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Assembly Resolutions in Force
(as of 4 October 2013)

Published by authority of the Secretary General

International Civil Aviation Organization

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

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

Doc 10022, *Assembly Resolutions in Force (as of 4 October 2013)*
Order Number: 10022
ISBN 978-92-9249-419-3

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PREFACE

The present document contains the texts of all resolutions of the ICAO Assembly in force at the close of its 38th Session (September/October 2013).

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

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

— reservations which were recorded by some delegations to resolutions adopted by the Assembly and which still remain in force (Appendix A);

— a list of resolutions resulting from consolidations, with an indication of their origin (Appendix B);

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

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

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

Resolutions or parts thereof no longer in force are available at http://www.icao.int/Meetings/a38/Pages/resolutions.aspx

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

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

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

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PART I. CONSTITUTIONAL AND GENERAL POLICY MATTERS

THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

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

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

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

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

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

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

The Assembly:

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

2. *Urges* Member States to establish a national focal point and to launch a programme of activities at the national level, financed by local resources, to celebrate the anniversary in an appropriate way;

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

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

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

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

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

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

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

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

Be it therefore resolved:

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

   i) when it is proved necessary by experience;

   ii) when it is demonstrably desirable or useful;

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

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

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

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

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

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

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

A1-3: New Article 93 *bis*

A8-1: Amendments to Articles 48(a), 49(e) and 61

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A8-4:	**Amendment to Article 45**

A13-1:	**Amendment to Article 50(a)**

A14-5:	**Amendment to Article 48(a)**

A17A-1:	**Amendment to Article 50(a)**

A18-2:	**Amendment to Article 56**

A21-2:	**Amendment to Article 50(a)**

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

A23-2:	**New Article 83 *bis***

A25-1:	**New Article 3 *bis***

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

A28-1:	**Amendment to Article 50(a)**

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

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

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

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

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

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

The Assembly:

1. *Urges* all Contracting States to accept the Buenos Aires Protocol as soon as possible;

2. *Resolves* that the text of the Convention in the French and Spanish languages attached to the Buenos Aires Protocol be used henceforth by the Organization;

3. *Recommends* to Contracting States that, for reference purposes in their relations with the Organization or with other Contracting States, they use, in their communications in the French or Spanish language, only the text of the Convention in those languages which is attached to the Buenos Aires Protocol; and

4. *Rescinds* Resolution A3-2.

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

The Assembly of the International Civil Aviation Organization,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Assembly:

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

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

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

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

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

The Assembly:

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

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

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

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

The Assembly:

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

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

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

The Assembly of the International Civil Aviation Organization,

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

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

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

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

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

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

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

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

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

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

d) The Protocol shall come into force in respect of the States which have ratified it on the date on which the 124th instrument of ratification is so deposited.

e) The Secretary General shall immediately notify all States parties to the said Convention of the date of deposit of each ratification of the Protocol.

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

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

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

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

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

The Assembly:

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

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

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

The Assembly of the International Civil Aviation Organization,

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

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

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

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

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

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

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

"Article 83 *bis*

Transfer of certain functions and duties

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

b) The transfer shall not have effect in respect of other contracting States before either the agreement between States in which it is embodied has been registered with the Council and made public pursuant to Article 83 or the existence and scope of the agreement have been directly communicated to the authorities of the other contracting State or States concerned by a State party to the agreement.

c) The provisions of paragraphs (a) and (b) above shall also be applicable to cases covered by Article 77."

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

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

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

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

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

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

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

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

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

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

The Assembly,

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

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

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

The Assembly of the International Civil Aviation Organization,

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

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

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

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

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

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

— recognize that every State has complete and exclusive sovereignty over the airspace above its territory,

— undertake, when issuing regulations for their state aircraft, that they will have due regard for the safety of navigation of civil aircraft, and

— agree not to use civil aviation for any purpose inconsistent with the aims of the Convention,

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

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

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

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

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

"Article 3 *bis*

a) The contracting States recognize that every State must refrain from resorting to the use of weapons against civil aircraft in flight and that, in case of interception, the lives of persons on board and the safety of aircraft must not be endangered. This provision shall not be interpreted as modifying in any way the rights and obligations of States set forth in the Charter of the United Nations.

