
ICAO

International Civil Aviation Organization

COUNCIL — 209TH SESSION

Montréal, 21 November — 2 December 2016

SUMMARY MINUTES WITH SUBJECT INDEX



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TABLE OF CONTENTS

Page

SUMMARY MINUTES OF THE FIRST MEETING	1
Opening of the Session	3
Elections by the Council	3
Any other business.....	5
Proposed changes to the <i>Regulations and Procedures for the International Registry</i> (Doc 9864)	5
Proposal to postpone the handover of the presidency of the Council to the incoming President	5
Honorary membership bestowed upon the President of the Council by the Hermes Air Transport Club.....	6
Farewell to a former Council Representative	6
Familiarization briefing for new Representatives on the Council	6
SUMMARY MINUTES OF THE SECOND MEETING	7
Welcome to the Minister of State (Aviation) of Nigeria	9
Election of the President of the Council	9
Congratulatory remarks	16
Welcome to new Council Representatives	18
Schedule for consideration of items during the 209th Session	18
Secretary General's sessional progress report	19
Appointment of Members of the Air Navigation Commission (ANC)	28
Environmental protection – Recent developments	29
Update on the work on a global market-based measure (MBM) scheme	30
SUMMARY MINUTES OF THE THIRD MEETING (CLOSED)	35
Adoption of Amendment 15 to Annex 17 – Security	37
SUMMARY MINUTES OF THE THIRD MEETING (OPEN)	39
Update on work on a global market-based measure (GMBM) Scheme	41
Proposal for the convening of an ICAO high-level Conference on Aviation Alternative Fuels.....	50
Report on the briefing by the Secretary General to the United Nations Security Council (UNSC) and the UNSC Resolution on Aviation Security.....	53
Any other business	56
Secretary General's mission	56
Appointment of a Member and Alternate on the Committee on Joint Support of Air Navigation Services (JSC)	56
Appointment of a Member to the Committee on Aviation Environmental Protection	56
Committee on Joint Support of Air Navigation Services	56
Public Key Directory (PKD) Board Membership	57
Request from the European Union (EU) to participate as Observer in closed meetings of the Council on aviation security	57
Request from Airports Council International (ACI) to participate as Observer in closed meetings of the Council on aviation safety and security	57
C-WP/14531 — <i>Financial situation of the Organization</i>	57

SUMMARY MINUTES OF THE FOURTH MEETING	59
Adoption of Amendment 41 to Annex 6, Part I	61
Adoption of Amendment 35 to Annex 6, Part II	61
Adoption of Amendment 21 to Annex 6, Part III	61
Organization and Agenda for the Twenty-Eighth Meeting of the Aviation Security Panel (AVSECP/28)	65
Report on the implementation of the ICAO Civil Aviation Training Policy and Global Aviation Training (GAT) activities for 2017-2018-2019	67
Progress achieved by the Committee on Relations with the Host Country (RHCC)	73
General Work Programme of the Legal Committee	78
Report of the Third Meeting of the AFI SECFAL Plan Steering Committee.....	80
Recommendations of the Joint Support Committee (JSC) related to items under the Danish and Icelandic Joint Financing Agreements reviewed during the 209th Session	87
Report of IWAF2016	88
SUMMARY MINUTES OF THE FIFTH MEETING (CLOSED)	91
Progress Report of the Monitoring and Assistance Review Board (MARB)	93
SUMMARY MINUTES OF THE FIFTH MEETING (OPEN)	99
Developments Related to Mitigating Risks Related to the Safe Transport of Lithium Batteries by Air	101
ANC Work Programme for the 204th Session	104
Report of the Seventeenth Meeting of the AFI Plan Steering Committee	105
Report of the CC3P – Review of the ICAO Policy on Interactions with Third Parties	107
Any Other Business	109
Condolences.....	109
SUMMARY MINUTES OF THE SIXTH MEETING (CLOSED)	111
Report of RRG — Report on the Conflict Zone Information Repository (CZIR)	113
SUMMARY MINUTES OF THE SIXTH MEETING (OPEN)	119
Annual Report of the Evaluation and Audit Advisory Committee	121
Work Programme of the Evaluation and Internal Audit Office (EAO) for the year 2017.....	127
Appointment of the External Auditor of ICAO for the Financial Years 2017, 2018 and 2019.....	130
Operating Plan for the Technical Cooperation Bureau for the period 2017 2019	131
2017 Technical Cooperation Administrative and Operational Services Cost (AOSC) Budget Estimates and Update of the 2016 AOSC Income and Expenditures	132
Budget and Operating Plan for the Ancillary Revenue Generation Fund (ARGF) for 2017- 2018-2019	134
Any other business	136
Communiqué from Saudi Arabia	136
Minute of silence and condolences	137

COUNCIL — 209TH SESSION
SUMMARY MINUTES OF THE FIRST MEETING

(THE COUNCIL CHAMBER, MONDAY, 17 OCTOBER 2016, AT 1430 HOURS)

OPEN MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu

Acting Secretary: Mr. Ivan Galán, Director, Technical Co-operation Bureau (D/TCB)

PRESENT:

