
ICAO

International Civil Aviation Organization

COUNCIL — 198TH SESSION

Montréal, 18 February – 11 March 2013

SUMMARY MINUTES WITH SUBJECT INDEX



2013

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COUNCIL — 198TH SESSION**SUMMARY MINUTES OF THE FIRST MEETING****(THE COUNCIL CHAMBER, MONDAY, 18 FEBRUARY 2013, AT 1430 HOURS)****OPEN MEETING**

President of the Council: Mr. Roberto Kobeh González

Secretary: Mr. Raymond Benjamin, Secretary General

PRESENT:

Argentina	— Dr. N. Luongo (Alt.)	Malaysia	— Mr. Y.-H. Lim
Australia	— Ms. K. Macaulay	Mexico	— Mr. D. Méndez Mayora
Belgium	— Mr. G. Robert	Morocco	— Mr. A. Boulmane
Brazil	— Mr. J. Taunay	Nigeria	— *Dr. O.B. Aliu
Burkina Faso	— Mr. M. Dieguimde	Paraguay	— Mrs. A. Torres de Rodríguez
Cameroon	— Mr. E. Zoa Etundi	Peru	— Mrs. L. Camacho Bueno (Alt.)
Canada	— Mr. M. Allen	Republic of Korea	— Mr. Choi, D.
China	— Mr. Tao Ma	Russian Federation	— Mr. A.A. Novgorodov
Colombia	— Mr. A. Muñoz Gómez	Saudi Arabia	— Mr. T.M.B. Kabli
Cuba	— Mr. J.F. Castillo de la Paz	Singapore	— Mr. M. Fernando (Alt.)
Denmark	— Mr. K.L. Larsen	Slovenia	— Mr. A. Krapež
Egypt	— Mr. A. Mahmoud	South Africa	— Mr. L. Mabaso
France	— Mr. M. Wachenheim	Spain	— Mr. V.M. Aguado
Germany	— Mr. U. Schwierczinski	Swaziland	— Dr. A. Pinto (Alt.)
Guatemala	— Mr. H.A. Rosales Salaverria	United Arab Emirates	— Miss A. AL Hamili
India	— Mr. P.N. Sukul	United Kingdom	— Mr. M. Rodmell
Italy	— Mr. E. Padula	United States	— Mr. D. Woerth
Japan	— Mr. T. Koda		

ALSO PRESENT:

Mr. M. Delisle (Alt.)	— Canada
Mr. Chunyu Ding (Alt.)	— China
Mr. D. Blanco Carrero (Alt.)	— Colombia
Ms. M. Furuhashi (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mr. P.O. Alawani (Alt.)	— Nigeria
Mr. J. Iglesias Villos (Alt.)	— Paraguay
Mr. Hwang, S.-Y. (Alt.)	— Republic of Korea
Mr. Kang, M. (Alt.)	— Republic of Korea
Mr. A. Almoghraby (Alt.)	— Saudi Arabia
Mr. K. Ferjan (Alt.)	— Slovenia

SECRETARIAT:

Mr. D. Azema	— DC/OSG
Dr. Fang Liu	— D/ADB
Mr. I. Galán	— D/TCB
Mr. B. Djibo	— D/ATB
Mr. M. Elamiri	— DD/SMM
Mr. R. Bhalla	— C/FIN
Mr. J. Augustin	— A/D/LEB
Mr. P. Noad	— DD/TCB
Mr O. Myard	— C/EAO
Mr. J. Weich	— DD/HR-ADB
Mr. R. Macfarlane	— C/IIM
Mrs. L. Comeau-Stuart	— C/POD
Mrs. K. Balram	— C/SEA
Ms. H. Jackson	— EAO
Mr. M. Leitgab	— ADADB
Mr. A. Larcos	— ACS

*Part-time

Representatives to ICAO

Chile
Dominican Republic
Ecuador
Ethiopia
Greece
Iran (Islamic Republic of)
Lebanon
Turkey
Uruguay
Venezuela (Bolivarian Republic of)

Opening of the Session

1. The President of the Council extended a warm welcome to Council Representatives to the 198th Session. In doing so, he indicated that it was anticipated this would be a four-week session and that there would be numerous draft Assembly working papers presented to the Council for consideration.

Subject No.13: Work programmes of Council and its subsidiary bodies

Schedule for consideration of items during the 198th Session

2. The Council noted the meeting schedule for the 198th Session presented in the President's memorandum PRES RK/2128 dated 19 November 2012, subject to the following changes:

- the addition of a meeting of the Edward Warner Award Committee, which would take place at 1430 hours on Thursday, 21 February 2013, and;
- the addition of a third meeting of the Edward Warner Award Committee, which if needed, would take place at 1430 hours on Tuesday, 12 March 2013;

3. The Council also noted the schedule for the consideration of items during the 198th Session of the Council as set out in the President's memorandum PRES RK/2142 dated 30 January 2013, on the understanding that:

- the item *Annual Report of the Ethics Officer*, would be rescheduled to the third week of this session, due to the absence of the Ethics Officer on a training mission.
- the item *2012 Report on the activities of the Evaluation and Internal Audit Office*, was rescheduled to be considered at this first meeting.
- as indicated in Addendum No. 2 and Corrigendum to C-WP/13905 Revised, the two separate items *Environmental Protection – Recent developments in ICAO* and *Market-based measures*, would now be considered together as part of the item *Progress Report of the High-level Group on International Aviation and Climate Change (HGCC)*.
- the item *Consolidated report on global Planning and Implementation Regional Groups (PIRGs) results for 2012*, would be deferred to the 199th Session.

Subject No. 42: Technical cooperation

Report on Technical Co-operation Programme Development

4. The Council considered an oral report by the Secretary General on the financial and operational performance results of the development of the Technical Co-operation Programme for 2012 and a related joint oral report by the Technical Co-operation Committee (TCC) and the Finance Committee (FIC).

5. In introducing this item, the Chairman of the Finance Committee indicated that as this was a joint oral report, he would be making his comments on behalf of both the Finance Committee (FIC)

and the Technical Co-operation Committee (TCC), which had held a joint meeting to consider this item on Wednesday, 23 January 2013. It was revealed that based on current information, the Technical Co-operation Bureau (TCB) had implemented a Programme of \$129 million in 2012, equivalent to 96.3 per cent of the forecasted implementation, which was \$133.9 million. These results had represented an increase of 84 per cent as compared to the results of 2011. At the same time, the Administrative and Operational Service Cost (AOSC) Fund had generated a total income of CAD\$8 million while incurring an expenditure of CAD\$7.3 million for a surplus of CAD\$663,000. This surplus, was the first in six years and would deliver an accumulated balance of approximately CAD\$1.5 million as at 31 December 2012.

6. Both Committees were pleased with the progress achieved by TCB in 2012, specifically noting the significant increase in the Programme implementation volume, the accuracy of the forecasting, the positive results of the AOSC Fund and the resulting surplus. It was acknowledged that, although TCB expenditures and staff resources decreased mainly as a result of the economy measures put in place in 2012, the renewed confidence of Member States in TCB, along with its improved processes, contributed to the high implementation volume resulting in the positive result of the AOSC Fund. With these results there was now renewed confidence that 2013 and beyond would continue to deliver positive outcomes.

7. It was intended that a full written report with audited figures would be tabled for the next (199th) Session, together with the updated Programme and Budget forecast for 2013. This detailed report would complement the Annual Report, including information on Programme components as well as a summary of the objectives and achievements of each technical cooperation project implemented in 2012.

8. The Committees recommended that future reports on the Technical Co-operation Programme not only focus on the economic results but also on the Programme's impact on global improvements to civil aviation. Although it was agreed that this information would be of interest, it was also acknowledged that it would be difficult to obtain and to measure the contribution that TCB made to the overall objectives of ICAO.

9. In supplementing the information already provided by the joint report of the Committees, the Secretary General updated the AOSC Fund results by indicating that the implementation of the Programme stood at \$130.9 million and that the surplus was actually \$1.2 million as opposed to \$663,000. Although the updated amounts had been posted on the website, the Secretary General cautioned that these figures had not as yet been audited. In addition, he revealed that the updated amount for the accumulated balance was \$2 million as there was \$800,000 in the bank account.

10. In their statements to the Council, the Representatives of Argentina, Cameroon, Colombia, Cuba, Denmark, France, Italy, Malaysia, Nigeria, Paraguay, Slovenia, Spain, United Kingdom, and the United States all expressed satisfaction with the progress in the Technical Co-operation Programme performance and in the AOSC Fund results, as well as with the optimistic future outlook.

11. The Representative of Spain referred to paragraph 3 of the joint report and welcomed the increase in implementation volume and the positive results from the AOSC Fund. He emphasized that the forecasts had proved to be accurate, which was essential for building trust with the Council and he expressed the hope that in the future there would be more information about the quality of the outputs and the impact on the ICAO Strategic Objectives as well as an indication of client satisfaction. He stated that future reports should also contain a systematic reference to the business plan context, which should be the basis for the programme activity.

12. By way of elaboration, the Director, Technical Co-operation Bureau (D/ATB) revealed it had recently been agreed to report not only on the economic aspects of the programme but also on the quality and impact of the projects being undertaken in the context of the ICAO Strategic Objectives. He indicated this would be a challenging undertaking since for many projects it was difficult to determine the precise impact on each Strategic Objective, but that nevertheless the Secretariat was committed to completing an overview of projects vis-à-vis the Strategic Objectives and taking into account client satisfaction. It was anticipated that this would be reported on in detail in the future.

13. In welcoming the report the Representative of Nigeria praised the efforts of the Secretary General and the ICAO management team on this issue for the positive results that had been achieved.

14. The Representative of Italy underlined the importance of maintaining the character of impartiality and balance in dealing with the different projects because this is what makes the contribution all the more appreciated. In this connection, he sought clarification on paragraph 3.2.1 of the report in relation to experts. He observed that on occasion where experts are hired from the recipient State that is receiving the technical assistance, there might exist a conflict of interest and therefore this was a practice that ought to be avoided. Specifically he sought clarification on how such experts are hired, and what type of selection process the TCB undertakes in this regard.

15. In response the Director, Technical Co-operation Bureau (D/TCB) explained that the relevant selection procedures for experts are lengthy and involve in the first instance, an assessment of the profile for each project and the resource requirements taking into account the country in question. In most cases, this information is used to identify a number of proposed experts for each profile who are ranked accordingly. The countries make the selections while ICAO hires the experts and assesses their performance. All experts are subject to rigorous review and oversight process.

16. The Representative of Malaysia specifically welcomed the turnaround that had been achieved in the Programme over the past six years, including the surplus in the AOSC Fund. He expressed the hope that there would be ongoing efforts in the years ahead to maintain these positive outcomes since this reflected the expectations of the Council.

17. The Representative of Slovenia emphasized that the activities undertaken as part of the Programme reflected an important aspect of the overall role ICAO had as an Organization that assisted Member States in a balanced way through its programmes and activities. In this context he hoped that the positive outcomes reflected in the report would continue into the future.

18. The Representative of France stated that although the surplus represented a remarkable achievement the situation was nevertheless rather fragile so it was important for the Secretariat to remain vigilant in maintaining the necessary oversight measures that would continue to deliver both an increase in activity and an enhancement in results. This represented a good example whereby a reduction in funding did not necessarily have to mean an adverse impact on outcomes. He also observed that the breakdown in activities in the Programme across the regions was more balanced than in the past and that this ought to be sustained into the future.

19. In agreeing with the comments of the Representative of France, the Representative of Denmark also stated that he looked forward to the final audited results. He observed that as recently as December 2012, the Programme had been estimated at \$124 million. Since January 2013, the estimate had continued to grow from \$126 million to about \$130 million today so he welcomed these results.

20. The Representative of Argentina highlighted the importance of promoting the success of the Programme to a broader external audience so that Member States were fully aware of the benefits of the activities being undertaken. He encouraged the Secretariat to continue its efforts in this regard.

21. The Representative of Colombia emphasized the importance of the quality assurance procedures that had been implemented as part of the Programme. He observed that this had been instrumental in reducing costs while delivering revenue growth and in this context he encouraged the Secretariat to explore how this experience could be applied to other ICAO activities and programmes.

22. The Representative of the United Kingdom reiterated that the information on the Programme's impact on global improvements to civil aviation as outlined in paragraph 6 of the report, was particularly important as regards to the contribution this makes to broader strategic objectives. Although this represented a challenge, he hoped that more ICAO projects would be assessed on the basis of their contribution to the objectives of the Organization. He stated that these principles should be reflected in the technical cooperation activities from the outset.