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

c) Every civil aircraft shall comply with an order given in conformity with paragraph (b) of this Article. To this end each contracting State shall establish all necessary provisions in its national laws or regulations to make such compliance mandatory for any civil aircraft registered in that State or operated by an operator who has his principal place of business or permanent residence in that State. Each contracting State shall make any violation of such applicable laws or regulations punishable by severe penalties and shall submit the case to its competent authorities in accordance with its laws or regulations.

d) Each contracting State shall take appropriate measures to prohibit the deliberate use of any civil aircraft registered in that State or operated by an operator who has his principal place of business or permanent residence in that State for any purpose inconsistent with the aims of this Convention. This provision shall not affect paragraph (a) or derogate from paragraphs (b) and (c) of this Article."

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

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

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

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

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

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

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

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

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

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

The Assembly at its 25th Session (Extraordinary)

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

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

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

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

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

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

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

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

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

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The Assembly:

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

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

The Assembly:

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

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

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

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

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

1. *Calls upon* Contracting States:

   a) to cooperate to the fullest extent practicable in reducing the need for the interception of civil aircraft;

   b) to cooperate to the fullest extent practicable in improving coordination between military and civil communications systems and air traffic control agencies so as to enhance the safety of international civil aviation during the identification and interception of civil aircraft;

   c) to seek as far as practicable to harmonize procedures for the interception of civil aircraft when issuing regulations for their state aircraft;

   d) to seek as far as practicable adherence to uniform navigational and flight operational procedures by flight crew of civil aircraft;

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

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

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

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

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

The Assembly resolves:

1. that nothing in Article 30(b) of the Chicago Convention shall be taken to preclude the use by unlicensed persons of the radio transmitting apparatus installed upon an aircraft where that use is for non-safety-related air-ground radio transmissions;

2. that all Member States should ensure that such use of such apparatus shall not be prohibited in their air space; and

3. that such use of such apparatus shall be subject to the conditions set out in the Annex hereto.

ANNEX

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

(i) compliance with the conditions of the licence for the installation and operation of that apparatus issued by the State of Registry (or State of the operator) of the aircraft;

(ii) any person may use that apparatus for non-safety air-ground radio transmissions provided always that control of that apparatus shall be by an operator duly licensed by the State of Registry (or State of the operator) of the aircraft;

(iii) compliance with the requirements of the International Telecommunication Convention and the Radio Regulations adopted thereunder as amended from time to time, including the applicable radio frequencies, the avoidance of harmful interference with other services and priority for aeronautical communications relating to distress, safety and regularity of flight; and

(iv) compliance with any technical and operating conditions set forth in the applicable regulations of the Member State in or over whose territory the aircraft is operating.

MEMBERSHIP OF ICAO

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

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

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

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

"Article 93 *bis*

a) Notwithstanding the provisions of Articles 91, 92 and 93 above,

1. A State whose government the General Assembly of the United Nations has recommended be debarred from membership in international agencies established by or brought into relationship with the United Nations shall automatically cease to be a member of the International Civil Aviation Organization;

2. A State which has been expelled from membership in the United Nations shall automatically cease to be a member of the International Civil Aviation Organization unless the General Assembly of the United Nations attaches to its act of expulsion a recommendation to the contrary.

b) A State which ceases to be a member of the International Civil Aviation Organization as a result of the provisions of paragraph (a) above may, after approval by the General Assembly of the United Nations, be re-admitted to the International Civil Aviation Organization upon application and upon approval by a majority of the Council.

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

A1-9: Consideration of applications for membership in ICAO

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

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

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

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

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

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

Now therefore the Assembly resolves:

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

THE ORGANIZATION AND ITS BODIES

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

The Assembly,

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

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

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

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

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

> "In article 50(a) of the Convention the expression 'twenty-one' shall be deleted and substituted by 'twenty-seven'."

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

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

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

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

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

d) The protocol shall come into force in respect of the States which have ratified it on the date on which the fifty-sixth instrument of ratification is so deposited.

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

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

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

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

The Assembly,

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

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

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

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

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

> "In Article 50(a) of the Convention the second sentence shall be deleted and substituted by 'It shall be composed of thirty contracting States elected by the Assembly'."