Algeria	— Mr. A.D. Mesroua	Kenya	— Ms. M.B. Awori
Argentina	— Mr. G.E. Ainchil	Malaysia	— Mr. Y.-H. Lim
Australia	— Mr. S. Lucas	Mexico	— Mr. D. Méndez Mayora
Brazil	— Mrs. M.G. Valente da Costa	Nigeria	— Mr. M.S. Nuhu
Cabo Verde	— Mr. C. Monteiro	Panama	— Mr. G.S. Oller
Canada	— Mr. J.-B. Leblanc	Republic of Korea	— Mr. J. Hur
China	— Mr. Tao Ma	Russian Federation	— Mr. A.A. Novgorodov
Colombia	— Mr. A. Muñoz Gómez	Saudi Arabia	— Mr. S.A.R. Hashem
Congo	— Mr. R.M. Ondzotto	Singapore	— Mr. T.C. Ng
Cuba	— Mrs. M. Crespo Frasquiere	South Africa	— Mr. M.D.T. Peege
Ecuador	— Mr. I. Arellano	Spain	— Mr. V.M. Aguado
Egypt	— Mr. A. Khedr	Sweden	— Ms. H. Jansson Saxe
France	— Mr. P. Bertoux	Turkey	— Mr. A.R. Çolak
Germany	— Mr. U. Schwierczinski	United Arab Emirates	— Miss A. Alhameli
India	— Mr. A. Shekhar	United Kingdom	— Mr. M. Rodmell
Ireland	— Mrs. A. Smith Floch	United Republic of Tanzania	— Mr. R.W. Bokango
Italy	— Mr. M.R. Rusconi	United States	— Mr. M.A. Lawson
Japan	— Mr. S. Matsui	Uruguay	— Mr. M. Vidal

ALSO PRESENT:

Dr. N. Luongo (Alt.)	— Argentina
Ms. K. Macaulay (Alt.)	— Australia
Mr. P. Jardim (Alt.)	— Brazil
Mr. R. da Rosa Costa (Alt.)	— Brazil
Mr. O. Vieira (Alt.)	— Brazil
Mr. M. Delisle (Alt.)	— Canada
Mr. Chunyu Ding (Alt.)	— China
Mr. M. Millefert (Alt.)	— France
Mr. M. Ishii (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mr. S. Kim (Alt.)	— Republic of Korea
Mr. S. Koh (Alt.)	— Republic of Korea
Mr. K. Lee (Alt.)	— Republic of Korea
Mr. D. Subbotin (Alt.)	— Russian Federation
Mr. M.S. Habib (Alt.)	— Saudi Arabia
Mr. S. Kotis (Alt.)	— United States
Mr. D. Amado (Alt.)	— Uruguay
Mr. J. Méndez (Alt.)	— Uruguay

SECRETARIAT:

Mrs. J. Yan	— CoO/OSG
Mr. B. Djibo	— D/ATB
Mr. J. Augustin	— D/LEB
Mr. S. Creamer	— D/ANB
Mr. V. Smith	— D/ADB
Mr. A. Larcos	— ACC
Miss S. Black	— Précis-writer

*Part-time

Representatives to ICAO

Afghanistan
Bolivia (Plurinational State of)
Cyprus
Greece
Honduras
Indonesia
Iran (Islamic Republic of)
Libya
Peru
Sudan
Venezuela (Bolivarian Republic of)

Airports Council International (ACI)
European Union (EU)

Opening of the session

1. The President of the Council reiterated his thanks to those Representatives who had served on the Council for the past three years and who had now left to assume other responsibilities. In addition, he congratulated the following newly-appointed Council Members: Mr. Amine Debaghine Mesroua (Algeria); Mr. Sam Lucas (Australia); Mrs. Mitzi Gurgel Valente da Costa (Brazil); Mr. Carlos Alberto B.C.L. Monteiro (Cabo Verde); Mr. Alberto Muñoz Gómez (Colombia); Mr. Raoul Maixent Ondzotto (Congo); Mrs. Mirta Marina Crespo Frasier (Cuba); Mr. Iván Arellano (Ecuador); Mrs. Annemarie Smith Floch (Ireland); Mr. Germinal Sarasqueta Oller (Panama); Ms. Heléne Jansson Saxe (Sweden); Mr. Ali Riza Çolak (Turkey); and Mr. Martín Vidal (Uruguay).

2. On behalf of the Secretary General and all of the Secretariat, the Director of the Technical Cooperation Bureau (D/TCB) cordially welcomed the newly-appointed Council Members. He assured all Council Members of their commitment to work together with them towards the achievement of all of the Organization's various programmes and activities for the next triennium.

3. In also extending a special welcome to the newly-appointed Council Members on behalf of the Host State, the Representative of Canada offered them the services of his Delegation to assist in addressing any issues that might arise as they settled down in Montréal or subsequently.

4. The President of the Council availed himself of this opportunity to congratulate all Council Members, both those who were returning and those who were newly-appointed, all Representatives to ICAO and all representatives of regional organizations, as well as the Secretary General and the Secretariat, on the successful outcomes of the 39th Session of the Assembly. He expressed appreciation in particular for the work done by the interpreters in support of not only the Assembly, but also the Council and the Air Navigation Commission (ANC), whose meetings were commencing anew this week.