23. In associating himself with the comments of the Representative of the United Kingdom, with respect to paragraph 6 of the report, the Representative of Cameroon observed that there were certain difficulties inherent in measuring an overall impact on global aviation. In this connection, he stated that one option for measuring the impact might be to note the list of States with Significant Safety Concerns (SSCs) and to determine whether those States that participated in technical cooperation projects were subsequently removed from the list.

24. By way of response, the Secretary General indicated that in his next progress report to the Council on the Monitoring and Assistance Review Board (MARB), he had already intended to provide a detailed description of each of the SSCs and the States that are on the list, including whether a State had been removed from the list as a result of technical assistance.

25. The Representative of the United States drew attention to the issues of training and procurement as noted in paragraphs 3.3 as well as 3.4 of the report and stated that these were important matters that required further consideration by the Council. In particular, he observed that advanced training was crucial in raising professional standards. He was therefore concerned to ensure that all training led to positive outcomes.

26. On this point the Secretary General revealed that more detailed information would shortly be forthcoming and would be disseminated in due course.

27. The Representative of Cuba emphasized the importance of generating revenue given the current global economic situation and the reality facing many Member States. In welcoming the positive results achieved in the Programme he encouraged the Secretariat to explore ways to extend similar management strategies elsewhere to other programmes and activities in the Organization with the aim of achieving comparable results.

28. The Representative of Paraguay reminded the Council that the Programme played an important role in ensuring that existing aviation systems were improved and efficiencies were gained for Member States. She also echoed the comments of other Council Representatives in encouraging the Secretariat to consider replicating the positive results achieved to other programmes and activities.

29. In drawing the discussion on this item to a close, the President of the Council thanked Council Representatives for their guidance and support in implementing the changes that had helped to bring about a more positive outlook for the Technical Co-operation Programme, especially in terms of increased activity as well as revenue and the achievement of a surplus. On behalf of the Council, he thanked the Secretariat for their efforts in this regard.

30. The Council then noted the oral report by the Secretary General on the financial and operational performance results of the development of the Technical Co-operation Programme for 2012 and the related joint oral report by the Technical Co-operation Committee and the Finance Committee.

Subject No. 20.1: **Activities of the regional offices**
Subject No. 24.2: **Assembly agenda and documentation**

**Draft Assembly working paper – Cooperation with Regional Organizations
and Regional Civil Aviation Bodies**

31. The Council had for consideration: C-WP/13921, presented by the Secretary General, which reported on progress made with regional organizations and regional civil aviation bodies in the context of the ICAO Policy on Regional Cooperation. The draft Assembly working paper was prepared in response to a request from the 37th Session of the Assembly for a report on the overall implementation of the ICAO Policy on Regional Cooperation (Resolution A37-21, Resolving Clause 10 refers).

32. In his introductory comments, the Secretary General recalled the historical background to the item, including the requirement for a draft Assembly working paper that outlined the manner in which ICAO has progressed over the current triennium in implementing the ICAO Policy on Regional Cooperation by adopting proactive measures and conducting joint activities. He also recalled that the 37th Session of the Assembly in adopting Resolution A37-21, had requested the Council to deliver a report to the next Session of the Assembly on the overall implementation of the ICAO Policy and progress made. The draft Assembly working paper had been coordinated with relevant regional organizations and regional civil aviation bodies as well as with those that had signed an ICAO Memorandum of Cooperation.

33. The Representative of Denmark sought clarification on whether paragraph 10 of Assembly Resolution A37-21 required that a report on this item be delivered to every future session of the Assembly or only to the 38th Session of the Assembly. By way of clarification, the Secretary General confirmed that given the importance of this issue it was intended that a report on this item would be presented to all future Assembly sessions.

34. The Representative of Mexico underlined the importance of ensuring that ICAO actively participates in regional meetings. He suggested that consideration be given for the report to include an additional emphasis in this direction to which the Secretary General explained that the Secretariat carefully considers the benefits of its participation at all events. He observed that it was not possible to attend all events given work and time constraints so a thorough assessment is made of the merits of each event and of the value that ICAO participation could bring. Requests for participation at meetings that involve more than two Secretariat Officers had to be submitted to him in advance for approval. He also drew a distinction between a policy meeting and an operational meeting, which might at times be difficult to distinguish, but that in essence great care was taken in confirming participation at events.

35. The Representative of Canada wondered whether there was a need to provide greater clarity and to be more strategic in the manner with which this Policy was being implemented particularly as regards to harmonizing efforts and coordinating planning. In response, the Secretary General elaborated on the way in which the report outlines this information in an overall context. He also noted that regional cooperation is different depending on the region and depending on the strength of the Regional Organizations in different parts of the world, which was something that needed to be taken into account in implementing this policy.

36. The Representative of the United States emphasized the importance of eliminating duplication and of harmonizing the implementation of the policy. The value added component represented an important factor in this process and one which he was confident was being taken into account in this context.

37. The Representative of India expressed the view that future reports should contain information on regional security events so as to present a more comprehensive overall summary.

38. The Representative of Paraguay welcomed the report and the way it had presented information in a comprehensive and clear manner particularly as regards to Latin America. However, she drew attention to an error in the Spanish language version of the document, where a word had been repeated in the final line of paragraph 7.4. The President of the Council undertook to have this corrected.

39. The Representative of France underlined the important added value that regional cooperation brings and he encouraged efforts in this regard to be enhanced where possible. There was a need to adapt participation to the circumstances and that the President and Secretary General should not be expected to attend all meetings as it would be too demanding. He also agreed with the need to ensure that a report on this item be presented to all future Assembly sessions.

40. The Representative of Malaysia referred to paragraph 8.3 of the report and specifically to the ICAO presentation on the APANPIRG GNSS implementation activities that had been delivered to a meeting of the APEC GNSS Implementation Team (GIT/17) in July 2012. In this regard, he encouraged the Secretariat to provide a more active level of participation especially in areas such as this where ICAO had a level of expertise to offer and where there might be an expectation from stakeholders that the Organization could genuinely add value.

41. In supplementing his earlier intervention, the Representative of Mexico stated that it was important for the President of the Council and the Secretary General to jointly coordinate their participation at events particularly when it came to promoting regional cooperation.

42. In the context of overall regional cooperation activities, the Representatives of Colombia and Burkina Faso noted the important role played by Planning and Implementation Regional Groups (PIRGs) and they stressed the need for the Council to consider strengthening the level of interaction with PIRGs and for there to be an increased level of reporting in this area.

43. In concluding the discussion on this item, the President of the Council took note of all the comments made and assured the Council that Regional Organizations would continue to play an increasingly important role. He recalled that this was one reason why Assembly Resolution A37-21 had been adopted and why both he and the Secretary General had coordinated their attendance at meetings. He also observed that the Regional Offices play an important role with regional meetings. He noted the progress that had been made since the Assembly Resolution had been adopted and although the report

was not meant to be exhaustive it nevertheless reflected the agreements reached and the main outcomes of those agreements. In relation to the PIRGs, he informed the Council that he would be meeting with the Chairmen of the PIRGs and the RASGs in March in the United Kingdom.

44. The Council then approved the draft Assembly working paper appended to C-WP/13921 concerning the implementation of ICAO's Policy on Regional Cooperation, for transmission to States as documentation for the 38th Session of the Assembly. Comments made during the discussion would be taken into account by the Secretary General.

Subject No. 14.2: Regional Plans

**Annual Report to Council on Regional Offices' activities during 2012
and work programmes for 2013**

45. The Council had for consideration: C-WP/13919, an information paper that presented a summary report of the activities undertaken by Regional Offices for the year 2012. The paper also contained an outline of the proposed work programmes for 2013.

46. In his introductory comments, the Secretary General recalled that when the equivalent of this report had been presented to the Council the previous year, it was identified that there was need for improvement and so information contained in this year's report was presented under six main topic headings: safety, air navigation, security, air transport, environmental protection, and technical cooperation. The document provided a synopsis of the activities undertaken by the Regional Offices under the global strategic direction of the Organization, while at the same time outlining significant activities specific to each region and taking into account the needs of Member States. He noted that it was an extensive report and in doing so he highlighted that as activities are aligned with the business plan and other key strategies, Regional Offices are increasing their synergies with Headquarters, thus reinforcing the "Working as One ICAO" approach. He also noted that his Office was responsible for coordinating with the Regional Offices, on a political or policy front, while technical and operational coordination was covered directly by the relevant Bureau, thus avoiding potential duplication of effort.

47. Given the increased collaboration with Regional Organizations and Regional Civil Aviation Bodies, the Secretary General observed that positive outcomes were also being achieved through more effective and cost-efficient initiatives. The implementation of SARPs for safety and security remained the primary focus of Regional Offices activities. However, due to the addition of Regional Aviation Security Officers, the activity in this area had been considerably enhanced. Work on air navigation capacity and efficiency had also been increasing with the implementation of performance-based navigation, rule structures, and air traffic flow management. This activity would continue to gain importance in the future. At the same time, the role of the Regional Offices in air transport and environmental protection would develop as policy needs were more clearly defined.

48. The Representative of Singapore found the report to be especially useful and given its relevance, it was important that the Council was kept informed of any developments. He suggested that consideration be given to reporting on the PIRGs along similar lines as these style of reports, which could help Council to perform its oversight function. However, one aspect that he found lacking from the report was in relation to the ATS route between Ecuador and the Asia Pacific. He observed that although this had indeed been referred to in Appendix B, it should also have been included in Appendix A as well.

49. The Representative of Australia welcomed the comprehensive nature of the report, including the structure, which greatly added to the readability of the information contained. However, she observed that it was not always apparent in the report as to how activities undertaken by the Regional Offices related to the ICAO Strategic Objectives. Acknowledging that this was not easy to measure, she nevertheless encouraged the Secretariat to move further in that direction in future reports.

50. In relation to information provided in the report about the implementation of Flight Plan 12 in November 2012, she observed that this had been successfully implemented and that the Regional Offices played a role in that. However, she expressed concern that there did not appear to be a proposal to conduct a post-implementation review of this project. She wondered to what extent this was being monitored through the Regional Offices and the degree to which Member States were following through. There was an important compliance aspect to this issue given the benefits derived from a project such as this and in light of the resources that had already been invested.

51. In response, the Chief, Integrated Infrastructure Management Section (C/IIM) confirmed that the Secretariat had envisaged a post-implementation review that would take place after the Assembly, or in the year following the Assembly to determine the success of the implementation. He explained that there had been a slight delay as the Secretariat had been awaiting the outcome of ANConf/12, at which this issue had also been under consideration.

52. In concurring with the comments from the Representative of Australia, the Representative of the United Kingdom stressed the need to more clearly establish the link between the activities in the regions and the outcomes achieved, particularly in the context of a results-based management approach.

53. The Representative of France echoed earlier comments in welcoming the comprehensive and informative nature of the report but expressed the view that in relation to the 2013 work programmes, the information provided could have been more substantial. He suggested that future reports more clearly delineate between ongoing activities and new activities and that in addition, the reports should take a long term view of future work programmes by reflecting activities scheduled two and three years in advance.

54. The Representative of Nigeria thanked the Secretariat for compiling the information that had been presented in the report. One aspect of the report that he found especially useful was the information relating to key issues in each region, which outlined the challenges being faced vis-à-vis the Strategic Objectives. In this connection, he wondered how the Council could better apply this information in shaping the various policies that came before it for consideration and in providing Regional Offices with an opportunity to elaborate options in addressing the various issues.

55. In response, the President of the Council acknowledged that this represented a challenge for the Secretariat but also for the Member States who had an opportunity to engage with the Regional Offices on specific areas of concern.

56. The Representative of Spain expressed the view that future reports could contain a management plan for each of the Regional Offices that in turn reflected the overall ICAO management plan. He stated that both the Council and the Regional Offices needed to work together to identify strategic challenges and how these would be addressed.

57. In relation to the term “air navigation” as it appears in the report, the Representative observed that it seemed to comprise the concept of safety, which could imply capacity and efficiency in

air navigation, and not merely air navigation alone. In this connection, there was a need to better clarify this term and he observed that a related example in the Latin American region carried implications for an unassigned Flight Information Region (FIR). He sought further information from the Secretariat about this issue.

58. With regard to Regional Offices and technical cooperation activities, he stated that the role of the Regional Offices was not clear and that more detail might be needed in the action plans. Likewise on the issue of the role of the Regional Offices in promoting capacity and efficiency of air navigation especially in terms of route structuring, it was important to ensure efficient route structures that enhance air navigation.

59. By way of supplementary information, C/IIM confirmed that indeed there was an unassigned FIR in which the Secretariat was currently in negotiations with the relevant State to take responsibility for this matter on behalf of ICAO. It was anticipated that this would lead to a proposal that would be presented to the Council in the near future.