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

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

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

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

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

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

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

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

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

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

The Assembly,

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

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

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

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

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

"In Article 50(a) of the Convention the second sentence shall be amended by replacing 'thirty' by 'thirty-three'."

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

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

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

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

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

d) The protocol shall come into force in respect of the States which have ratified it on the date on which the 86th instrument of ratification is so deposited.

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

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

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

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

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

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

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

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

The Assembly:

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

"In Article 50(a) of the Convention the second sentence shall be amended by replacing 'thirty-three' by 'thirty-six'."

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

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

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

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

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

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

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

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

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

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

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

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

The Assembly:

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

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

A4-1: Obligations of Council Member States

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

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

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

Now therefore this Assembly resolves:

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

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

* Now Rule 55.

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

The Assembly,

Having met in its Eighteenth Session at Vienna,

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

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

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

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

"In Article 56 of the Convention the expression 'twelve members' shall be replaced by 'fifteen members'."

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

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

a) the protocol shall be signed by the President of the Assembly and its Secretary General;

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

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

d) the protocol shall come into force in respect of the States that have ratified it on the date on which the eightieth instrument of ratification is deposited;

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

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

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

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A38-13: Composition of the Air Navigation Commission and participation in its work

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

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

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

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

The Assembly:

1. *Resolves* that the Council be directed to endeavour, each time that new appointments to the Air Navigation Commission are to be made, to secure from all Member States nominations from which the nineteen members of the Commission may be selected;

2. *Urges* all Member States, particularly those not represented on the Council, to make further efforts to nominate candidates for membership in the Commission;

3. *Recommends* that the Council not appoint more than one nominee from any one Member State and that it take full account of the fact that it is desirable for every region of the world to be represented;

4. *Recommends* that the Council take steps to provide for and encourage the fullest possible participation by every Member State in the work of the Commission; and

5. *Declares* that this resolution supersedes Resolution A22-4.

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

The Assembly:

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

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

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

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

> "In Article 56 of the Convention the expression fifteen members shall be replaced by nineteen members;"

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

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

a) the protocol shall be signed by the President of the Assembly and its Secretary General;

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

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

d) the protocol shall come into force in respect of the States that have ratified it on the date on which the 108th instrument of ratification is deposited;

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

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

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

A7-5: Revised Constitution of the Legal Committee

The Assembly resolves:

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

Legal Committee — Constitution

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

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

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

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b) to study and make recommendations on such other matters relating to public international air law as may be referred to it by the Council or the Assembly;

c) by direction of the Assembly or the Council, or on the initiative of the Committee and subject to the prior approval of the Council, to study problems relating to private air law affecting international civil aviation, to prepare drafts of international air law conventions and to submit reports and recommendations thereon;

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

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

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

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

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

7. The Committee shall elect its own officers.

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

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

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

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

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

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

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

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

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

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

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

Resolves:

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

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

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

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

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

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

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

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

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

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

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

The Assembly of the International Civil Aviation Organization,

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

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

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

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

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

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

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

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

Consequently, pursuant to the aforesaid action of the Assembly,

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

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

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

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

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

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

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

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

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

STANDING RULES OF PROCEDURE OF THE ASSEMBLY

— Resolutions A6-12, A12-4 and A14-1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Now therefore the First Assembly resolves:

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

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

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

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

The Fifth Session of the Assembly resolves:

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

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

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

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

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

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

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

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

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

Resolves:

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

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

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

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

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

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

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

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

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

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

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

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

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

The Assembly resolves:

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

A31-2: Increasing the effectiveness of ICAO

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

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

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

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

The Assembly:

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

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

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

   a) intensify efforts to develop the Strategic Action Plan on a continuing basis in association with a systematic planning process which improves effectiveness, transparency and accountability and which drives the evolution of the Programme Budget; and

   b) make the Strategic Action Plan available to Contracting States and present the current version, along with a progress report on implementation during the triennium concerned, to each ordinary session of the Assembly;

4. *Directs* the Council to:

   a) streamline the working methods and procedures of the Assembly with a view to increased transparency and efficiency, and reduced duration of Assembly Sessions, for effect commencing with the next ordinary session;

   b) undertake an intensive review of the decision-making processes, working methods and procedures of the Council and its subsidiary bodies with a view to streamlining, delegating authority and improving the cost-effectiveness of the Organization; and