Subject No. 5: Election of Vice-Presidents of the Council
Subject No. 6.3: Election of Chairmen and Members of subsidiary bodies of the Council
Subject No. 46: Edward Warner Award

Elections by the Council

5. The Council considered C-WP/14505 presented by the President of the Council relating to: the election of the three Vice-Presidents of the Council, the Members and Alternates of the Air Transport, Joint Support, Finance, Unlawful Interference, Technical Co-operation and Human Resources Committees (ATC, JSC, FIC, UIC, TCC and HRC) and the Chairpersons of those Committees; the composition of the Council Committee on Relations with the Host Country (RHCC), the appointment of whose Members the Council had delegated to the President, and the election of its Chairperson; and the election of Members of the Edward Warner Award (EWA) Committee to fill five vacancies. Representatives had been invited to submit the names of Members and Alternates to serve on the various Council Committees in the President's memorandum PRES OBA/2548 dated 5 October 2016. Having subsequently consulted with Representatives and the various informal Council regional groups, the President of the Council set forth the proposed composition of the ATC, JSC, FIC, UIC, TCC and HRC in Appendix B of the paper and that of the EWA in Appendix D.

6. The Council agreed to suspend paragraph 3 of Appendix B and that part of paragraph 2 of Appendix E of the *Rules of Procedure for the Council* (Doc 7559) related to the elections taking place by secret ballot unless waived by unanimous decision of the Members represented at the meeting.

7. On nominations by the Representative of Saudi Arabia, seconded by the Representative of the United Republic of Tanzania, the Council elected the following Representatives as its Vice-Presidents for the period 2016-2017 pursuant to Appendix B of its Rules of Procedure (cf. Appendix A of the paper):

Miss Aysha Alhameli (United Arab Emirates)	First Vice-President
Ms. Heléne Jansson Saxe (Sweden)	Second Vice-President
Mr. Alberto Muñoz Gómez (Colombia)	Third Vice-President

8. On behalf of the Council, the President congratulated the newly-elected Vice-Presidents and expressed appreciation to the outgoing Vice-Presidents for their excellent work over the past year.

9. Pursuant to Appendix E of the *Rules of Procedure for the Council* (Doc 7559), and the Special Provisions of the *Rules of Procedure for Standing Committees of the Council* (Doc 8146), the Council then:

- a) appointed the Members and Alternates of the ATC appearing in Appendix B of C-WP/14505 for a period of three years, subject to the insertion of Mr. Iván Arellano (Ecuador) and Mr. Martín Vidal (Uruguay) as Members;
- b) elected the Members and Alternates of the JSC, FIC, UIC, TCC and HRC appearing in Appendix B of the paper for the period 2016-2017, subject to the insertion of Mr. Arellano (Ecuador) and Mr. Vidal (Uruguay) as Members of the TCC and the insertion of Mr. Arellano (Ecuador) as a Member of the HRC;
- c) on nominations by the Representative of Malaysia, seconded by the Representative of Mexico, elected the following as Chairpersons of the Council's subsidiary bodies listed below for the period 2016-2017 (cf. Appendix C):

ATC	Ms. Mercy Beatrice Awori (Kenya)
JSC	Mr. Tee Chiou Ng (Singapore)
FIC	Mr. Mark Rodmell (United Kingdom)
UIC	Mr. Mankopane Daniel Tshepo Peege (South Africa)
TCC	Mrs. Mirta Marina Crespo Frasier (Cuba)
HRC	Mr. Ahmed Hossein Mostafa Khedr (Egypt)

- d) noted the composition of the RHCC for the period 2016-2017 as presented in Appendix B of C-WP/14505 and, on the nomination of the Representative of Malaysia, seconded by the Representative of Mexico, elected Mr. Alexey Anatolievich Novgorodov (Russian Federation) as the Committee's Chairperson for that same period (cf. Appendix C); and
- e) elected Mrs. Mirta Marina Crespo Frasier (Cuba), Mr. Saud A.R. Hashem (Saudi Arabia), Mr. Ali Riza Çolak (Turkey), Mr. Raphael W. Bokango (United Republic of Tanzania) and Mr. Martín Vidal (Uruguay) to fill the five vacancies on the EWA (cf. Appendix D).

10. The President, on behalf of the Council, congratulated the newly-elected Chairpersons, wishing them every success in the year to come, and thanked the outgoing Chairpersons for their excellent work over the course of the last year.

11. It was noted that the President, under authority delegated to him by the Council, had consulted Representatives regarding the composition of the Working Group on Governance and Efficiency (WGGE) and the Implementation, Strategy and Planning Group (ISPG) and would provide the Council with updated information thereon shortly.

Any other business

Subject No. 16: Legal work of the Organization

Proposed changes to the *Regulations and Procedures for the International Registry* (Doc 9864)

12. In the absence of any objections by 31 August 2016 to the President's memorandum PRES OBA/2537 dated 3 August 2016, the new changes to Section 5.4 of the Regulations as proposed by the Registrar and recommended by the Commission of Experts of the Supervisory Authority of the International Registry (CESAIR) have been approved by the Council.

