesses, shall be kept strictly confidential.

20. Following consultations with the ICAO Ethics Officer on interim protection measures recommended by the external ethics entity, the President of the Council shall consider:

- a) taking immediate action to protect the complainant; and
- b) calling a meeting of the Council to consider any action to protect the interests of the Organization pending completion of the investigation by the investigative entity.

Action taken pursuant to this paragraph shall be appropriate, proportionate and restricted with regard to scope and duration to what is strictly necessary.

21. In cases referred to the Council for further consideration, pursuant to paragraphs 14b and 18b above, the President of the Council shall call a meeting of the Council, as soon as possible and no later than four weeks after referral. The President of the Council shall ensure that Council members receive, as soon as possible and no later than two weeks after referral, the investigation report delivered by the investigative entity and, where applicable, the reasoned determination and recommendations of the external ethics entity. Council members will be offered an opportunity, upon request, to confidentially review, a redacted version of the supporting documentation released by the investigative entity, before the Council meets to discuss the matter.

22. The President of the Council shall ensure that the Secretary General is given appropriate opportunity to reflect and comment on the investigation report delivered by the investigative entity and, where applicable, the reasoned determination and recommendations of the external ethics entity, before the Council commences its deliberations on substance.

Decision by the Council

23. The Council shall carefully consider the findings of the investigative entity and any recommendations from the external ethics entity, as well as the written response from the Secretary General to those findings and recommendations. The Council may call in assistance from an independent expert third party to review the findings and recommendations.

24. The Council shall deliberate in a closed session of Council members and/or their alternates only. The Council may decide to invite the external ethics entity and the investigative entity to attend the meeting. The Secretary General and the complainant shall each be afforded time and appropriate opportunity to present their case, verbally and in writing, before the Council takes a decision.

25. The Council shall decide on appropriate and proportionate action. The Council shall also substantiate and record its decision. The President of the Council shall separately inform the Secretary General and the complainant of the outcome. Decisions of the Council, as well as any closure notices received from the investigative entity and the external ethics entity pursuant to paragraphs 14a and 18a, shall be kept in the Office of the President of the Council.

26. Decisions taken by Council in such matters are final.

APPENDIX H

Rules and Procedures to address allegations of misconduct or retaliation against the President of the Council

The President of the Council shall be recused from any involvement in cases involving allegations of misconduct or retaliation against the President. The First Vice-President of the Council shall have the authority and duty to convene meetings of the Council regarding such cases. The First Vice-President of the Council shall pass on this responsibility to the Second Vice-President of the Council in cases where there may be a conflict of interest between the First Vice-President's own interests and the interests of the Organization.

Scope

1. In conformity with paragraph 1 of the ICAO Framework on Ethics (Annex I to the ICAO Service Code), these Rules and Procedures for addressing allegations of misconduct or retaliation against the President of the Council shall apply to all staff members of ICAO. They shall also apply *mutatis mutandis* to all non-staff personnel of ICAO, including, but not limited to *gratis* personnel, consultants, experts, interns and individuals working for ICAO under a contractual relationship.

Investigative entity

2. ICAO shall enter into an agreement with an investigative entity within the United Nations system, such as the United Nations Office of Internal Oversight Services (OIOS), or a similar expert entity, to establish a mechanism for the reporting and handling of allegations of misconduct committed by the President of the Council. In principle, this should be the same investigative entity engaged as a mechanism for the reporting and handling of all cases of misconduct committed by staff members of the

Organization, as defined in the ICAO Framework on Ethics (Annex I to the ICAO Service Code). The agreement should address inter alia the issue of access by the investigative entity to documents and records.

3. The Council delegates to the investigative entity the responsibility to receive, assess, investigate, close, and report on any allegations of misconduct against the President of the Council, without the need to request further authorization from the Council.

External ethics entity

4. ICAO shall enter into an agreement with an external ethics entity within the United Nations system, such as the United Nations Ethics Office, or similar expert entity, to establish a mechanism for the direct reporting and handling of complaints of retaliation committed by the President of the Council. In principle, this should be the same external ethics entity engaged to review determinations by the Ethics Officer that there was no prima facie case of retaliation or threat of retaliation.