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c) ensure the effectiveness of the oversight mechanism, with independent reporting procedure to the Council, to provide programme effectiveness, transparency and accountability;

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

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

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

APPENDIX

List of considerations for achieving a more effective ICAO

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

a) establish a direct and transparent linkage between the Strategic Action Plan and the Programme Budget;

b) establish procedures for the development of the Programme Budget which focus on the allocation of resources at a strategic level rather than on administrative detail (''top down'' rather than ''bottom up'');

c) establish procedures for setting objectives, expected results, priorities and targets, together with the application of performance indicators;

d) develop, within the framework of the Strategic Action Plan, more specific plans by the relevant subsidiary bodies (for example by adapting the Technical Work Programme in the air navigation field) and by the various offices of the Secretariat;

e) undertake reviews of progress on implementation of the Strategic Action Plan on an ongoing basis within the Secretariat and on a periodic basis by the Council and subsidiary bodies; and

f) update and roll forward the Strategic Action Plan itself at least triennially.

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

a) simplify the Agenda and reduce documentation, with focus on matters of strategy and high-level policy, main areas of priority and allocation of resources;

b) respect deadlines set for preparing and distributing documentation;

c) provide more extensive briefing to elected officers;

d) streamline reporting procedures, in particular avoiding non-essential duplication of presentation and consideration of the same documents in different bodies;

e) eliminate the requirement for minutes of meetings of Commissions (as with suspension in the present Session);

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f) improve the procedures for presenting general statements and the observance of indicated meeting hours; and

g) introduce more modern and efficient voting procedures, especially for the election of the Council.

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

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

The review should have as its central themes:

a) the concept of the Council continuing to discharge its functions and mandate in accordance with the Chicago Convention, and focusing particularly on high policy issues; and

b) the Secretary General carrying out his or her responsibilities in taking managerial actions and decisions as chief executive officer of the Organization in accordance with Article 54(h) of the Chicago Convention.

Oversight mechanism (Clause 4 c) of the resolution)

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

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

a) introduce procedures for more timely development or amendment as required of instruments of air law, ICAO Standards and Recommended Practices, and Regional Air Navigation Plans;

b) increase emphasis on encouraging national ratification of instruments of air law and implementation of ICAO Standards and Recommended Practices to the greatest extent possible worldwide;

c) improve and speed up communications with Contracting States, particularly as they relate to Standards and Recommended Practices, including more widespread use of electronic transmission;

d) strengthen the degree of autonomy given to the regional planning process and the associated authority and resources given to the ICAO Regional Offices, while ensuring adequate coordination at the global level;

e) examine the relationship between ICAO and other bodies (aviation and relevant non-aviation, global and regional) with a view to defining respective areas of responsibility, eliminating overlap and establishing joint programmes where relevant;

f) provide for adequate participation in ICAO activities by all interested parties in the aviation community, including service providers and industry;

g) streamline the scheduling and documentation, and reduce the duration, of ICAO meetings in general; and

h) consider the advisability and feasibility of calling on external expertise as required to assist in any of the above.

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

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

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

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

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

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

The Assembly:

1. *Expresses appreciation* to the Council and the Secretary General for the progress made in implementing Resolution A31-2, Increasing the effectiveness of ICAO;

2. *Endorses* the decisions already taken by the Council in this regard;

3. *Directs* the Council and the Secretary General, within their respective competencies and the limits of the budget approved by the Assembly, and without weakening the Organization or having adverse effects on its functioning, to:

a) continue the work that will ensure that ICAO is effective in meeting the challenges of a rapidly changing aviation sector and promoting safety and security worldwide;

b) ensure that high priority programmes which affect the safety of the travelling public are fully funded and staffed;

c) ensure that the Office for Programmes Evaluation, Audit and Management Review (EAO) functions as it has been designed, i.e., to improve programme management, transparency and accountability;

d) examine ICAO programmes critically to determine priorities and contemporary validity, and eliminate or downsize those programme activities which are no longer priorities for the work of ICAO, or which could be accomplished by other organizations, or by contracting out;

e) streamline the Panels and consolidate their work where possible; and

f) focus their efforts on:

1) improvement of the process of developing and adopting SARPs giving special regard to global, functional, and operational requirements;