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

Proposal to postpone the handover of the presidency of the Council to the incoming President

13. Noting that the end of the three-year term of the outgoing President of the Council was 31 December and that the start of the incoming President's three-year term was 1 January of the following year, the Representative of Mexico recalled the concerns expressed by the previous President, Mr. Roberto Kobeh González, towards the end of his term that there was not very much time in which to wrap up matters in the month of December and handover the presidency to the incoming President as the process occurred in a busy Assembly year and the subsequent Council session in which the new President was elected usually took place late, namely, at the end of November. The Representative of Mexico therefore proposed that the handover of the presidency of the Council to the incoming President be postponed by a few months (e.g. three months) from 31 December to approximately March of the year following the election of the incoming President so as to ensure an efficient and effective transition. He further suggested that his proposal be referred to the WGGE for consideration and subsequent report to the Council.

14. In endorsing the proposal, the Representative of Spain reiterated that the previous President of the Council had, on a number of occasions, voiced his concerns regarding the time available for the handover of the presidency. He considered that as it was not the first time that the matter had been raised in the Council, it was only reasonable that the WGGE be requested to consider the Representative of Mexico's proposal and report thereon to the Council.

15. The Representatives of South Africa and Nigeria also voiced support for the proposal and its referral to the WGGE.

16. It was thus agreed to refer to the WGGE for consideration and subsequent report to the Council the above-mentioned proposal made by the Representative of Mexico to postpone by a few months (e.g. three months) the handover of the presidency of the Council from 31 December to approximately March of the year following the election of the incoming President.

Honorary membership bestowed upon the President of the Council by the Hermes Air Transport Club

17. It was noted that on 30 September 2016, during the 39th Session of the Assembly, the President of the Council had been honored to accept from the Hermes Air Transport Club the title *Honorary Member*, which designation was also a recognition of ICAO's significant contribution in the field of civil aviation. In remarking that there were no specific responsibilities attached thereto, the President of the Council emphasized that every effort would be made to ensure that there were no conflicts of interest. He recalled that the former Secretary General, Mr. Raymond Benjamin, had previously been designated an *Honorary Member* of the same Club.

Farewell to a former Council Representative

18. The Council bade farewell to Ms. Kerry Macaulay, the former Representative of Australia on the Council.

19. Observing that Council Members were the heirs of a grand tradition and were able to realize great achievements as they were standing on the shoulders of giants, the Representative of Colombia underscored the need to at least accord a degree of recognition to those who had served previously on the Council and had done so much good work on behalf of international civil aviation and to express gratitude therefor. He thus proposed, in the name of Ms. Macaulay and other former Representatives, that the WGGE consider the possibility of having a visual commemoration, either a physical or virtual site, where photos of, and tributes to, all those who served as Council Members could be placed. In noting their excellent qualities and professional qualifications, the Representative of Colombia highlighted that Council Members had often achieved historic agreements, such as the one reached at the recent 39th Session of the Assembly on a global market-based measure (MBM) scheme i.e. the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA).

20. In suggesting that the WGGE consider using the Council website for that purpose, the President of the Council recalled that while previously a section of the *ICAO Journal* had been dedicated to welcoming new Council Members and to providing their curricula vitae, that practice had eventually been discontinued for financial reasons.

21. It was thus agreed to refer to the WGGE for consideration and subsequent report to the Council the issue of establishing on the Council website a visual commemoration of all those who served as Council Members which could include photographs and tributes.

Familiarization briefing for new Representatives on the Council

22. The President of the Council strongly encouraged new Representatives, as well as any other interested returning Representatives, to attend the Familiarization briefing to be given on 21 November 2016 at 1000 hours in the Council Chamber on the procedures and working methods of the Council and the Organization's work programme and activities.

23. The meeting adjourned at 1520 hours.

COUNCIL — 209TH SESSION

SUMMARY MINUTES OF THE SECOND MEETING

(THE COUNCIL CHAMBER, MONDAY, 21 NOVEMBER 2016, AT 1430 HOURS)

OPEN MEETING

*President of the Council: Dr. Olumuyiwa Benard Aliu

*First Vice-President of the Council: Miss Aysha Alhameli

Secretary: Dr. Fang Liu, Secretary General

PRESENT:

Algeria	— Mr. A.D. Mesroua	Kenya	— Ms. M.B. Awori
Argentina	— Mr. G.E. Ainchil	Malaysia	— Mr. Y.-H. Lim
Australia	— Mr. S. Lucas	Mexico	— Mr. D. Méndez Mayora
Brazil	— Mrs. M.G. Valente da Costa	Nigeria	— Mr. M.S. Nuhu
Cabo Verde	— Mr. M. Dieguimde (Alt.)	Panama	— Mr. G.S. Oller
Canada	— Mr. P. Langlais (Alt.)	Republic of Korea	— Mr. J. Hur
China	— Mr. Tao Ma	Russian Federation	— Mr. A.A. Novgorodov
Colombia	— Mr. A. Muñoz Gómez	Saudi Arabia	— Mr. S.A.R. Hashem
Congo	— Mr. R.M. Ondzotto	Singapore	— Mr. T.C. Ng
Cuba	— Mrs. M. Crespo Frasier	South Africa	— Mr. M.D.T. Peege
Ecuador	— Mr. I. Arellano	Spain	— Mr. V.M. Aguado
Egypt	— Mr. A. Khedr	Sweden	— Ms. H. Jansson Saxe
France	— Mr. P. Bertoux	Turkey	— Mr. A.R. Çolak
Germany	— Mr. U. Schwierczinski	United Arab Emirates	— Miss A. Alhameli
India	— Mr. A. Shekhar	United Kingdom	— Mr. M. Rodmell
Ireland	— Mrs. A. Smith Floch	United Republic of Tanzania	— Mr. R.W. Bokango
Italy	— Mr. M.R. Rusconi	United States	— Mr. M.A. Lawson
Japan	— Mr. S. Matsu	Uruguay	— Mr. M. Vidal