60. The Representative of Cuba sought clarification on the potential role that Regional Offices could play in ensuring that Member States responded to State Letters. He observed that it was often the case that replies from States are not forthcoming within a reasonable timeframe and that perhaps this was an area that the Regional Offices could play a more pro-active role.

61. The President of the Council agreed that the response rate to State Letters was indeed an area requiring an additional focus and emphasized that it was especially important for Member States to react promptly to State Letters concerning the Annex amendments. He also concurred with the suggestion that Regional Offices could play a more active role in liaising with Member States in this regard.

62. The Council then noted information paper C-WP/13919, in which the Secretary General provided a summary of the activities undertaken by the ICAO Regional Offices in 2012 and an outline of the related work programmes for 2013. In so doing, the Council also noted that the summary reports for each of the Regional Offices were presented as separate Appendices to the information paper.

Subject No. 13 : Work programmes of Council and its subsidiary bodies

2012 Report on the activities of the Evaluation and Audit Office (EAO)

63. Tabled for the Council's consideration was C-WP/13933, in which the Secretary General transmitted the report on activities undertaken by the Evaluation and Audit Office (EAO) in 2012.

64. In his introductory remarks to this item the Chief, Evaluation and Internal Audit Office (C/EAO) acknowledged that the results delivered in 2012 were less than ideal. He explained that in part this was due to the fact that EAO had been functioning with less than a full complement of staff. As a consequence, some elements of the EAO work programme for 2011 had not been undertaken. The work programme had also been impacted by the inclusion of two special investigations: one related to a grant certification for the European Union and the other an evaluation of COSCAP South Asia.

65. In relation to the overall role, C/EAO reminded the Council that EAO has oversight responsibilities applying to internal audit, evaluation, investigations, and other administrative activities that do not form part of its core function such as acting as a focal point between the Secretariat and the Joint Inspection Unit, and, between the Secretariat and the External Auditor. These non-core activities

represent a significant workload on an ongoing basis and because of the need to comply with strict deadlines paradoxically have often taken priority over core activities. However, C/EAO has been working with the Secretary General to identify and implement appropriate solutions to solve these issues that prevent the EAO from playing its full role and in providing assurance to the Council that effective controls are in place, particularly as regards to potential sources of savings.

66. In concluding, C/EAO observed that as from February 2012, EAO would have a full complement of staff with the result that four audits and two evaluations are currently under way. This would facilitate completion of the 2012 work programme, commencement of the 2013 work programme, and a greater ability to respond to ad hoc requests. In addition, C/EAO was in the process of introducing several new management processes aimed at improving monitoring and speeding up delivery of reviews. He was also arranging quarterly meetings with the senior management group with the aim of improving the rate of implementation of recommendations. This latter measure had already delivered results with the number of outstanding recommendations having fallen sharply.

67. The Representative of Denmark stated that although he was dissatisfied with the lack of progress in relation to internal audits, he did nonetheless welcome the explanation and additional information provided by C/EAO as well as an outline of the changes that had been implemented to improve the overall situation. In doing so, he asked why it had taken so long to fill a vacant Professional post in EAO. The Representative also sought clarification about the role and obligation of EAO in providing the Council with the results of any investigation in relation to misconduct even in cases where an investigation had been conducted on a confidential basis.

68. In response, C/EAO explained that in relation to the delay in recruiting for one of the Professional posts in EAO, this had been due in part to the fact that the selected candidate was unable to take up the position for some months following the offer of appointment. Regarding investigations of a confidential nature, C/EAO indicated that it was not possible to disclose the results of any investigation that relate to individuals. He observed though that the reports of the Ethics Officer gave an indication of the nature of some of the investigations being carried out since this was taken into account by EAO and was helpful in highlighting certain aspects of a number of issues requiring investigation.

69. The Representative of Spain welcomed the fact that EAO now had a full complement of staffing resources to fulfil its mandate and expressed the hope that this would lead to positive results in the year ahead. In relation to the way that the Secretariat responded to audit recommendations, he stated it was important for the Secretariat to appreciate that it had an obligation to respond not only because an issue formed part of an audit recommendation but also because an issue was covered by a Council decision, which by implication necessitated appropriate attention by the Secretariat.

70. In also welcoming the report of the EAO, the Representative of the Russian Federation expressed the hope that in the forthcoming deliberations on the ICAO budget, the Council would bear in mind the need to ensure that EAO was adequately resourced to undertake all the activities required. In this connection, he stated that he would support strengthening the staff allocation for EAO when the budget discussions were under way.

71. The Representative of Singapore emphasized the importance of the evaluation role being performed by EAO. He stated that this was an invaluable management tool and in this connection it was unfortunate that the evaluation programme had not been progressed as much as it had been hoped. He especially stressed the importance of COSCAP evaluations since they represent an important element of the support ICAO provides to Member States in ensuring harmonization and implementation of safety

oversight requirements. He therefore encouraged EAO to consider undertaking a global COSCAP with a view to examining whether it could in its current format be further enhanced to help States.

72. In welcoming the EAO report and the positive outlook it presented, the Representative of France wondered whether the delays that had been experienced in filling one of the Professional posts could give rise to a review of the recruitment procedures so that where a preferred candidate was unavailable within a given time frame, there would be a requirement to offer the position to a subsequent candidate. In relation to the issue of internal investigations of a confidential nature, the Representative expressed the view that as a governing body, the Council should be kept informed of all such matters regardless of the confidentiality aspects. Concerning liaison with the Joint Inspection Unit (JIU) and the External Auditor, the Representative wondered how the resultant workload could be reduced so as to minimize the impact on EAO. This was particularly important vis-à-vis JIU recommendations, many of which carried no direct applicability for ICAO. The Representative expressed concern that the overall workload for EAO was excessive and that it was necessary to reduce this burden.

73. In response, the Secretary General observed that the issue of the workload resulting from the JIU recommendations had been dealt with on previous occasions and it had been decided that ICAO needed to be part of the JIU process, which was an integral aspect of the United Nations system. Nevertheless, ICAO in collaboration with the JIU, is exploring a two-tier approach whereby recommendations that have no direct relevance for ICAO would not require a response. In relation to its liaison role, the Secretary General explained that EAO was not the only part of the Secretariat dealing with the External Auditor. On the matter of confidential investigations, he indicated that in this instance the matter involved a violation of the rules. At the time he had considered a range of options by way of response since all such matters are taken very seriously and he had accordingly taken the necessary action.

74. The Representative of France reiterated that regardless of the confidential nature of certain items, the Council as a governing body, should as a general principle be kept informed of such matters. In response, the Secretary General explained that the only aspect of this matter that had been kept confidential was the name of the individual concerned and there were governance implications in revealing that.

75. In referring to the delays encountered in staff recruitment, the Representative of India indicated that he would welcome additional information arising from potential audits of issues relating to internal staff development, training activities, and cost effectiveness of travel. However, he stated that there was a particular need to focus on the audit of IT strategic planning and project management since there was a concern this did not adequately provide the required delivery systems. He wondered whether EAO was in a position to deal with such an audit of the IT systems. The President of the Council indicated that information on this issue would be provided in due course.

76. In referring to the issue of COSCAP evaluations as referred to by other Representatives in earlier interventions, the Representative of Cameroon reiterated that this was important to the Member States and he urged that adequate resources be allocated to EAO so that this task could be carried out.

77. The Representative of Slovenia observed that there might be implications for EAO in the event of additional outsourcing being relied upon and that this might impact the outcome of activities being undertaken. In relation to the issue of confidentiality, he suggested that in future reports, such terms ought to be avoided.

78. In referring to the liaison role between EAO and the JIU, the Representative of Cuba sought additional information on how the Council would be informed of the JIU recommendations being referred to ICAO. He expressed concern if the Council was in a position where it was unaware of certain JIU recommendations or if it were not given the opportunity to consider those recommendations.

79. By way of clarification, C/EAO indicated that the proposal was to identify in advance all JIU reports, including those not directly relevant to ICAO. Whereas the current arrangement requires ICAO to consider all JIU reports and respond to sometimes lengthy questionnaires, the proposal would entail a two-tier questionnaire that would enable the Secretariat to respond only to those reports that were considered essential and relevant. He explained that the Council would still be informed of all JIU reports but that this new arrangement would considerably lighten the workload for EAO.

80. The Representative of Colombia emphasized the importance of the results-based management approach in relation to the work of EAO. In this connection, he observed that there was a need to adopt a broader view that could be extended to accommodate a results-based evaluation focus on the expected outcomes of Council decisions and Assembly resolutions.

81. In relation to the issue of confidentiality, the Representative of the Russian Federation proposed that where there were certain sensitivities to be observed in terms of governance principles, consideration could always be given to the Council holding a closed meeting. He observed that this would satisfy the principle of transparency, which was equally important in such matters.

82. The Council then noted information paper C-WP/13933, together with the comments of the Chief, Evaluation and Internal Audit Office (C/EAO) on audit and evaluation reports completed during the year. It was also noted that the Appendix to the paper outlined the status of implementation of recommendations made in previous EAO reports. Comments made during the discussion would be taken into account by the Secretary General and C/EAO.

Subject No. 3: Election of the President of the Council

Draft State Letter on the election of the President of the Council

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83. The Secretary General introduced this item and in so doing, informed the Council that in accordance with the *Rules of Procedure for the Council*, the draft State Letter contained in C-WP/13923 would be issued to States not less than three months before the opening of the session of the Assembly. The State Letter informs States that the Council to be elected at the Assembly will elect its President. Attachments A and B to the State Letter reproduce the pertinent articles of the Convention, and Attachment C provides the information and conditions of service, salary and other benefits. Some of the figures in Attachment C would need to be adjusted as appropriate.

84. The Council was invited to approve the draft State letter and to determine the date by which the nominations for the Presidency should be in the hands of the Secretary General. In this respect, the Council was invited to consider a deadline for submissions of nominations of either, 13 September 2013, which is before the opening of the 38th Session of the Assembly or 11 October 2013, which follows the Assembly Session.

85. In referring to the question of the date of close of nominations, the Representative of India indicated a preference for this being after the Assembly session. On this basis he supported the

option of 11 October 2013. He expressed the view that it would be preferable to have a closing date once the membership of the newly elected Council was confirmed and this would only be after the Assembly.

86. The Representative of Cameroon recalled that historically, with the exception of the past two Assembly sessions, the closing date for the submission of nominations had been set towards the end of August. He expressed a preference for a similar time frame and suggested that the Council consider permanently fixing a date for this item that was towards the end of August. He nevertheless indicated that he would also support the option contained in the paper, which was 13 September 2013.

87. The Representative of Colombia supported the concept of setting a permanent closing date for nominations and suggested that the final working day of August could be such an option. He stated that the closing date should always be before an Assembly session so that delegates would not be distracted by this issue at the Assembly.

88. In referring to the text of the draft State Letter and the requirements of potential candidates, the Representative of Canada wondered whether the sentence: “The international character of this high function, requiring contact with officials of different backgrounds and cultures, makes a knowledge of more than one of the working languages of ICAO another highly desirable qualification”, should not be amended to read instead “...a knowledge of more than one of the *official* languages of ICAO...”. On a separate matter, the Representative raised the issue of whether the monetary amounts contained in the Attachments to the State Letter were correct. Specifically he noted that the figures indicated for candidates with dependents and candidates with non-dependants were identical.

89. The President of the Council indicated that the Secretariat would review the monetary amounts contained in the Attachments to the State Letter in order to verify their accuracy. In relation to the issue of languages, he explained that the official languages and working languages were the same.

90. The Representative of Burkina Faso indicated a preference for selecting a date in advance of the Assembly session as this would also help to facilitate a more efficient meeting for the first meeting of the newly elected Council.

91. In relation to the options before the Council, the Representative of the Russian Federation indicated a preference for having a closing date for nominations that would be after the Assembly session. He stated that given the nature of the role of President of the Council, a later date would provide for greater flexibility for delegations to consider this issue during the Assembly.

92. The Representatives of Morocco, Nigeria, Saudi Arabia, Slovenia and United Arab Emirates all voiced support for choosing the earlier date as proposed so that nominations would close on 13 September 2013.

93. Speaking in support of selecting the later date of 11 October 2013, the Representative of France stated that this latter option had the advantage of providing candidates with more time to make their respective case. On a separate matter, with respect to the pension arrangement that is described in the Attachment to the State Letter, he wondered what the term “special arrangement” meant since the use of the term as it currently appeared was rather vague and might not be helpful to candidates in understanding the entitlement.

94. The Representative of Spain also drew attention to the information contained in the Attachments with respect to the pension arrangement and the need to provide additional clarity on this point especially with some of the terminology used. In relation to the date for close of nominations, he

sought clarification on the reasons why in the past the date chosen might have varied to before or after an Assembly session.