5. The Council delegates to the external ethics entity the responsibility to receive, assess, close and report on any requests by staff members for protection against retaliation by the President of the Council, without the need to request further authorization from the Council.

Misconduct

6. For the purposes of these Rules and Procedures, misconduct is defined as the noncompliance, through acts or omissions, with the President's obligations under the Convention on International Civil Aviation (Chicago Convention) and the Code of Conduct for the President of the Council and the Secretary General of ICAO and the principles and values of the ICAO Framework on Ethics. Misconduct is also disregard for the standards of conduct expected from an international civil servant as defined by the International Civil Service Commission (ICSC) and other relevant administrative issuances such as those on anti-fraud and anti-corruption, protection against sexual exploitation and abuse and prevention of sexual harassment.

Reporting alleged cases of misconduct by the President of the Council

7. Staff members should report any allegations of misconduct against the President of the Council directly to the investigative entity according to instructions provided on the public websites of the investigative entity and ICAO.

8. Notwithstanding the provisions of paragraph 7, staff members reporting allegations of misconduct in relation to any administrative decisions in which the President of the Council is involved that are of direct concern to them shall as a rule first avail themselves of the appropriate appeal mechanisms available to them under Article XI of the ICAO Service Code, before reporting such cases to the investigative entity.

Protection against retaliation by the President of the Council

9. Staff members should submit any requests for protection against retaliation by the President of the Council directly to the external ethics entity according to instructions provided on the public websites of the external ethics entity and ICAO. Staff members should consider that the primary objective of the provisions on retaliation is to provide enhanced protection to individuals who have reported behaviour that poses a significant risk to the Organization, i.e. a report that, if established, would be manifestly harmful to the interests, operations or governance of the Organization. Such reports should be made in the public interest and not stem from personal disagreements over policy or management decisions or individual grievances.

Responsibilities of staff reporting allegations of misconduct

10. Staff members reporting allegations of misconduct by the President of the Council, or requesting protection against retaliation, should only do so in good faith and must provide credible arguments supporting their claims. Claims must be supported by evidence that includes documents and records, verbal statements and even tangible items, or the physical condition of those items. Staff members reporting complaints of misconduct shall adhere to the confidentiality of the process and cooperate in good faith with a subsequent investigation.

11. Reporting shall not be used to transmit or disseminate unsubstantiated rumours and must respect the appropriate reporting channels as outlined in paragraphs 7, 8 and 9 above. Making a report or providing information that is deliberately false or misleading constitutes misconduct. The transmission or dissemination of unsubstantiated rumours is not a protected activity. Making a report or providing information that is intentionally false or misleading constitutes misconduct and may result in disciplinary or other appropriate action.

Responsibilities of the investigative entity in cases of misconduct

12. The investigative entity will receive, promptly log, assess and take appropriate action on all incoming complaints of misconduct, while ensuring the confidentiality and integrity of the entire process.

13. Upon receiving and assessing allegations of misconduct against the President of the Council, the investigative entity shall, where possible within three weeks of receiving such reports or information:

- a) close the case due to insufficient information, obviously frivolous claims, or because the matter falls outside the scope of a typical investigation conducted by the investigative entity and inform the complainant; or
- b) notify the First Vice-President of the Council of its intention to launch an investigation into the allegations. Where there is a credible allegation of misconduct, the investigative entity shall interview the President of the Council and offer an opportunity to comment on the transcript of that interview before closing the case, or completing the investigation and delivering its report.

14. After investigating the allegations, the investigative entity shall:

- a) close the case when misconduct is not substantiated, provide a closure notice to the First Vice-President of the Council and inform the complainant; or
- b) refer the matter, including an investigation report and supporting documentation, to the First Vice-President of the Council for further consideration by the Council.