ALSO PRESENT:

Mr. F. Zizi, President, ANC	
Dr. N. Luongo (Alt.)	— Argentina
Mrs. M.F. Loguzzo (Alt.)	— Argentina
Mr. O. Vieira (Alt.)	— Brazil
Mr. N. Castro da Silva (Alt.)	— Brazil
Mr. R. da Rosa Costa (Alt.)	— Brazil
Mr. Chunyu Ding (Alt.)	— China
Mr. M. Millefert (Alt.)	— France
Mr. M. Ishii (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mr. S. Kim (Alt.)	— Republic of Korea
Mr. S. Koh (Alt.)	— Republic of Korea
Mr. K. Lee (Alt.)	— Republic of Korea
Mr. D. Subbotin (Alt.)	— Russian Federation
Mr. M.S. Habib (Alt.)	— Saudi Arabia
Mr. S. Vuokila (Alt.)	— Sweden
Mr. M. Salem (Alt.)	— United Arab Emirates
Mr. S. Kotis (Alt.)	— United States
Mr. J. Méndez (Alt.)	— Uruguay
<i>The Honourable Minister of State (Aviation) of Nigeria, Senator Hadi Sirika</i>	

SECRETARIAT:

Mrs. J. Yan	— CoO/OSG
Mr. I. Galán	— D/TCB
Mr. B. Djibo	— D/ATB
Mr. J. Augustin	— D/LEB
Mr. S. Creamer	— D/ANB
Mr. R. Bhalla	— C/FIN
Mrs. J. Hupe	— DD/ENV
Mr. M. Belayneh	— DD/TCB and A/C/GAT
Mr. O. Myard	— C/EAO
Mr. H. Gourdji	— A/H/SPCP
Mr. T. Tanaka	— C/CC
Mr. J. Laukia	— ENV-CC
Mr. M. Caballero Alarcon	— ENV-CC
Mr. A. Larcos	— ACC
Miss S. Black	— Précis-writer

*Part-time

Representatives to ICAO

Afghanistan
Cameroon
Cyprus
Greece
Indonesia
Iran (Islamic Republic of)
Lebanon
Nicaragua
Venezuela (Bolivarian Republic of)

Airports Council International (ACI)
European Union (EU)

Welcome to the Minister of State (Aviation) of Nigeria

1. On behalf of the Council, the First Vice-President, Miss Aysha Alhameli (United Arab Emirates) warmly welcomed the Honourable Minister of State (Aviation) of Nigeria, Senator Hadi Sirika, who was in attendance for the first item on its Order of Business.

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

Election of the President of the Council

2. This subject was considered on the basis of: C-WP/14504, in which the Secretary General reported on the nomination received for the presidency of the Council; and an oral report by the Working Group on Governance and Efficiency (WGGE) on the proposal made by the Representative of Mexico at the previous meeting (209/1), and supported by the Representatives of Spain, South Africa and Nigeria, to postpone by a few months (e.g. three months) the handover of the presidency to the incoming President from 31 December (the end of the three-year term of the outgoing President) to approximately March of the year following the election of the incoming President so as to ensure an efficient and effective transition.

3. It was recalled, in C-WP/14504, that pursuant to the Council's earlier decision (207/1), State letter S 2/6-16/32 dated 7 March 2016 had been issued inviting candidatures for the presidency of the Council, which were to be in the hands of the Secretary General not later than 16 September 2016. Nigeria had presented the candidature of the incumbent, Dr. Olumuyiwa Benard Aliu, for re-election in a letter dated 7 March 2016, which had been received on that same day and was appended to C-WP/14504, together with Dr. Aliu's curriculum vitae. In accordance with paragraph 2 of Appendix A of the *Rules of Procedure for the Council* (Doc 7559), Member States had been informed of Dr. Aliu's candidature by State letter S 2/6-16/36 dated 9 March 2016. At the time of the close of nominations on 16 September 2016, Dr. Aliu was the sole candidate for the post of President of the Council.

4. In its oral report, the WGGE elaborated on its deliberations regarding the said proposal by the Representative of Mexico during its meeting on 27 October 2016. In view of the divergent views expressed it had been agreed that a WGGE Sub-Group on Handover of the Presidency of the Council (SHP) would be constituted to consider the issue of whether and, if so, the extent to which the transition period between the date a new Council President was elected by the Council and the date he/she was inaugurated and took office should be adjusted. The WGGE SHP membership comprised the Representatives of Argentina, Mexico, the Russian Federation, the United Republic of Tanzania and the United States, with the Representative of the United States having been requested to chair the Sub-Group's meeting(s).