95. The President of the Council explained that his understanding was that with the exception of the most recent two Assembly sessions, historically the date for the close of nominations for this position had generally been before the Assembly session. This was so as to allow time for consultation between Member States during the Assembly. He himself did not have a preference and recognized that there were advantages in either option presented to the Council. Nevertheless, based on the preceding discussion he perceived that the general consensus in the Council was to favour selecting a closing date for nominations of 13 September 2013.

96. Subject to the verification of information contained in Attachment C (Conditions of Service), the Council then approved the draft State letter appended to C-WP/13923, which would notify Member States of the forthcoming election of the President of the Council and inviting the submission of candidatures. The Council also agreed to fix 13 September 2013 as the date by which the submission of candidatures for the President of the Council should be in the hands of the Secretary General. It was understood that the information in Attachment C (Conditions of Service) would, if necessary, be updated in light of the Council's further consideration of the net base salaries and representation allowances of the President of the Council and the Secretary General, referred to in a subsequent item to be considered by the Council (Representation allowances C-WP/13922 refers). It was also understood that the State Letter would be sent as soon as practicable.

Any other business

Subject No.50: Questions relating to the environment

Appointment of new Members and new Observers on the Committee on Aviation Environmental Protection (CAEP)

97. In the absence of comments by 16 November 2012 to the e-mail from the President of the Council dated 2 November 2012, Ms. Maryam Ali Ahmed Al Balooshi has been appointed as the new CAEP Observer nominated by the United Arab Emirates (UAE) with effect from 17 November 2012.

98. Also, in the absence of comments by 20 November 2012 to the e-mail from the President of the Council dated 7 November 2012, Mr. Timothy Fenoulhet has been appointed as the new CAEP Observer from the European Union to replace Mr. David Batchelor with effect from 21 November 2012.

99. In addition, in the absence of comments by 4 January 2013 to the e-mail from the President of the Council dated 29 November 2012, Ms. Özgü Sari_nal has been appointed as the new CAEP Observer nominated by Turkey to replace Mr. Cemil Acar with effect from 5 January 2013.

100. Furthermore, in the absence of comments by 30 January 2013 to his e-mail dated 7 January 2013, the President of the Council has approved the nomination of Mr. Adam Simmons as the new CAEP Member from the United Kingdom to replace Mr. Jeremy Hotchkiss with effect from 31 January 2013.

101. Moreover, in the absence of comments by 6 February 2013 to his e-mail dated 23 January 2013, the President of the Council has approved the nomination of Mr. Jean-Philippe Dufour

as the new CAEP Member from France to replace Mr. Philippe Langumier with effect from 16 February 2013.

Subject No. 6.3: Election of Chairman and Members of subsidiary bodies of the Council

Appointment of a Member on the Air Transport, Joint Support and Unlawful Interference Committees (ATC, JSC and UIC)

102. In the absence of comments by 14 December 2012 to the e-mail from the President of the Council dated 19 November 2012, Mr. Abdallah Ibrahim Hamed Mahmoud (Egypt) has been appointed to succeed Mr. Mahmoud Taha Elzanaty as a Member of the JSC and UIC with effect from 15 December 2012. In accordance with the *Rules of Procedure for Standing Committees of the Council* (Doc 8146), the President of the Council has also appointed Mr. Mahmoud to succeed Mr. Elzanaty as a Member of the ATC with effect from 19 November 2012.

Subject No. 6.3: Election of Chairman and Members of subsidiary bodies of the Council

Appointment of a Member and Alternates on the Air Transport and Unlawful Interference Committees

103. In accordance with the *Rules of Procedure for Standing Committees of the Council* (Doc 8146), the President of the Council has appointed Mrs. Doris Sotomayor Yalán (Peru) as a Member of the Air Transport Committee and Mrs. Lucy Camacho Bueno and Mr. Walter Milenko Vojvodic Vargas as her Alternates on this Committee with effect from 23 January 2013.

104. Also, in the absence of comments by 5 February 2013 to the President of the Council's e-mail dated 24 January 2013, Mrs. Sotomayor Yalán has been appointed as a Member on the Committee on Unlawful Interference, and Mrs. Camacho Bueno and Mr. Vojvodic Vargas as her Alternates on this Committee with effect from 6 February 2013.

Subject No. 15.4: Facilitation

Public Key Directory (PKD) Membership

105. In the absence of comments by 20 December 2012 to the e-mail from the President of the Council dated 21 November 2012, Mr. Adeel Khan (Australia) has been appointed as a Member of the PKD Board to replace Mr. Ross Tysoe from November 2012 to November 2013.

Subject No. 10: ICAO relations with the United Nations, the Specialized Agencies and other international organizations

Request from the European Union (EU) to participate as Observer in closed meetings of the Council on aviation security

106. In the absence of comments by 30 January 2013 to the e-mail from the President of the Council dated 17 January 2013, Mr. Christopher Ross, Head of Office, Office of the European Union (EU) in Montréal, has been invited, in accordance with Rules 32 a) and 38 of the *Rules of Procedure for the Council* (Doc 7559), to participate as Observer on behalf of the EU during the current (198th) Council's consideration, in closed session, of all items related to aviation security.

Subject No. 10: ICAO relations with the United Nations, the Specialized Agencies and other international organizations

Request from the World Wide Airport Coordination Group (WWACG) to participate in ATConf/6 as an Observer

107. In the absence of comments by 31 January 2013 to the e-mail from the President of the Council dated 24 January 2013, the World Wide Airport Coordination Group (WWACG) has been invited to participate as Observer in ATConf/6.

Subject No. 16: Legal work of the Organization

Fifth Meeting of the Commission of Experts of the Supervisory Authority of the International Registry (CESAIR) – 17 to 18 December 2012

108. In the absence of comments by 7 December 2012 to his e-mail dated 3 December 2012, the President of the Council has approved the participation of Ms. Merriam Machika, Manager, Aircraft Registration of the South African Civil Aviation Authority as an observer in the Fifth Meeting of the Commission of Experts of the Supervisory Authority of the International Registry (CESAIR), to replace Mr. Subasham Devkaran.

Subject No. 16: Legal work of the Organization

Sixth Meeting of the Commission of Experts of the Supervisory Authority of the International Registry (CESAIR)

109. In the absence of comments by 31 January 2013 to his memorandum PRES RK/2139 dated 17 January 2013, the President of the Council proceeded to convene the sixth meeting of the CESAIR to be held at ICAO Headquarters from 2 to 4 April 2013.

Subject No. 15.2: Regulation of international air transport services

Revised Agenda for the Sixth Worldwide Air Transport Conference (ATConf/6, Montréal, 18 to 22 March 2013)

110. In the absence of comments by 31 December 2012 to the e-mail from the President of the Council dated 5 December 2012, it is considered that the Council does not have any objections to the revised Agenda for the ATConf/6 attached thereto.

Subject No. 10: ICAO relations with the United Nations, the Specialized Agencies and other international organizations

Memorandum of Cooperation (MoC) between ICAO and the International Telecommunication Union (ITU) for Providing a Framework for Enhanced Cooperation Regarding the Protection of the Global Navigation Satellite System from Harmful Interference with a Potential Impact on Aviation Safety

111. In the absence of comments by 26 November 2012 to his memorandum PRES RK/2127 dated 13 November 2012, the President of the Council has signed on behalf of ICAO the MoC negotiated with the ITU.

Subject No. 10: ICAO relations with the United Nations, the Specialized Agencies and other international organizations

Memorandum of Cooperation (MoC) between ICAO and the Civil Air Navigation Services Organisation (CANSO) for Providing a Framework for Enhanced Cooperation to Improve Safety Performance in Civil Air Navigation Services Worldwide

112. In the absence of comments by 31 January 2013 to his memorandum PRES RK/2136 dated 17 January 2013, the President of the Council will sign the MoC on behalf of ICAO.

Subject No. 14.1: International Standards, Recommended Practices and Procedures

Approval by the Air Navigation Commission, acting under delegated authority, of Amendment 2 to the *Procedures for Air Navigation Services — Training* (PANS-TRG, Doc 9868)

113. In the absence of comments by 4 January 2013 to his memorandum PRES RK/2132 dated 7 December 2012, the President of the Council has approved Amendment 2 to the PANS-TRG on behalf of the Council and has informed the Council accordingly.

Subject No. 46: Edward Warner Award

Election of a Member of the Edward Warner Award Committee

114. In the absence of comments by 22 January 2013 to the e-mail from the President of the Council dated 21 January 2013, Mr. Moumouni Dieguimde (Burkina Faso) has been elected as a Member of the Edward Warner Award Committee to succeed Mr. Jorge Gelso (Argentina).

Subject No. 12: Programme of ICAO meetings

**ICAO Symposium on Aviation and Climate Change, “Destination Green”,
14-16 May 2013, Montreal, Canada**

115. In the absence of comments by 11 January 2013 to his e-mail dated 14 December 2012, the President of the Council has approved the invitation of the organizations listed therein to the ICAO Symposium on Aviation and Climate Change to be held in Montréal from 14 to 16 May 2013.

116. The Council went into closed session at 1710 hours so as to consider the remaining items on the Order of Business.

COUNCIL — 198TH SESSION

SUMMARY MINUTES OF THE FIRST MEETING

(THE COUNCIL CHAMBER, MONDAY, 18 FEBRUARY 2013, AT 1710 HOURS)

CLOSED MEETING

First Vice President of the Council: Mr. D. Méndez Mayora (Mexico)

Acting Secretary: Dr. Fang Liu, Director, Administration Bureau and Services

PRESENT:

Argentina	— Dr. N. Luongo (Alt.)	Japan	— Mr. T. Koda
Australia	— Ms. K. Macaulay	Malaysia	— Mr. Y.-H. Lim
Belgium	— Mr. G. Robert	Morocco	— Mr. A. Boulmane
Brazil	— Mr. J. Taunay	Nigeria	—*Dr. O.B. Aliu
Burkina Faso	— Mr. M. Dieguimde	Paraguay	— Mrs. A. Torres de Rodríguez
Cameroon	— Mr. E. Zoa Etundi	Peru	— Mrs. L. Camacho Bueno (Alt.)
Canada	— Mr. M. Allen	Republic of Korea	— Mr. Choi, D.
China	— Mr. Tao Ma	Russian Federation	— Mr. A.A. Novgorodov
Colombia	— Mr. A. Muñoz Gómez	Saudi Arabia	— Mr. T.M.B. Kabli
Cuba	— Mr. J.F. Castillo de la Paz	Singapore	— Mr. M. Fernando (Alt.)
Denmark	— Mr. K.L. Larsen	Slovenia	— Mr. A. Krapež
Egypt	— Mr. A. Mahmoud	South Africa	— Mr. L. Mabaso
France	— Mr. M. Wachenheim	Spain	— Mr. V.M. Aguado
Germany	— Mr. U. Schwierczinski	Swaziland	— Dr. A. Pinto (Alt.)
Guatemala	— Mr. H.A. Rosales Salaverria	United Arab Emirates	— Miss A. AL Hamili
India	— Mr. P.N. Sukul	United Kingdom	— Mr. M. Rodmell
Italy	— Mr. E. Padula	United States	— Mr. D. Woerth

ALSO PRESENT:

Mr. M. Delisle (Alt.)	— Canada
Mr. Chunyu Ding (Alt.)	— China
Mr. D. Blanco Carrero (Alt.)	— Colombia
Ms. M. Furuhashi (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mr. P.O. Alawani (Alt.)	— Nigeria
Mr. J. Iglesias Villos (Alt.)	— Paraguay
Mr. Hwang, S.-Y. (Alt.)	— Republic of Korea
Mr. Kang M. (Alt.)	— Republic of Korea
Mr. A. Almoghraby (Alt.)	— Saudi Arabia
Mr. K. Ferjan (Alt.)	— Slovenia

SECRETARIAT:

Mr. D. Azema	— DC/OSG
Mr. I. Galán	— D/TCB
Mr. B. Djibo	— D/ATB
Mr. M. Elamiri	— DD/SMM
Mr. R. Bhalla	— C/FIN
Mr. J. Augustin	— A/D/LEB
Mr. P. Noad	— DD/TCB
Mr O. Myard	— C/EAO
Mr. J. Weich	— DD/HR-ADB
Mr. R. Macfarlane	— C/IIM
Mrs. L. Comeau-Stuart	— C/POD
Mrs. K. Balram	— C/SEA
Ms. H. Jackson	— EAO
Mr. M. Leitgab	— ADADB
Mr. A. Larcos	— ACS

*Part-time

Representatives to ICAO

Chile
Dominican Republic
Ecuador
Ethiopia
Greece
Iran (Islamic Republic of)
Lebanon
Turkey
Uruguay
Venezuela (Bolivarian Republic of)

Subject No. 7.4 Conditions of service

Representation allowances of the President of the Council and the Secretary General