15. The investigative entity shall, on or before 31 January of each year, provide to the Council an annual report of all cases of misconduct handled on behalf of ICAO within the preceding year. The annual report shall contain sufficient details of the cases, while respecting the utmost confidentiality and privacy rights. It shall contain a redacted summary of investigations, and the findings and recommendations arising from such investigations pertaining to systemic improvement. The annual report should also contain information on the timelines, as appropriate, from initial intake to assessment, investigation, closure and reporting.

Responsibilities of the external ethics entity in cases involving retaliation by the President of the Council

16. The provisions on protection against retaliation are without prejudice to the legitimate application of regulations, rules and administrative procedures, including those governing evaluation of performance, non-extension or termination of appointment.

17. Upon receiving and assessing a request for protection against retaliation, the external ethics entity shall, where possible within three weeks of receiving such a request:

- a) close the case if there is no prima facie case of retaliation and inform the complainant; or
- b) refer the case for investigation by the investigative entity, notify the First Vice-President of the Council and, where appropriate, make recommendations for interim protection measures.

18. Upon completion of the investigation into retaliation, normally within 90 calendar days of referral, the investigative entity shall submit its investigation report to the external ethics entity. The external ethics entity shall conduct an independent review of the investigation report and supporting documentation and determine whether:

- a) retaliation did not occur, in which case it shall close the case, provide a closure notice to the President of the Council and inform the complainant; or

- b) retaliation occurred, in which case it shall refer the matter to the First Vice-President of the Council for further consideration by the Council, including a reasoned determination and recommendations, accompanied by the investigation report and supporting documentation released by the investigative entity.

Responsibilities of the First Vice-President of the Council

19. The First Vice-President of the Council shall inform the Council and the President of the Council of complaints reported by the investigative entity and/or the external ethics entity, according to paragraphs 13b, 14a, 17b and 18a above. Details of any case, including the identities of claimants and witnesses, shall be kept strictly confidential.

20. Following consultation of the ICAO Ethics Officer on interim protection measures recommended by the external ethics entity, the First Vice-President of the Council shall consider:

- a) taking immediate action to protect the complainant; and
- b) calling a meeting of the Council to consider any action to protect the interests of the Organization pending completion of the investigation by the investigative entity.

Action taken pursuant to this paragraph shall be appropriate, proportionate and restricted with regard to scope and duration to what is strictly necessary.

21. In cases referred to the Council for further consideration, pursuant to paragraphs 14b and 18b above, the First Vice-President of the Council shall call a meeting of the Council, as soon as possible and no later than four weeks after referral. The First Vice-President of the Council shall ensure that Council members receive, as soon as possible and no later than two weeks after referral, the investigation report by the investigative entity and, where applicable, the reasoned determination and recommendations of the external ethics entity. Council members will be offered an opportunity, upon request, to confidentially review, a redacted version of the supporting documentation released by the investigative entity, before the Council meets to discuss the matter.

22. The First Vice-President of the Council shall ensure that the President of the Council is given appropriate opportunity to reflect and comment on the investigation report delivered by the investigative entity and, where applicable, the reasoned determination and recommendations of the external ethics entity, before the Council commences its deliberations on substance.

Decision by the Council

23. The Council shall carefully consider the findings of the investigative entity and any recommendations from the external ethics entity, as well as the written response from the President of the Council to those findings and recommendations. The Council may call in assistance from an independent expert third party to review the findings and recommendations.

24. The Council shall deliberate in closed session of Council members and/or their alternates only. The Council may decide to invite the external ethics entity and the investigative entity to attend the meeting. The President of the Council and the complainant shall each be afforded time and appropriate opportunity to present their case, verbally and in writing, before the Council takes a decision.

25. The Council shall decide on appropriate and proportionate action. The Council shall also substantiate and record its decision. The First Vice-President of the Council shall separately inform the President of the Council and the complainant of the outcome. Decisions of the Council, as well as any closure notices received from the investigative entity and the external ethics entity pursuant to paragraphs 14a and 18a, shall be kept in the Office of the President of the Council.