5. The WGGE SHP had discussed the rationales for, as well as the possible benefits of, lengthening the said transition period. Two rationales for lengthening the transition period had been identified. The first related to the potential logistical issues that could affect the ability of a newly-elected Council President from being in place on the date of his/her inauguration (e.g. leaving a current position, moving a family to Montréal, etc.). The second related to the institutional benefits that might be derived from a longer transition period (e.g. the sharing of the experiences and knowledge between the outgoing President and the President-elect).

6. The WGGE SHP had also identified certain potential downsides to lengthening the transition period, including: i) the possibility of creating a longer "lame-duck" period during which a new

Council would be led by the outgoing President, and the impact that could have on the Council's work; and ii) the difficulties of extending the transition period while remaining in compliance with the terms of Article 51 of the *Convention on International Civil Aviation*.

7. In discussing those issues, the WGGE SHP had not come to a consensus that a change from current practice was warranted at the present time. The WGGE SHP had agreed, however, that any future discussions regarding any potential adjustments to the transition period would benefit from more information on how similar transitions were handled in other United Nations (UN) organizations, in particular those that had a governing structure that was similar to ICAO's governing structure.

8. The report of the WGGE SHP had been discussed by the Working Group at its meeting on 4 November 2016. Another potential related issue raised in the WGGE meetings included the period of time during which nominations for the position of Council President may be submitted, so as to decouple the election of the President from the Assembly proceedings. However, that issue, not being within the mandate of the Council, had not been deliberated upon further.

9. In light of its discussion, the WGGE had agreed to recommend that:

- a) the Council make no changes to the transition period between the date a new Council President is elected by the Council and the date he/she is inaugurated at the present time;
- b) the Council request the Secretariat to prepare a survey of the transition practices of other UN technical organizations, which includes: the length of the transition period between the date a Council President (or comparable position) is elected (or identified) and the date that individual takes office; and any other factors that may relate, or be important, to the process of effecting the smooth transition of outgoing and incoming administrations; and
- c) request the Secretariat to report back with the results of the above-mentioned survey as soon as may be reasonably practicable, for further consideration of the issue.

10. The Representative of Mexico, a Member of the WGGE, voiced support for the Working Group's oral report, emphasizing that its recommendations would afford the Council more time in which to carefully review the proposed lengthening of the said transition period. The Representatives of Colombia, Egypt and Ecuador likewise lent their support to the Working Group's recommendations.

11. There being no further comments, the Council endorsed the WGGE's recommendations as set forth in paragraph 9 above as part of its decision on this subject.

12. In then referring to C-WP/14504, the Representative of Mexico highlighted the leadership and commitment to ICAO that Dr. Aliu had demonstrated during his first term in office. He also underscored Dr. Aliu's invaluable guidance and work as President over the past three years, which had brought Representatives' positions closer during the Council's deliberations, enabling the achievement of consensus solutions to the benefit of the Organization and its Member States. The Representative of Mexico further highlighted the recognition and respect which Member States accorded to Dr. Aliu, in particular those which he had visited as representative of this governing body. He emphasized that in order to fulfill his high-level responsibilities to the Organization and its Member States, Dr. Aliu had sought the political commitments necessary to uphold ICAO's *No Country Left Behind* (NCLB) initiative and thus meet the objectives of the *Convention on International Civil Aviation*. Taking the above into account, as well as the fact that Dr. Aliu was the sole candidate for the presidency,

the Representative of Mexico proposed that the Council waive the requirement set forth in paragraph 6 of Appendix A of its said Rules of Procedure (Doc 7559) for a secret ballot for the election of its President and re-elect Dr. Aliu for a second three-year term.

13. The Representatives of Colombia, Saudi Arabia, Egypt, Ecuador and South Africa voiced support for this proposal. In so doing, the Representative of Colombia noted that Dr. Aliu's many achievements and contributions could be summed up in a single phrase, *No Country Left Behind*, the name of the campaign undertaken by ICAO on the basis of an initiative by Dr. Aliu which enhanced the political will of Member States to implement ICAO Standards and Recommended Practices (SARPs), which was of paramount importance to the Organization. The Representative of Egypt affirmed that Dr. Aliu's contributions to the Organization's work during his first term as President of the Council and the many achievements that had resulted therefrom were a living testimony to international action at its best. He looked forward to even more ICAO achievements during the coming triennium following Dr. Aliu's re-election.

14. In supporting the interventions made by the previous speakers, the Representative of South Africa requested that Dr. Aliu's re-election by acclamation be elevated by giving him a standing ovation in view of the many achievements realized thus far during his first term in office and in anticipation of those to come in the next triennium during his second term as President of the Council.

15. There being no further comments, the Council agreed to the above proposal by the Representative of Mexico and, in accordance with Article 51 of the *Convention on International Civil Aviation* and Rule 5 of the Rules of Procedure (Doc 7559), re-elected Dr. Aliu by acclamation as its President, whose term would commence on 1 January 2017 and continue until 31 December 2019.