1. With the First Vice-President of the Council (Mexico) presiding, the Council considered this item on the basis of C-WP/13922 Restricted [with blue rider], as presented by the Director of the Bureau of Administration and Services (D/ADB) and an oral report thereon from the Finance Committee (FIC).
2. In his oral report on this item, the Chairperson of the Finance Committee indicated that in relation to the salaries and allowances outlined in the working paper, one aspect of the component amounts remained outstanding and could not be finalized as this was awaiting a recommendation from the International Civil Service Commission (ICSC). Separately, he also explained that members of the FIC had emphasized the need to strengthen the level of transparency in relation to the representation allowances. In this connection the FIC was recommending that Council review both the amount of representation allowances being paid and the manner in which the payment was made.
3. The Representative of India stated that he agreed with the FIC recommendations a) and b) to maintain the salary levels for the officeholder positions at current levels pending a report from the ICSC that would determine certain components of the base salary levels. In relation to the FIC recommendations c) and d), he indicated a preference for maintaining the status quo so that there would be no change to the manner in which the representation allowances were administered.
4. In relation to the manner in which the representation allowances are currently paid, the Representative of the United States indicated that he was satisfied with current practices. He stated that it was necessary to minimize the level of bureaucracy that the Secretary General or the President might be required to comply with for such purposes. The United States understood that there was a certain level of unaccountability for these allowances but that this was perceived to be acceptable given the high-level nature of the positions.
5. The Representative of the United Kingdom observed that representation allowances are an accepted component of the overall package for similar high-level positions around the world but that the recent trend had been to incorporate a higher level of transparency into how these amounts are expended and for what purposes. He supported this trend especially as it reflected an increasingly important expectation in many Member States and would need to be taken into account in any review to be conducted of the manner in which the representation allowances are currently paid.
6. In expressing support for the continuation of the current practice, the Representative of Colombia stated that representation allowances should be recognised as a necessary component of the posts of President and Secretary General given the high-level nature of their roles. On this basis some flexibility should be maintained in the way the expenditure of the allowances was monitored.
7. The Representative of South Africa also echoed support for maintaining the status quo in relation to how the representation allowances were paid and the expenditures monitored.
8. While supporting a continuation of the current practice in relation to the representation allowances, the Representative of Slovenia wondered why this item was being dealt with in closed session. In response, the Deputy Director, Human Resources (DD-HR/ADB) explained that his

understanding was that in the past the Council had previously determined that this item would always be considered in closed session.

9. The Representative of Spain sought additional information in relation to the way in which representation allowances are administered in comparable agencies of the United Nations system, which might assist the Council in its current consideration of this item. The Chief, Finance Branch (C/FIN) explained that for the most part, ICAO was consistent with the other agencies of the United Nations system in the way in which representation allowances are paid and monitored.

10. Given the current budget discussions that were taking place in ICAO, the Representative of Canada expressed the need to incorporate a higher level of transparency across all items of expenditure and that on this basis a modest review of the current practice in relation to the representation allowances could be beneficial in facilitating Council consideration of this issue.

11. The Representative of Burkina Faso indicated his support for maintaining the current practice in relation to representation allowances. He stated that the high-level role of both positions necessitated a certain level of discretion in the expenditure of the allowances given the duties that were being undertaken.

12. In light of the budgetary situation facing ICAO, the Representative of Germany expressed concern that insufficient time had been allocated to consider this item and the related issues arising that carried obvious financial implications. He stated that there was a need for Council to carefully consider all expenditures related to staff and the officeholders especially given the pressure on ICAO programmes and activities and in this context he urged the introduction of measures that would deliver greater clarity and accountability on all items of expenditure, including representation allowances.

13. By way of additional information on this item, the Chairperson of the Finance Committee explained that the representation allowances are effectively a supplement to the salary that was a flat rate simply added to a salary meant to cover incidental expenses such as receptions. On this basis it could be presumed that currently the President and Secretary General simply pay directly for any such items of expenditure. The alternative of having a distinct budget item for representation allowances was one option that was in use in some other agencies but which required the individual to submit receipts and invoices for all items of expenditure. He did not foresee that this was an onerous requirement for the officeholder and since this alternative approach offered the distinct advantage of greater transparency in monitoring items of expenditure, he favoured applying a similar model in ICAO.

14. While accepting the position put by the Chair of the Finance Committee, the Representative of Paraguay nevertheless expressed support for maintaining the status quo and the current practice since it afforded the officeholders of these positions a level of discretion that was inherently acceptable given the nature of their high-level roles.

15. The Representative of Denmark stated that while considering this item at previous sessions, the Council had understood that representation allowances were to be paid as a lump sum for hospitality purposes and not as a separate specific allocation against certain items of expenditure. He noted that C-WP/12206, which was considered by the Council at the 171st Session in February 2004, outlined how representation allowances were to be paid as a supplement to the salaries of the relevant officeholders for use in official hospitality. On this basis it was accepted at that time that the expenditure related to representation allowances would not be accountable. Nevertheless, he supported the recommendations of the FIC that in due course a review of the current practice would be warranted.

16. In noting that there already existed a defined upper limit on the amount of the representation allowance in question, the Representative of Nigeria voiced support for the status quo and for continuing to pay the allowance to officeholders as a supplement to their salaries.

17. The Representative of Belgium expressed support for the recommendations of the FIC since he favoured the introduction of a greater level of transparency for all such items of expenditure.

18. In observing that there appeared to be a wide divergence of views as to how to proceed with this item, the First Vice-President of the Council stated that the Council might require additional time to fully consider the issues arising. He suggested that given the time constraints, one option might be for the Council to review this item in the context of the next triennium when additional information would be available that might assist the Council to arrive at a clearer position on all pertinent issues. On this basis, he proposed that in the meantime the Council continue with the current practice on representation allowances.

19. The Chairperson of the Finance Committee stated that if the Council wished to maintain the current practice on this item, it might nevertheless prove helpful if some guidance were provided on what expenses are meant to be covered by the representation allowances since the current ambiguity in this regard was one of the major concerns that required attention.

20. By way of additional information on the item, the Chief, Finance Branch (C/FIN) stated that since the level of representation allowances was predetermined, the methodology used in administering the expenditure did carry any implications vis-à-vis the budget.

21. The Director, Bureau of Administration and Services (D/ADB) suggested that one alternative option for consideration by the Council would be to require the President of the Council and the Secretary General to submit annual declarations outlining the purposes to which the representation allowances were used. This option would provide a methodology that increased the level of transparency while at the same time enabling the Council to exercise an element of review of the expenditures.

22. The Representative of Germany reiterated the importance of Council taking this opportunity to review the methodology for administering the representation allowances. He accepted that at this point of time the majority view on Council appeared to favour maintaining the status quo in this regard but he stated that in doing so the Council would be missing out on an invaluable opportunity to establish a new arrangement that would deliver greater transparency. Moreover, he observed that this was especially important in the context of the current budget scenario for the next triennium.

23. In noting that the Council had spent considerably longer on this item than had been anticipated and was now well past the scheduled closing time for this meeting, the Representative of the United States suggested that given the importance of the issue and in light of the wide divergence of views on Council, it might be more suitable for Council to delay a final decision and to return to this item at a subsequent meeting during this Session.

24. The First Vice-President proposed that the item be reconsidered at a subsequent meeting during this Session following which Council agreed to defer further consideration of this item to the Third Meeting of this session on Friday, 22 February 2013.

25. The meeting adjourned at 1815 hours.

COUNCIL — 198TH SESSION

SUMMARY MINUTES OF THE SECOND MEETING

(THE COUNCIL CHAMBER, WEDNESDAY, 20 FEBRUARY 2013, AT 1000 HOURS)

OPEN MEETING

President of the Council: Mr. Roberto Kobeh González

Secretary: Mr. Raymond Benjamin, Secretary General

PRESENT:

Argentina	— Dr. N. Luongo (Alt.)	Malaysia	— Mr. Y.-H. Lim
Australia	— Ms. K. Macaulay	Mexico	— Mr. D. Méndez Mayora
Belgium	— Mr. G. Robert	Morocco	— Mr. A. Boulmane
Brazil	— Mr. J. Taunay	Nigeria	— Dr. O.B. Aliu
Burkina Faso	— Mr. M. Dieguimide	Paraguay	— Mrs. A. Torres de Rodríguez
Cameroon	— Mr. E. Zoa Etundi	Peru	— Mrs. L. Camacho Bueno (Alt.)
Canada	— Mr. M. Allen	Republic of Korea	— Mr. Choi, D.
China	— Mr. Tao Ma	Russian Federation	— Mr. A.A. Novgorodov
Colombia	— Mr. A. Muñoz Gómez	Saudi Arabia	— Mr. T.M.B. Kabli
Cuba	— Mr. J.F. Castillo de la Paz	Singapore	— Mr. T.-C. Ng
Denmark	— Mr. K.L. Larsen	Slovenia	— Mr. A. Krapež
Egypt	— Mr. A. Mahmoud	South Africa	— Mr. L. Mabaso
France	— Mr. M. Wachenheim	Spain	— Mr. V.M. Aguado
Germany	— Mr. U. Schwierczinski	Swaziland	— Mr. D. Litchfield
Guatemala	— Mr. H.A. Rosales Salaverria	United Arab Emirates	— Miss A. AL Hamili
India	— Mr. P.N. Sukul	United Kingdom	— Mr. M. Rodmell
Italy	— Mr. E. Padula	United States	— Mr. D. Woerth
Japan	— Mr. T. Koda		

ALSO PRESENT:

Mr. M. da Costa (Alt.)	— Brazil
Mr. P. Jardim (Alt.)	— Brazil
Mr. J.L. Viera (Alt.)	— Brazil
Mr. M. Delisle (Alt.)	— Canada
Mr. P. Pape (Alt.)	— France
Ms. M. Furuata (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mr. P.O. Alawani (Alt.)	— Nigeria
Mr. Hwang, S.-Y. (Alt.)	— Republic of Korea
Mr. Kang, M. (Alt.)	— Republic of Korea
Mr. K. Ferjan (Alt.)	— Slovenia
Mr. R.A. Al Kaabi (Alt.)	— United Arab Emirates
Mr. D. Behrens (Alt.)	— United States

SECRETARIAT:

Mr. D. Azema	— DC/OSG
*Dr. Fang Liu	— D/ADB
Mr. B. Djibo	— D/ATB
Mr. R. Bhalla	— C/FIN
*Mr. J. Augustin	— A/D/LEB
Mr. J. Marriott	— C/AVSEC
Mr. S. Berti	— C/SFP
*Mr. B. Verhaegen	— SELO
Mr. D. Tiedge	— C/ISD-SEC
*Mr. J. Huang	— SLO
Mr. J. Thaker	— SFP

*Part-time

ALSO PRESENT: (CONTINUED)

SECRETARIAT:

*Mrs. L. Dery	— C/COS
Mr. W. Parks III	— ISD-SEC
*Mr. J-P Mercier	— A/C/ICT
Mr. M. Siciliano	— SFP
Mr. A. Djojonegoro	— SFP
Mrs. C. Dermarkar	— SFP
Mr. E. Slavenas	— Consultant/SFP
Mr. M. Leitgab	— ADADB
Mr. F. Letullier	— CSO/COS
Miss S. Black	— Précis-writer

Representatives to ICAO

Chile
Dominican Republic
Ecuador
Ethiopia
Greece
Iran (Islamic Republic of)
Lebanon
Turkey
Uruguay
Venezuela (Bolivarian Republic of)

Subject No. 15.4: Facilitation
Subject No. 24.2: Assembly Agenda and documentation

**Draft Assembly working paper – Developments pertaining to Annex 9 – *Facilitation*
and proposed work programme for the next triennium**