26. Decisions taken by Council in such matters are final.

APPENDIX I

Code of Conduct for the President of the Council and the Secretary General

1. The ICAO Council attaches utmost importance to promoting the highest standards of ethical behaviour and leadership in ICAO.

2. The Council recognizes that the legitimacy and credibility of the work undertaken by ICAO depends heavily on public trust and confidence. The heads of the Organization must lead by example. Their behaviour must be beyond reproach and promote an organizational culture of transparency, integrity and accountability.

3. The President of the Council and the Secretary General play a critical role in building a healthy and safe working environment, projecting a positive image of the Organization, and safeguarding its staff, resources and reputation.

4. Accordingly, the President of the Council and the Secretary General should respect and promote the highest standards of ethical behaviour. This includes observing and applying the present Code of Conduct and adhering to the principles and values of the ICAO Framework on Ethics (Annex I to the ICAO Service Code).

5. Allegations of misconduct or retaliation against the President of the Council and the Secretary General shall be handled according to the procedures outlined in Appendices G and H to these Rules of Procedure.

6. The President of the Council and the Secretary General shall perform their duties and responsibilities in an impartial and equitable manner, in full honesty and good faith.

7. The President of the Council and the Secretary General shall respect the same principles and values, standards of conduct, and ethical aspects of working relations, as outlined in the ICAO Service Code, with due consideration to their respective roles and leadership responsibilities within the Organization.

8. The President of the Council and the Secretary General shall avoid any action that might result in:

- a) giving unwarranted preferential treatment to any State, organization, staff member, or third party;
- b) taking a preferential, biased or prejudged approach in performing their duties;
- c) affecting adversely the confidence of Member States, or of the public at large, in the integrity of the work of the Organization.

9. The President of the Council and the Secretary General shall avoid any situation involving a conflict between their own personal or private interests and the interests of the Organization.

10. The President of the Council and the Secretary General shall discharge their functions and regulate their conduct in the interest of ICAO only, engaging with Member States and other third parties in a cooperative manner, while at the same time refraining from receiving or accepting instructions from any government or third parties.

11. The President of the Council and the Secretary General shall ensure the greatest possible transparency and prudence in the utilization of ICAO property, premises, services and resources and shall ensure that they are used only in the interest of the Organization.

12. The President of the Council and the Secretary General shall commit themselves to issuing a statement of no conflict of interest on assuming their duties and respect the obligation to file an annual conflict of interest declaration and financial disclosure statement.

APPENDIX J

Approval of proposals by written procedure

1. Notwithstanding the other provisions of these Rules of Procedure, proposals of the President of the Council on routine matters, urgent matters and other matters to be tabled during the period between Sessions of the Council that require action by the Council, may be approved in accordance with the following:

- a) the President shall distribute to the Members of the Council a memorandum explaining the proposal;
- b) the Members of the Council shall be given a period of not less than five working days to indicate if they support or object to the proposal;
- c) in the absence of an objection by any Member of the Council, the proposal shall be deemed to have been approved by the Council;
- d) Should there be an objection by a Member of the Council, the President of the Council may:
 - i) place the proposal on the Order of Business for the Council meeting subject to the relevant provisions of these Rules of Procedure; or
 - ii) revise the proposal taking into account the reasons for the objection.

2. If the President decides to revise the proposal in terms of paragraph 1 (d) (ii), the proposal shall follow the same process as outlined in paragraph 1.

3. Notwithstanding the provisions of paragraph 2, and subject to paragraph 4), the proposal revised in terms of paragraph 1 (d) (ii) shall be deemed to have been approved by the Council if it is supported by the majority of the Members of the Council.

4. A Member of the Council may request a Council discussion on the matter resolved in terms of paragraph 3 within three working days of the formal notification. Such a request shall suspend the approval when supported by two or more other Members of the Council and the item shall be placed on the Order of Business of the ensuing Council meeting for consideration in accordance with the relevant provisions of these Rules of Procedure.

— **END** —

ISBN 978-92-9265-587-7



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