16. On behalf of his Delegation and the Government of Nigeria, the Honourable Minister of State (Aviation) of Nigeria, Senator Hadi Sirika, thanked all Representatives very much for the support and re-election of Dr. Aliu as President of the Council for a second three-year term in the following address:

Address by the Honourable Minister of State (Aviation) of Nigeria, Senator Hadi Sirika

17. The Honourable Minister of State (Aviation) of Nigeria, Senator Hadi Sirika, addressed the Council as follows:

"I am indeed honoured to be with you this afternoon in this hallowed Chamber and to witness the election of Dr. Benard Olumuyiwa Aliu as President of the ICAO Council for a second term in office.

"On behalf of my Delegation, the Government and good people of Nigeria as well as the entire people of Africa, I wish to thank you all for the support and election of Dr. O.B Aliu.

"Your action today reaffirmed your confidence in the ability, person and leadership of Dr. Aliu as President of the Council for the second term. I wish to reassure you that your confidence will not be let down.

"The last three years were quite challenging for our industry globally, despite the significant progress recorded. The issue of Malaysia Airlines Flight MH370 which still remains a mystery, the threat of Ebola and Zika virus outbreaks, the increase in terrorists' attacks at airports and the need to

take meaningful action on the issue of the environment were some of major challenges that confronted the global air transport industry. The prompt way and decisive manner in which the Council led the Organization to manage these situations and address these challenges increased greatly the confidence of Member States and the industry in the leadership of ICAO.

“Apart from addressing these challenges, the Council came up with a number of unprecedented initiatives which have enhanced safety, security, efficiency and air connectivity. One such initiative is the NCLB, which has increased the effective implementation of ICAO SARPs and has helped many States to overcome their Significant Safety Concerns (SSCs).

“The Council and indeed the entire Organization were able to accomplish these momentous milestone achievements, due not only to the sterling leadership qualities of Dr. O.B. Aliu, but also to your cooperation, support and collaboration.

“I therefore wish to use this opportunity to solicit for this continuous support and collaboration as the entire world, especially the 191 Member States of ICAO, has great expectations, not only of Dr. Aliu as President of the Council, but also of the Council as a body.

“Nigeria and the entire continent of Africa believe that in order to consolidate on your achievements in last three years, as well as position Member States and the industry to cope with the projected traffic growth and emerging issues, the Council must continue to operate as one indivisible body.

“This is the only way that ICAO can continue to provide the required leadership to promote safe, secure, efficient and environmentally-friendly civil aviation globally and ensure that all Member States partake in the socio-economic benefits of air transport.

“As part of her appreciation of the good work of the Council, Nigeria invites you all to a reception immediately after the close of this meeting.

“Once again, I thank you all.”

Address by Dr. Aliu, President of the Council

18. The Council gave Dr. Aliu a resounding round of applause when he entered the Council Chamber following his re-election by acclamation and after he had delivered the following address:

“First and foremost, allow me to begin by expressing what a tremendous honour and privilege it is to be re-elected to serve as your President for the next three years. I am truly humbled by your show of support and thankful for the confidence which you have instilled in me as your President over the course of my previous mandate. As I begin a new mandate, I hope that I can rely on the same level of support you have so graciously shown me thus far. I would also like to thank the Government of Nigeria for once again nominating me to the post.

“Three years ago, I had the opportunity to present my vision and aspirations for this great Organization guided broadly by:

- Challenges for global aviation and ICAO;
- ICAO’s priorities;

- Actions to be taken to meet these challenges and priorities; and
- Areas for change/reform at ICAO.

“In that regard, I underscored the importance of ICAO’s leadership role and remarkable achievements in global civil aviation; in the setting of global SARPs to ensure the safety, security, reliability, efficiency, interoperability and environmental sustainability of aviation systems; and the crucial role played by the Council, with the support of the Secretariat, in determining the strategic vision, priorities and policies that had propelled the success of the Organization.

“I also noted that while the continuing growth of civil aviation is a driver for socio-economic development, its impact on the safety, security, air navigation capacity, environmental performance and overall sustainability of the industry continues to be a major challenge over the medium to longer-term.

“In addition, I noted, among others, the **following challenges**:

- Aviation remains an attractive target for attacks by terrorists;
- Growth in international civil aviation and the implementation of new complex systems require continuous availability of an adequately-trained workforce;
- Remotely piloted aircraft, commercial space flights and cybersecurity;
- Unpredictable risks such as economic recessions, oil prices, natural disasters, and the outbreak of communicable diseases;
- The growing disparity among States and regions in their ability to participate effectively in air transport or to provide the necessary facilities for air navigation poses a threat to the sustenance of a globally harmonized and interoperable air transport system; and
- Additionally, the retention of ICAO leadership in all matters related to aviation is a constant challenge for the Organization.