1. The Council had for consideration: C-WP/13924 presented by the Secretary General, to which was attached a draft Assembly working paper reporting on developments since the last Assembly pertaining to Annex 9 – *Facilitation* and proposing priorities of, and outcomes for, the ICAO Facilitation (FAL) Programme for the 2014-2016 triennium; and an oral report thereon by the Air Transport Committee (ATC), which had considered the paper at its First Meeting of the current session on 25 January 2013.
2. The Representatives of Spain and the United Kingdom voiced support for the ATC's oral report. Drawing attention to paragraphs 3.11 and 3.12 of the draft Assembly working paper, the Representative of Spain affirmed that managing and processing the transportation by air of unaccompanied minors was an important issue, although it was only listed under Category B (Planning for the future), priority 2, in the proposed FAL Programme for the next triennium. He recalled that difficulties had been encountered with certain airlines seeking to impose measures relating to the handling of unaccompanied minors that exceeded the requirements of certain States, including Spain, and that it had been necessary to resolve them through the courts. For that reason, it would be useful if the Facilitation Panel (FALP) addressed that issue.
3. The Director of the Air Transport Bureau (D/ATB) clarified that the issue was already being considered from both the facilitation and economic points of view, as airlines were charging substantial amounts of money for facilitating the transportation of unaccompanied minors.
4. The Representative of the United Kingdom welcomed the emphasis placed in the draft Assembly working paper on consolidation of the FAL Programme's work and engagement with new technologies relating thereto, including the preparation of responses to new and emerging issues. Affirming that the section entitled "Working better with what we have" (cf. paragraphs 3.4 to 3.6) set forth the most important work at this stage, he stressed the need to increase States' engagement in the FAL Programme. Noting that some 149 States were recorded in the Supplement to Annex 9 as not having provided information regarding their compliance or otherwise with Annex 9 Standards and Recommended Practices (SARPs), the Representative of the United Kingdom concurred that the proposed consolidation of the FAL Programme, and not its expansion, was very much the priority.
5. The Representative of Colombia supported the proposed action by the Assembly, namely, the endorsement of the proposed priorities in the FAL Programme and expected outcomes for the 2014-2016 triennium as set out in paragraph 3.12. He also spoke in favour of treating facilitation on an equal footing with security, as reflected in the new Strategic Objective C: Security & Facilitation approved by the Council (196/8) for the next triennium.
6. Responding to a question by the Representative of Colombia regarding compliance with Annex 9 SARPs, the Chief of the Aviation Security Branch (C/AVSEC) recalled that the Universal Security Audit Programme (USAP), which focused on the SARPs of Annex 17 – *Security*, also encompassed the security-related SARPs of Annex 9. A key observation made from the second cycle of USAP audits was the relatively low level of compliance with those Annex 9 SARPs that were audited. The Secretariat had therefore brought that level of compliance to the attention of the FALP and had initiated a discussion with the Panel on the reasons for non-compliance and actions that could be taken to enhance

compliance. The inclusion in the FAL Programme for the 2014-2016 triennium of the issue of non-compliance with SARPs under Category A (Working better with what we have), with priority 2, represented an identified need. C/AVSEC looked forward to the progress that could be made with the assistance of the FALP.

7. Taking into account the changes suggested in the ATC's oral report and the comments made during the review of the draft Assembly working paper, the Council agreed that: paragraph 3.4 would be amended to indicate that SARPs should be performance-based in so far as that was possible and desirable; the table set out in paragraph 3.12 would be changed to make it clear that issues relating to non-compliance with Annex 9 SARPs and developing responses to new and emerging issues would be given a higher priority by the FAL Programme during the next triennium; and the challenges to be addressed by the FAL Programme, such as those listed in the second sentence of paragraph 2.1, would be further elaborated in an Appendix.

8. Subject to these amendments, the Council, as recommended by the ATC, approved the draft Assembly working paper attached to C-WP/13924 as documentation for the 38th Session of the Assembly. A request by the Representative of Burkina Faso for updated information on African States' level of compliance with Annex 9 SARPs was noted by the Secretariat.

Draft Assembly working paper – Developments pertaining to the Machine Readable Travel Documents (MRTD) Programme and the ICAO Public Key Directory (PKD)

9. The Council considered: C-WP/13925 presented by the Secretary General, to which was attached a draft Assembly working paper on developments since the last Assembly pertaining to the MRTD Programme and the ICAO PKD; and an oral report thereon by the Air Transport Committee (ATC). Editorial amendments to paragraph 2.3 of the draft Assembly working paper and paragraph 1 of the Appendix thereto were noted.

10. During its consideration of the paper at its First Meeting of the current session on 25 January 2013, the ATC had expressed support for the Secretariat's work in implementing the MRTD Programme and the ICAO PKD.

11. With regard to Section 2 of the draft Assembly working paper, the Committee had expressed concern that some Member States may not be issuing MRTDs that are fully compliant with Doc 9303, *Machine Readable Travel Documents*, and had welcomed the proposal by the Technical Advisory Group on Machine Readable Travel Documents (TAG/MRTD) to consider the establishment of an objective means to verify such compliance. The Committee had suggested that there was also a need to identify ways in which ICAO could encourage and assist States to achieve and maintain compliance with Doc 9303. In addition, the Committee had recommended the development of a roadmap to assist States in ePassport implementation initiatives. In this regard, it proposed amendments to paragraphs 2.2 and 2.4.

12. With regard to Section 3, the Committee had recommended that States issuing or intending to issue ePassports be encouraged to participate in the ICAO PKD and proposed a corresponding amendment to paragraph 3.2.

13. The ATC recommended that the Council approve the draft Assembly working paper with the inclusion of its proposed amendments.

14. The Representative of Cuba voiced support for the MRTD Programme and the proposed new MRTD Strategy, as well as for the draft Assembly working paper. He also spoke in favour of the development of an ICAO model roadmap to assist States in ePassport implementation initiatives as proposed by the ATC.

15. While also commending the work being done regarding MRTDs, the Representative of Burkina Faso noted that the lack of a reliable source of electricity at airports in developing countries often posed an obstacle to implementation. He raised the possibility of ICAO encouraging its Member States to consider furnishing their airports with alternative sources of electricity, such as solar energy.

16. Taking into account the changes suggested in the ATC's oral report and the comments made during the discussion of the draft Assembly working paper, the Council agreed that: paragraph 2.2 would be amended by adding, at the end, the phrase "and to identify ways to encourage and assist States to achieve and maintain compliance with Doc 9303"; paragraph 2.4 would be amended by adding, at the end, the sentence "To assist States in ePassport implementation initiatives, the development of an ICAO model roadmap is anticipated."; and paragraph 3.2 would be amended by adding, at the beginning, the sentence "In order to derive the maximum benefits offered by the implementation and use of ePassports, States issuing or intending to issue ePassports should participate in the ICAO PKD.".

17. Subject to the amendments recorded above, the Council, as recommended by the ATC, approved the draft Assembly working paper attached to C-WP/13925 as documentation for the 38th Session of the Assembly. It was understood that further to a suggestion by the Representative of Spain, the Secretariat would, at a future meeting, provide Representatives with information on alternatives to the ICAO PKD for implementing the specifications in Doc 9303, *Machine Readable Travel Documents*.

Subject No. 52: Unlawful interference with international civil aviation and its facilities

**Report on progress of the Implementation Support
and Development – Security (ISD-SEC) Programme**

18. The Council had for consideration: information paper C-WP/13929, in which the Secretary General reported on progress achieved in implementing the ISD-SEC Programme during 2012, notably with regard to assistance activities, training activities and measuring the effectiveness of capacity-building assistance; and an oral report thereon by the Committee on Unlawful Interference (UIC).

19. During its review of the paper at the First Meeting of the current session on 16 January 2013, the Committee had noted with satisfaction the assistance activities that have been undertaken since the implementation of the Aviation Security Assistance and Capacity-Building Strategy. The efforts being made by the Programme to measure the effectiveness of assistance activities in enhancing recipient States' ability to meet aviation security Standards and Recommended Practices (SARPs) had been acknowledged. Also noted had been the number of States receiving assistance under the framework of a State Improvement Plan (SIP), as well as States that were in the process of working to implement a SIP. The Secretariat had been encouraged to continue reporting on the outcome of these partnerships.

20. Clarification had been provided to the Committee on the general requirements for establishing and maintaining endorsement as an ICAO Aviation Security Training Centre (ASTC), that no restrictions exist on the number of ASTCs that can be endorsed, and that the Secretariat conducts a triennial evaluation of each ASTC on a cost-recovery basis. A Committee Member had suggested that annual activity reports from each ASTC should be incorporated into the evaluation process.

21. In noting the list of Member States that provided voluntary financial contributions and/or in-kind contributions to the AVSEC Programme that was presented as Appendix A to C-WP/13929, the Committee had suggested that the Secretariat distribute the same list to all Member States as a means of encouraging additional contributions.

22. Endorsing the UIC's oral report, the Representative of Spain agreed that there should be no limit on the number of accredited ASTCs. If an ASTC desired to be accredited and met ICAO's requirements, then it should be accredited.

23. In averring that there was a dichotomy between security and facilitation, the Representative of Brazil noted that all passengers were required to remove their shoes during the screening process at airports following the attempt of one terrorist to board an aircraft with a bomb in his shoe and were prohibited from carrying liquids, aerosols and gels in cabin baggage after another terrorist had tried to smuggle liquid explosives onto an aircraft. Maintaining that such measures were excessive, he stressed the need for common sense and a balanced approach to security and facilitation. The Representative of Brazil underscored that it should not be necessary to pass through numerous checkpoints and show identification many times prior to boarding an aircraft.

24. While noting that many people shared that view, the President of the Council indicated that aviation security was a complex issue. The introduction of new screening technologies and methods would, however, simplify boarding procedures in future. The Representative of Brazil maintained that ICAO should try to introduce some uniformity in screening procedures as they varied from airport to airport.

25. The Secretary General recalled that the said incidents, as well as the incident involving explosives concealed in underwear, had necessitated the immediate disruption of air transport as it had been unknown whether other terrorists were trying to carry out simultaneous attacks at the same or other installations. Such incidents had led to more stringent aviation security measures. The Secretary General noted, in this regard, that while ICAO's Annex 17 and *Aviation Security Manual* (Doc 8973 Restricted) set forth general rules governing aviation security, it was for each State to interpret them in view of the perceived threat at each of its airports. He further indicated that there were efforts under way to facilitate travel for passengers.

26. Noting that his State was among the worst affected by acts of unlawful interference and sabotage, the Representative of India indicated that although aviation security measures could be irritating for passengers, they were necessary. He recommended that ICAO consider developing a Standard or a Recommended Practice regarding security checks at airports. The Representative of India also emphasized the need to replace airports' existing door frame metal detectors, which had technical limitations, with new, non-intrusive but more comprehensive screening technology, such as millimetre wave technology, when it became available. It was also necessary to popularize such screening technologies and so enable passengers to set aside their mindset regarding privacy. These were also areas that ICAO could address in the future.

27. Observing that the new screening technologies remained the preserve of a few major companies which were not in a position to meet the increasing demand, the Representative of India underscored the need to provide technical assistance to States, particularly those with a large aviation sector, so that they could produce the screening equipment themselves. In suggesting that ICAO coordinate such technical assistance, he emphasized that the mass production of the screening equipment would reduce its

costs. The President of the Council noted that ICAO's AVSECPaedia web-based platform enabled States to share sensitive information on screening technologies and techniques.

28. The Representative of the United Kingdom underscored that the said attempts to introduce concealed explosives or liquid explosives into aircraft were not isolated incidents and that multiple attempts had been made but had been thwarted before the terrorists had reached their targets. While acknowledging that there was a certain degree of tension between security and facilitation, he emphasized that when security measures were carried out well, they could have a facilitative effect. Moreover, contrary to the common perception, they were not time-consuming. The Representative of the United Kingdom noted that in his State, where passengers were required to check in two hours before flight departure, security measures only took on average four minutes. He stressed that if ICAO ensured that the ISD-SEC Programme spread good security practices and measures, then security and facilitation would be improved. It was for that reason that the Representative of the United Kingdom supported the Programme.

29. Referring to the comments made by the Representative of India, the Representative of the United Kingdom noted that his State, as well as some others, had their own assistance programmes for aviation security and cooperated closely with the Secretariat. Indicating that they also made additional voluntary contributions to the ICAO ISD-SEC Programme, he encouraged other States to do likewise. Recalling the points made regarding the standardization of security procedures, the Representative of the United Kingdom underscored that while passengers would know what to expect at airports, terrorists would as well. A degree of variation was therefore desirable, although it should be ensured that any such variation was necessary.

30. Noting that his State also had experience with such acts of unlawful interference and sabotage, the Representative of Colombia indicated that it supported the ISD-SEC Programme as it was essential to the future health of aviation. In endorsing the draft Assembly working paper, he highlighted the importance of maintaining a balance between the needs of security and facilitation. The Representative of Colombia underscored the need for security measures to be reasonable and to be proportionate to the level of risk, which implied a certain variability. He also emphasized that if enhanced screening was necessary at a given airport, then additional checkpoints should be set up to avoid delays.

31. The Council then noted the information provided in C-WP/13929, as well as the UIC's oral report. The Secretariat took note of the Committee's suggestions that annual activity reports for each Aviation Security Training Centre (ASTC) be incorporated into the ASTC evaluation process and that the list of voluntary financial contributions and in-kind contributions to the Aviation Security (AVSEC) Programme during 2012 set forth in Appendix B to the paper be distributed to all Member States in order to encourage additional contributions. It was understood that, pursuant to a request by the Representative of Spain, a list of accredited ASTCs and those training centres requesting ICAO accreditation would be posted on the Council website.