2) evaluating on a regular basis the results of technical cooperation programmes in order to identify their impact on the improvement of SARPs implementation;

4. *Directs* the Council to:

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a) continue streamlining the Assembly process by focussing on policy guidance and work programme developments, and eliminating redundancies in its agenda;

b) in accordance with Articles 54 and 55 of the Convention, lay greater emphasis in its work programme on policy decisions of ICAO, in such areas as the carrying out of decisions of the Assembly, administration of finances, adoption of SARPs, reports of infractions to the Assembly and preparation of Diplomatic Conferences within the framework of ICAO;

c) continue the evaluation of the character, working methods and procedures of ICAO, especially of its governing bodies, including a comparison with other similar UN organizations, taking the assistance of an outside body, if necessary and appropriate, for example from the Joint Inspection Unit of the United Nations;

d) consider whether a reduction in the number of meetings of the Council and its subsidiary bodies could realize gains in the effectiveness of Council oversight of the Organization as well as reduce the cost of servicing the Council; and

e) identify possible cost savings in the Secretariat.

5. *Invites* the Council and the Secretary General, within their respective jurisdictions, to:

a) continue the work flowing from Assembly Resolution A31-2;

b) expand that work to encompass an examination of ways of removing impediments to greater efficiency within the Secretariat; and

c) examine, after identifying what, in ICAO, constitutes administrative costs and programme support costs, the scope of reducing administrative costs substantially of the regular programme budget over the next two triennial budget cycles, keeping in view the ongoing exercise in the United Nations and other agencies.

6. *Invites* the Secretary General to:

a) consider whether it is convenient and cost-effective to implement a programme of staff awards and incentives;

b) enhance the performance of the Regional Offices; and

c) consider the possibility of consolidating Regional Offices and functions to improve programme delivery. This procedure should be considered in the light of new technologies and new approaches to the problems of the various regions.

7. *Invites* the Council to inform States of progress on implementation of clauses 3 through 6 of this resolution by 1 May 2000, and to provide a full report to the next ordinary session of the Assembly.

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

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

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

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

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

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

The Assembly:

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

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

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

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

2. To seek the cooperation of Contracting States in this connection.

A31-1: Official emblem and seal of ICAO

The Assembly:

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

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

Declares that this resolution supersedes Resolution A21-4.

Official Emblem

Official Seal

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RELATIONS WITH CONTRACTING STATES

A1-14: Improvement of liaison with Contracting States

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

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

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

Now therefore the First Assembly Recommends:

1. That the Contracting States furnish complete information on the steps taken to date to provide liaison facilities with the Organization;

2. That Contracting States within their respective national administrations designate an official or officials with the specific responsibility for establishing, where necessary, and for coordinating facilities for liaison with the Organization;

3. That the Contracting States provide the Organization, at such intervals as may be decided by the Council, with reports on the progress made in implementing Standards, Practices and Procedures adopted by the Organization or the reasons for non-implementation;

4. That the Contracting States provide the Organization with information, documents and publications requested by the Organization, in accordance with the Convention, without undue delay; and

5. That Contracting States by arrangement with the Organization second employees of their national administrations to Headquarters or to Regional Offices of the Organization for training and experience in the Organization's activities.

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

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

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

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

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

The Assembly:

1. *Approves* as the final text of the Annex relating to ICAO the text recommended by the Second General Assembly of the United Nations, which appears as Annex III to the said general Convention;

2. *Accepts* the "standard clauses" of the said general *Convention on Privileges and Immunities of Specialized Agencies* as modified by the said Annex;

3. *Undertakes* to give effect to Sections 8, 18, 22, 23, 24, 31, 32, 42 and 45 and to Section 2(iii) of the said Annex;

4. *Directs* the Secretary General that

a) the text of the annex approved pursuant to the above paragraph 1, be transmitted to the Secretary-General of the United Nations,

b) the Secretary-General of the United Nations be informed that

— the Organization accepts the "standard clauses" as modified by the annex, and

— the Organization undertakes to give effect to Sections 8, 18, 22, 23, 24, 31, 32, 42 and 45 and to Section 2(iii) of the Annex; and

5. *Directs* the Secretary General that, pursuant to Section 42 of the "standard clauses", the text of the general Convention together with the Annex relating to ICAO be communicated to the Contracting States, which are not members of United Nations and that these States be invited to accede thereto in respect of ICAO by depositing an instrument of accession to the Convention in respect thereof either with the Secretary-General of the United Nations or with the Secretary General of ICAO.