Subject No. 12.5: **Plans for legal meetings**
Subject No. 16: **Legal work of the Organization**
Subject No. 16.3: **International air law conventions**

**Report of the Second Meeting of the Special Sub-Committee of the Legal Committee
to review the Tokyo Convention (Montréal, 3 to 7 December 2012)**

32. Tabled for the Council's consideration was C-WP/13931, in which the Secretary General reported on the results of the Second Meeting of the Special Sub-Committee of the Legal Committee for the

Modernization of the Tokyo Convention including the issue of Unruly Passengers, held in Montréal from 3 to 7 December 2012. The Special Sub-Committee had unanimously recommended that a meeting of the Legal Committee be convened to further review the Tokyo Convention, with particular reference to the issue of unruly passengers. Appendix A to the paper contained the main operative clauses for a draft Protocol to amend the Tokyo Convention which had been prepared by the Special Sub-Committee to facilitate future work.

33. During the ensuing discussion, many speakers commended the work done by the Secretariat and the Special Sub-Committee on the important issue of the modernization of the Tokyo Convention. The Representatives of Mexico, Argentina, Japan, Australia, Malaysia, Spain (in principle), the United States, Belgium, France, Colombia, South Africa, Singapore, Saudi Arabia, United Arab Emirates, Burkina Faso, Peru, Morocco and Swaziland endorsed the action proposed in the executive summary of the paper relating to the convening of the 35th Session of the Legal Committee in Montréal from 6 to 15 May 2013 as a Special Session, the Provisional Agenda, and the invitation to observers.

34. The Representative of Mexico nonetheless expressed concern that States would have sufficient time in which to carry out the necessary consultations and otherwise prepare for the meeting. The Representatives of Spain and France entrusted the Secretariat with determining the optimal dates for the 35th Session of the Legal Committee in light of procedural requirements and resources available.

35. Recalling that it had taken the Aviation Security Panel (AVSECP), the Committee on Unlawful Interference (UIC) and the Council a long time to reach agreement on the definition of the term “in-flight security officer” (IFSO) set forth in Annex 17 – *Security*, the Representative of Mexico voiced concern that Option 1 of Article IV of the draft Protocol, which proposed an amendment to Article 6 of the Tokyo Convention, described the functions of an IFSO in a completely different manner that was more in line with those of an air marshal. He questioned whether the Legal Committee should be given the mandate to reopen the issue. The Acting Director of the Legal Affairs and External Relations Bureau (A/D/LEB) underscored that the issue had been examined in-depth by the Legal Sub-Committee. In summarizing the discussion, the Chairperson had indicated that “while a consensus appeared to have emerged about the inclusion of IFSOs in square brackets, there was a desire to review the draft text proposed and in particular to align it with Annex 17.” Accordingly, the Legal Sub-Committee had decided to include two sets of optional texts in draft Articles IV and V.

36. In providing background information, the Representative of Argentina recalled that the Secretariat Study Group on Unruly Passengers, reactivated in May 2011, had demonstrated that there was a real concern in the international community regarding the steady increase in incidents of unruly passenger behaviour on board aircraft. It had proposed that the Tokyo Convention be reviewed and the feasibility of its amendment be examined. After considering the report on the results of the Secretariat Study Group’s work (C-WP/13768; 194/5), the Council had decided to establish the Special Sub-Committee of the Legal Committee, which now suggested that the Legal Committee be convened to further review the Tokyo Convention with particular reference to the issue of unruly passengers. Noting that 14 September 2013 would mark the fiftieth anniversary of the signing of the Tokyo Convention, the Representative of Argentina indicated that it was not surprising that it had not kept pace with changing needs. Hence the consensus of the Special Sub-Committee that it be modernized. Emphasizing that ICAO was the only Organization that had the capacity to adopt the international instruments necessary to address the various problems facing international civil aviation, he stressed the need for ICAO to demonstrate that it continued to be a dynamic Organization by taking the important work done on the issue of unruly passengers to the next level, that of the Legal Committee.

37. Noting that their States were Members of the Special Sub-Committee, the Representatives of Japan and Australia endorsed its recommendation that any amendment of the Tokyo Convention be effected through a supplementary Protocol instead of through a new and stand-alone convention. While many important issues remained to be further discussed, they were confident that they would be resolved by the Legal Committee.

38. Responding to a question raised by the Representative of Japan, A/D/LEB clarified that six of the eight working days of the meeting would be devoted to the issue of unruly passengers. The remaining two days would be devoted to the mandatory functions of reviewing the General Work Programme of the Legal Committee, including the item “Safety aspects of economic liberalization and Article 83 *bis*”, whose priority had recently been raised by the Council from six to three (C-WP/13886; 197/3), electing the Chairman and Vice-Chairmen of the Legal Committee, as well as reviewing draft Report material. Two separate papers on the items of unruly passengers and safety aspects of economic liberalization and Article 83 *bis*, as well as a general paper on the other items on the General Work Programme of the Legal Committee, would be presented by the Secretariat. To a further query by the Representative of Spain, A/D/LEB noted that currently the non-Member States of ICAO were: Dominica, the Holy See, Liechtenstein and Tuvalu (cf. President’s memorandum PRES RK/2027 dated 2 December 2011).

39. The Representative of Malaysia was pleased to note that inconsistencies in the interpretation of the expression “aircraft in flight” that he had previously highlighted were resolved in Article II of the draft Protocol amending Article 1, paragraph 3, of the Tokyo Convention. In also expressing satisfaction that the draft Protocol did not provide uniform rules to define punishable unruly behaviour on board aircraft, he underscored that any list of offences would be subject to legal interpretation. Moreover, the Sub-Committee had concluded that it would be very difficult, if not impossible, to agree on an exhaustive list of offences. The Representative of Malaysia enquired why two types of acts were proposed for inclusion in the draft Protocol, in square brackets, namely, the act of assault against a crew member and the act of refusal to follow a lawful instruction given by or on behalf of the aircraft commander. Referring to Article II of the draft Protocol, replacing Article 1, paragraph 3, of the Tokyo Convention, he expressed concern over the definition of an IFSO (“a [government employee]/[person] who is specially trained ...”). The Representative of Malaysia suggested that the words “[government employee]” be deleted as they were not interchangeable with the word “person”. While a “government employee” was a substantive person, the converse was not true. He nevertheless endorsed the action proposed in the paper.

40. In noting that the draft Protocol had been submitted for consideration and was not the definitive text, the Representative of France indicated that there were a number of issues relating to the prerogatives of IFSOs that needed to be discussed by the Legal Committee.

41. The Representative of Colombia recalled that the issue of the modernization of the Tokyo Convention had been highlighted at the High-level Conference on Aviation Security (HLCAS) (Montréal, 12 to 14 September 2012). Indicating that he had expected the Special Sub-Committee to propose a list of offences, he enquired whether one would be developed by the Legal Committee once there was a clearer view of how to update the Tokyo Convention. Noting that his State had experience with IFSOs on board aircraft, the Representative of Colombia underscored that while it agreed that IFSOs should be deployed, it was opposed to them being armed.

42. The Representative of Singapore wished to place on record his appreciation to the Special Sub-Committee for focusing the attention of the Legal Committee on three main legal issues relating to unruly passengers: expanded basis of jurisdiction, a list of offences and the status of IFSOs. To a question raised by the Representative, A/D/LEB noted that the issue of recourse by airlines against unruly

passengers was addressed in: paragraph 2.5 of C-WP/13931; Article VII of the Draft Protocol, which added a new Article 18 *bis* to the Tokyo Convention; and paragraphs 7.7 and 8.6 of the Special Sub-Committee's Report.

43. Responding to an additional query by the Representative of Burkina Faso, A/D/LEB clarified that the Tokyo Convention already accorded a degree of immunity to passengers for their actions, under certain conditions. He recalled that, under Article 6, the aircraft commander may require or authorize the assistance of crew members, and may request or authorize, but not require, the assistance of passengers, to restrain any person who had committed or was about to commit an offence or act contemplated by the Convention. In situations of imminent danger to the safety of the aircraft or of persons or property therein, passengers could, on their own initiative, also take reasonable preventive measures. Article 10 provided immunity to, *inter alia*, the aircraft commander, any other member of the crew, and passengers for actions taken in accordance with the Convention.

44. During the discussion of the Provisional Agenda for the proposed Legal Committee set forth in Appendix B to the paper, a suggestion was made by the Representative of Argentina that the title of Item 2 (Acts or offences of concern to the international aviation community and not covered by existing air law instruments) be changed to read along the lines of "Continuation of work to modernize the Tokyo Convention". It was also suggested by the Representative of Australia that the Legal Committee consider how the various aviation security-related international air law instruments adopted under the auspices of ICAO had evolved and determine whether overlap between them was appropriate and, in the affirmative, how best to address any overlap. These suggestions were noted for further consideration, as was a suggestion by the Representative of Belgium that thought be given to amending Rule 10 d) of the *Rules of Procedure of the Legal Committee* (Doc 7669), which specified the time frame for the issuance of a Provisional Agenda. Averting that it was unreasonable to require a Provisional Agenda to be distributed at least four months before the session of a Legal Committee, especially when the latter adopted the Final Agenda at its first meeting, the Representative of Belgium underscored that the modification of Rule 10 d) would avoid the situation where special sessions were convened primarily to benefit from the shorter time frame for the issuance of a Provisional Agenda under Rule 10 e).

45. The Council agreed to a suggestion by the Representative of South Africa to include the African Union (AU) in the list of international organizations to be invited to participate, as observers, in the proposed Legal Committee contained in Appendix C.

46. In then taking the action proposed in the executive summary of C-WP/13931, the Council:

- a) approved the convening of the 35th Session of the Legal Committee at ICAO Headquarters in Montréal for eight working days, from 6 to 15 May 2013, to be held as a special session;
- b) approved the Provisional Agenda for the 35th (Special) Session of the Legal Committee as set out in Appendix B to the paper; and
- c) agreed that an invitation to attend the 35th (Special) Session of the Legal Committee as observers be extended to all ICAO non-Member States, as well as to the international organizations listed in Appendix C to the paper, as amended in paragraph 9 above.

47. The Council went into closed session at 1140 hours to discuss the next item on the order of business and returned to open session at 1200 hours to consider the remaining items.

Subject No. 24.2: Assembly Agenda and documentation
Subject No. 33: Character and working methods of representative bodies in ICAO

**Informal update on an electronic voting system to be used at the
38th Session of the Assembly**

48. The Secretariat provided further information on, and a demonstration of, an electronic voting system for the election of the Council during the upcoming 38th Session of the Assembly. A request by the Representative of Cuba for information regarding its cost was noted. It was agreed that another demonstration would be given at a future meeting.

Any other business

Council working papers presented for information

49. As the President of the Council did not receive any requests to have the following information papers tabled for consideration, it is considered that the Council has noted the information provided therein:

- **C-WP/13974** — *Financial situation of the Organization* — circulated under cover of PRES RK/2144 dated 1 February 2013 with a deadline of 15 February 2013 for comments
- **C-WP/13975** — Report of the JIU entitled “*Accountability Frameworks in the United Nations System* (JIU/REP/2011/5)” — circulated under cover of PRES RK/2141 dated 1 February 2013 with a deadline of 15 February 2013 for comments
- **C-WP/13976** — Report of the JIU entitled “*The Management of Sick Leave in the United Nations System*” (JIU/REP/2012/2) — circulated under cover of PRES RK/2141 dated 1 February 2013 with a deadline of 15 February 2013 for comments.

Subject No. 32.1: Headquarters premises

**Proposed new Supplementary Agreement between ICAO and the Government of Canada
regarding the Headquarters of ICAO**

50. The Secretary General informed the Council that the negotiations with the Government of Canada for a new Supplementary Agreement regarding the Headquarters of ICAO had reached a successful conclusion the previous afternoon, 19 February 2013. The text of the proposed new Supplementary Agreement would be circulated to Representatives for comments, by 28 February 2013, in order to facilitate the Council’s consideration of related C-WP/13904 later in the current session.

Free access to public parking at Montréal's Pierre Elliott Trudeau International Airport

51. The Council was informed that discussions with representatives of Aéroports de Montréal (ADM) regarding complimentary parking for the ICAO diplomatic community at Montréal's Pierre Elliott Trudeau International Airport had been completed and that the text describing how to use the complimentary parking was being finalized. It was confirmed that complimentary parking would be maintained for the ICAO diplomatic community.

52. The meeting adjourned at 1240 hours.

COUNCIL — 198TH SESSION

SUMMARY MINUTES OF THE SECOND MEETING

(THE COUNCIL CHAMBER, WEDNESDAY, 20 FEBRUARY 2013, AT 1140 HOURS)

CLOSED MEETING

President of the Council: Mr. Roberto Kobeh González

Secretary: Mr. Raymond Benjamin, Secretary General

PRESENT:

Argentina	— Dr. N. Luongo (Alt.)	Malaysia	— Mr. Y.-H. Lim
Australia	— Ms. K. Macaulay	Mexico	— Mr. D. Méndez Mayora
Belgium	— Mr. G. Robert	Morocco	— Mr. A. Boulmane
Brazil	— Mr. J. Taunay	Nigeria	— Dr. O.B. Aliu
Burkina Faso	— Mr. M. Dieguimde	Paraguay	— Mrs. A. Torres de Rodríguez
Cameroon	— Mr. E. Zoa Etundi	Peru	— Mrs. L. Camacho Bueno (Alt.)
Canada	— Mr. M. Allen	Republic of Korea	— Mr. Choi, D.
China	— Mr. Tao Ma	Russian Federation	— Mr. A.A. Novgorodov
Colombia	— Mr. A. Muñoz Gómez	Saudi Arabia	— Mr. T.M.B. Kabli
Cuba	— Mr. J.F. Castillo de la Paz	Singapore	— Mr. T.-C. Ng
Denmark	— Mr. K.L. Larsen	Slovenia	— Mr. A. Krapež
Egypt	— Mr. A. Mahmoud	South Africa	— Mr. L. Mabaso
France	— Mr. M. Wachenheim	Spain	— Mr. V.M. Aguado
Germany	— Mr. U. Schwierczinski	Swaziland	— Mr. D. Litchfield
Guatemala	— Mr. H.A. Rosales Salaverría	United Arab Emirates	— Miss A. AL Hamili
India	— Mr. P.N. Sukul	United Kingdom	— Mr. M. Rodmell
Italy	— Mr. E. Padula	United States	— Mr. D. Woerth
Japan	— Mr. T. Koda		

ALSO PRESENT:

Mr. M. da Costa (Alt.)	— Brazil
Mr. P. Jardim (Alt.)	— Brazil
Mr. J.L. Viera (Alt.)	— Brazil
Mr. M. Delisle (Alt.)	— Canada
Mr. P. Pape (Alt.)	— France
Ms. M. Furuhashi (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mr. P.O. Alawani (Alt.)	— Nigeria
Mr. Hwang, S.-Y. (Alt.)	— Republic of Korea
Mr. Kang, M. (Alt.)	— Republic of Korea
Mr. K. Ferjan (Alt.)	— Slovenia
Mr. R.A. Al Kaabi (Alt.)	— United Arab Emirates
Mr. D. Behrens (Alt.)	— United States

SECRETARIAT:

Mr. D. Azema	— DC/OSG
Mr. B. Djibo	— D/ATB
Mr. J. Marriott	— C/AVSEC
Mr. S. Berti	— C/SFP
Mr. D. Tiedge	— C/ISD-SEC
Mr. J. Thaker	— SFP
Mr. W. Parks III	— ISD-SEC
Mr. M. Siciliano	— SFP
Mr. A. Djojonegoro	— SFP
Mrs. C. Dermarkar	— SFP
Mr. E. Slavenas	— Consultant/SFP
Miss S. Black	— Précis-writer

Representatives to ICAO

Chile
Dominican Republic
Ecuador
Ethiopia
Greece
Iran (Islamic Republic of)
Lebanon
Turkey
Uruguay
Venezuela (Bolivarian Republic of)

Subject No. 52: Unlawful interference with international civil aviation and its facilities

Acts of unlawful interference in 2012

1. The Council considered this subject on the basis of an oral report by the Secretary General, presented pursuant to its earlier request (192/4) for an oral report each year on incidents listed in the Acts of Unlawful Interference (AUI) database and whenever necessary in the event of an urgent situation.
2. The Secretary General noted that the Secretariat had recorded ten acts of unlawful interference in 2012. These included three attempted sabotages, one unlawful seizure of an aircraft, two failed attempts to seize aircraft in-flight, two attacks on civil aviation facilities, and two other acts, including a suicide bombing on a landside bus at a civil airport. Seven of the acts had been officially reported by the States concerned. Efforts had been made to obtain the remaining reports and validate the information on the incidents not officially reported. In the Secretariat's assessment, none of the incidents recorded in 2012 had been urgent situations necessitating immediate reporting to the Council.
3. The most lethal incident in 2012 had occurred at an airport in Bulgaria, when a suicide bombing attack on a bus located on the landside area of the airport had killed seven people (including the bomber), and injured thirty-two.
4. Among the attempted sabotages, an improvised explosive device had been found in the lavatory of an aircraft in Egypt following a flight from Libya; explosives experts had defused the device at a remote location after the aircraft had been evacuated. Another incident had involved a passenger who had acted erratically and threatened to crash the aircraft as he made his way towards the flight deck door on a flight to Colombia; the passenger had been arrested upon landing. In the third incident, an employee of a South American airline had been granted access to the cockpit after pretending to be a pilot; during the flight he had become unruly and had been forcibly removed from the cockpit before being subdued by cabin crew and passengers.
5. Among the events categorized as attempted seizures, one had included a would-be hijacker armed with a knife who had been taken into custody after trying to breach the cockpit of a Sudanese airliner. In the second incident, a group of six men had been overpowered by passengers, cabin crew and two in-flight security officers on a Chinese domestic flight after they had tried to break into the flight deck.
6. At an airport in the United States, an airline pilot placed on administrative leave by his employer had stolen a Bombardier CRJ200 after scaling a perimeter fence and had taxied into a parking lot where the aircraft had collided with cars.
7. A group of armed men wearing suicide vests had fired rockets at the air force base located on the premises of an international airport in Pakistan, after breaching the perimeter of the airport by exploding a car bomb. While no civil aircraft or aviation facilities had been damaged by the attack, passengers had been moved to safety and flight operations had been suspended.
8. In another facility attack, an armed robbery had been perpetrated by five men at an airport in France, where they had entered a cargo aircraft that was being unloaded and had searched for valuables while holding the crew at gunpoint.

9. Finally, a concealed knife had been found under the insole of a passenger's shoe at an airport security checkpoint in Estonia. The knife had been discovered during a routine check after the walk-through metal detector had given an alarm.

10. The Secretary General underscored that, although the number of acts recorded in 2012 was higher than in 2011, the types of threats remained within the scope addressed by the Global Risk Context Statement (RCS). The RCS, which had been endorsed by the High-level Conference on Aviation Security in September 2012, was being updated according to the latest information, including the incidents recorded by the Secretariat.

11. The Secretary General noted that, in an effort to be proactive in addressing and mitigating risks, the Secretariat regularly coordinated with the Aviation Security Panel (AVSECP) Working Group on Threat and Risk to assess the characteristics of the reported incidents and to determine appropriate action. As this process had confirmed that ground-based airport infrastructure and public areas of airports remained viable targets for terrorists, the Secretariat was developing guidance material on landside security.

12. The Secretariat continued to record other occurrences in order to stay informed of ways and means by which civil aviation security was at risk and to identify potential trends. While not considered to be acts of unlawful interference, this information was posted on the AUI database under a separate list accessible to Member States. In addition, the Working Group on Threat and Risk was of the view that States should report not only acts of unlawful interference to the Secretariat but also other types of occurrences as well, in order to facilitate trend analysis. The Working Group was expected to reinforce this view at the next meeting of the AVSECP.

13. The Secretary General reminded the Council that the record of acts of unlawful interference and other occurrences was an important but only partial indicator of the threat environment facing civil aviation. ICAO was not in a position to collect, receive or assess classified security intelligence or information protected by administrative or judicial process. The Members and Observers of the AVSECP, however, through their offices had awareness of this broader set of information relevant to the development of security measures and took that into account in their recommendations to the Council and the Secretariat.

14. While expressing appreciation for the oral report, the Representative of Belgium indicated that it would be useful, in future, to have a clearer picture of the trends and priorities. Referring to the above-mentioned armed robbery at an airport in France, he noted that a similar incident had occurred at Brussels Airport on 18 February 2013. Underscoring that aviation was used to transport valuable cargo which could be an easy target for organized crime, the Representative of Belgium enquired whether there was an upward trend in such incidents and whether the AVSECP was according sufficient attention to that type of threat. He emphasized that while it posed quite a different risk from terrorism, it nevertheless remained a threat to aviation and impacted the development of air transport.

15. The Secretary General noted that the trends in 2012 were familiar ones. He further indicated that a number of AVSECP sub-groups were addressing the incidents that had occurred in that year to analyze the trends and that the Panel's report thereon would be submitted to the Council through the Committee on Unlawful Interference (UIC) in due course. Pending a report by the Belgian authorities, he would not make a pronouncement regarding the incident that had occurred two days earlier at Brussels Airport, in which thieves in two vehicles had forced their way through the airport's perimeter fence and unloaded some USD 50 million in diamonds – a significant amount – from a passenger plane preparing to depart. Given that hundreds of millions worth of diamonds were transported from Brussels Airport yearly,

and that the robbery was the fourth such incident at that airport, following three earlier ones in the mid-1990s, the Belgian authorities were doing their utmost to solve the case.

16. The Representative of France observed that a number of incidents referred to in the oral report had not been the result of weaknesses in current aviation security measures. Citing, in this context, the armed robbery at an airport in France, he noted that there had been other such incidents in the past which were considered as attacks by gangsters and not failures in the security system. Another example was the above-mentioned theft of a Bombardier CRJ200 by a disgruntled airline pilot. The latter had not gone through airport screening procedures using false papers; rather, he had scaled a perimeter fence. Observing that, at any given time, there were many pilots in airports and numerous people in airports' restricted areas, the Representative of France underscored that if they were determined to commit a crime, they would. He emphasized that while some of the incidents cited in the oral report had revealed weaknesses in aviation security measures, aviation authorities should not overreact and regulate everything, turning airports into high-security fortresses simply to keep gangsters from penetrating them. There was a limit to the preventive actions that could be taken, some types of attacks being beyond the control of aviation authorities. It was necessary to be vigilant and realistic. The Representative of France affirmed that the results for 2012 were satisfactory and that aviation security measures worldwide were working well.

17. The Representative of Spain observed that whereas there were certain infrastructures that were directly related to air transport, such as air navigation aids and aircraft, airports were often cities in and of themselves, some of whose activities had no such direct relation to air transport. Noting, from the oral report, that some of the acts of unlawful interference had elements that had no bearing or impact on air transport, he sought clarification. In further noting therefrom that ICAO was not in a position to collect, receive or assess classified security intelligence or information protected by administrative or judicial process, although Members and Observers of the AVSECP were, the Representative of Spain queried whether that suggested that it was necessary for the Secretariat to take further steps to have the capacity to access such classified information.

18. The Chief of the Aviation Security Branch (C/AVSEC) indicated that extensive investments in both training and infrastructure would be required in order to maintain the confidentiality of any such information that could be made available to ICAO, a practical and essential matter to consider. Secondly, it would be difficult for ICAO to receive intelligence from different States and organizations and maintain the objectivity that was initially intended therefor. Nonetheless, as a still serving member of the Canadian public service, though his loyalties were clearly to ICAO, C/AVSEC had retained a security clearance that allowed him to receive information that he used to inform judgements and decisions related to aviation security. He was not able to share that information because ICAO lacked the requisite storage capability and the staff with security clearances. It did, however, provide a window into intelligence information. Decisions that were made based on that information were decisions that were made on the basis of recommendations to the Council, including AVSECP recommendations.

19. The Representative of Canada was pleased that the trends observed in 2012 had fallen within the scope of the RCS, which demonstrated the latter's robustness.

20. In concurring that the record of acts of unlawful interference was only a partial indicator of the threats facing civil aviation, the Representative of the United Kingdom underscored the importance of not going into each incident in too much depth and of instead considering the elements thereof that formed trends. He also agreed on the need to record other occurrences that were not strictly aviation security-related in order to keep current regarding potential risks and trends. While some incidents were not terrorist attacks but acts of organized crime, as indicated by the Representatives of Belgium and France,

terrorists sought to exploit the same vulnerabilities as gangsters. It was therefore important to be aware of any such weaknesses. While concurring that the commission of a crime at an airport did not necessarily mean that drastic aviation security measures had to be implemented, the Representative of the United Kingdom stressed the need to know how the criminal act had been carried out to determine if terrorists could exploit the same vulnerability and do something much worse, which would be a problem of aviation security. He shared the view of the Working Group on Threat and Risk that States should report not only on acts of unlawful interference but also on other types of occurrences in order to facilitate trend analysis.

21. The Council then noted the above oral report on acts of unlawful interference that had occurred in 2012. For further detailed information thereon, Representatives were invited to consult the AUI database, which featured enhanced search functions, including graphical representations of the search results.

22. The Council returned to open session at 1200 hours to consider the remaining items on the order of business.