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

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

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

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

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The Assembly,

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

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

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

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

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

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

The Assembly:

1. *Urges* all Contracting States which have not done so to take steps to become parties to the *Convention on the Privileges and Immunities of the Specialized Agencies*;

2. *Urges* all Contracting States to take such measures as are within their powers to apply the principles of the said Convention;

3. *Requests* the Secretary General to bring this resolution to the attention of all Contracting States; and

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

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

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

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

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

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

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

The Assembly:

1. *Decides* that ICAO should formally confirm the *Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations* (1986);

2. *Authorizes* the President of the Council to sign an act of formal confirmation of the said Convention for deposit on behalf of ICAO; and

3. *Urges* States which have not yet done so to ratify the Convention so that it would enter into force as soon as possible.

A1-15: Public information policy in ICAO

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

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

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

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

Now therefore the Assembly resolves:

a) That the public information policy of the Organization should be directed primarily toward ensuring that individuals and groups directly concerned with international civil aviation are kept informed of the activities and aims of the Organization; and secondarily toward the general public of Contracting States as a whole, within the limitations of the budget and as far as practicable in cooperation with the public relations organization of the United Nations, with a view to obtaining the widest publicity for the Organization's activities;

b) That the Regional Offices should participate in the information programme to the extent practicable without interference with the performance of their primary duties connected with air navigation matters and without augmentation of their staffs;

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

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

The Assembly,

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

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

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

1. *Directs* the Council to instruct the Secretary General to institute an investigation in order to undertake fact findings and to report to the Council at the earliest date;

2. *Calls upon* all parties involved to cooperate fully in the investigation.

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

The Assembly

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

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

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

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

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

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

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

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

A24-5: Extraordinary Session of the Council

The Assembly

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

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

Urges all Member States to cooperate fully in their implementation.

A21-7: The airport of Jerusalem

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

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

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

A23-5: The airport of Jerusalem

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

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

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

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

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

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

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

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

Whereas Israel persists in challenging and defying ICAO resolutions;

The Assembly

1. *Reaffirms* its Resolution A21-7 (1974) and the Council decision taken at its 86th Session, on 17 December 1975.

2. *Considers* the alteration of geographic, demographic and historic character and status of Jerusalem null and void.

3. *Deeply deplores* the action of Israel in formally annexing Jerusalem including its airport.

4. *Urges* Israel to rescind such measures and abide by the ICAO Assembly resolutions.

5. *Directs* the Council to take the necessary measures to implement Assembly Resolution A21-7 and Council decision taken at its 86th Session on 17 December 1975.

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

The Assembly,

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

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

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

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

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2. *Urges* the States which are in a position to do so to prosecute and punish with the greatest severity those criminals who committed this deed, so that the penalty may correspond to the magnitude of the crime and constitute a deterrent for the future.

3. *Extends* its deepest sympathy and condolences to the families of the victims of this tragic disaster and of all other disasters caused by criminal acts against civil aviation.

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

The Assembly:

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

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

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

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

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

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

1. *Condemns* the violation of the sovereignty of the airspace of Kuwait and the plunder of Kuwait International Airport by Iraqi armed forces including the seizure and removal to Iraq of 15 aircraft of Kuwait Airways and their purported registration by Iraq;

2. *Calls upon* Iraq to facilitate the early recovery by their owners of foreign registered aircraft stranded at Kuwait International Airport;

3. *Declares* that the unilateral registration of aircraft of Kuwait Airways by Iraqi aircraft is null and void and calls upon the Iraqi government to return the Kuwaiti aircraft to the legitimate Government of Kuwait;

4. *Requests* all States in whose territory any of these aircraft are found to hand them over to the legitimate Government of Kuwait;

5. *Requests* all States not to supply Iraq, its companies or nationals, whether directly or indirectly, with any spare parts, equipment or supplies or services to enable Iraq to use the aircraft;

6. *Requests* the Council to follow up this matter with Contracting States with respect to the steps to be taken for the implementation of this Resolution so that the matter may be kept under continuing review.

Documents
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