“The following were then advanced as **major priorities**:

- The reduction of the rate and number of accidents globally;
- Implementation of the Global Aviation Safety Plan (GASP) and the Global Air Navigation Plan (GANP), in particular the Aviation System Block Upgrades (ASBUs);
- Implementation of the new Annex 19 on safety management;
- The continuation of the Universal Safety Oversight Audit Programme (USOAP) and the Universal Security Audit Programme (USAP) under the Continuous Monitoring Approach (CMA);
- Enhancing aviation security measures, in particular cargo security; the promotion of risk-based strategies; the evolution of the travellers’ identity programmes; and ensuring optimal balance between security and facilitation;
- The removal of impediments to progressive liberalization of air transport and the development of core principles for the protection of consumer rights;
- The need to streamline the data analysis function in the Organization for more efficient forecasting and planning;
- Concerning **environment**, the implementation of the basket of measures to combat climate change, in particular the development of a global market-based measure (MBM) scheme; and

- The provision of **technical assistance** and support to States in their implementation efforts and, in particular, the provision of assistance and guidance for training and capacity-building;

“In order to address these **challenges and priorities**, I proposed to the Council a number of actions **going forward**:

- The need to enhance the efficiency and effectiveness of the Organization through performance management, risk management and accountability;
- Regional Offices should be strengthened and assume greater responsibilities in the provision of assistance and support to States in the implementation of SARPs and programmes;
- The enhancement of SARP development and implementation through impact assessments and provision of tools and guidance to facilitate implementation;
- ICAO should assist States in the establishment of training capacities, standardization and accreditation of training programmes and also collaborate with training institutions and industry organizations in the provision of not only technical, but also management and leadership training courses;
- The Council should strive to maintain its deliberations at the strategic policy level; focus on priority issues that are of importance to Member States; allocate more time to reports of Regional Offices and regional groups such as the Planning and Implementation Regional Groups (PIRGs) and Regional Aviation Safety Groups (RASGs); and consult regularly with the industry; and
- ICAO should set global goals and objectives and coordinate all stakeholders’ efforts towards their attainment through collaboration with national, regional and international organizations, sharing of knowledge and best practices.

“I promised within my responsibility to seek and find common grounds, both inside and outside the Council Chamber, and underscored the importance of enhancing communication with States and other stakeholders.

“I also promised to implement participatory governance and work closely with the Council to consider new ideas and approaches. In this regard, I proposed retreats for the Council to examine the challenges facing global civil aviation and enrich the policy-making process. I also advocated for a proactive and responsive ICAO leadership in support of States’ and industry’s challenges and initiatives.

“Over the past three years working together, we have been able to implement these strategies and accomplish many of the actions to meet the identified challenges and priorities. And for this, I remain very grateful.

“I am pleased that the adoption of the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) has been acclaimed as an historic achievement. Our NCLB initiative has been transformative and widely commended by States and industry. Our consultative processes have been made more efficient and we have focused on ensuring that States are better prepared to implement ICAO SARPs and programmes. Our Regional Offices have become very active in monitoring and addressing local needs. We have established new assistance programmes such as the ICAO Programme for Aviation Volunteers (IPAV) and tools like iIMPLEMENT. We established the new ICAO Museum to

help inspire future generations of aviators. We reached out to the highest level decision-makers in States, encouraging their commitments and recognizing their accomplishments through the Council President Certificates.

“The Organization has been working tirelessly to promote the importance of civil aviation to socio-economic development, as well as its prioritization in national and regional investment and development planning, including through the ICAO World Aviation Forum (IWAF).

“ICAO has become more proactive and responsive in coordinating our community’s response to dynamic challenges such as were posed by Malaysia Airlines Flights MH370 and MH17, the pandemic response to the Ebola virus and others.

“The ICAO Council has played a key leadership role in this process. It has conducted annual Off-site Strategy Meetings, information-gathering missions in ICAO regions, and regular and comprehensive industry briefings.

“The Council has also worked closely with the Secretariat to enhance the efficiency and effectiveness of the Organization through performance management and evaluation, including the development of a performance assurance and risk management framework, as well as robust ethics and internal audit regimes.

“Going forward, while the challenges remain the same, we will need to consolidate these efforts and realign our strategies and actions with new and continuing priorities as follows:

- Implementation of GASP and GANP should be complemented in particular with provision of guidance to States on operational, regulatory, training and capacity-building requirements under the ASBUs, both nationally and regionally;
- Development of the Global Aviation Security Plan (GASeP) should be fast-tracked;
- Global strategic plans for other objectives such as Air Transport Economic Development, Facilitation and the Environment should also be developed;
- We should ensure that CORSIA becomes fully operational by 2020;
- We should more proactively address regulatory requirements for RPAS and commercial space flights; and
- We should develop and operationalize the Emergency Response Policy and strategies to support States.

"In addition to these strategies, I believe we should also be in a position to review some of our ongoing activities and mechanisms for even better efficiency and effectiveness. These include, *inter alia*:

- Defining clear timelines, indicators and targets to assess the effectiveness of the NCLB initiative;
- Implementing the next iteration of the NCLB to cover assistance to States with respect to aviation infrastructure development;
- Inclusion of USAP results and other NCLB criteria for the Council President Certificates;
- Enhancement of the efficiency, effectiveness and quality assurance of the Technical Cooperation Programme;
- Better coordination of technical assistance delivery and roll out of assistance tools such as iIMPLEMENT and IPAV;

- Making the audit processes more efficient and effective, for example, by ensuring that Protocol Questions (PQs) are adapted to the specific aviation activities of a State and timely validation of corrective actions taken by States to address deficiencies;
- Making better use of the huge amount of data and information collected from the audits in improving our rule-making process and policy reviews;
- Enhancing the efficiency and effectiveness of RASGs and PIRGs and having closer collaboration with regional bodies such as RSOOs; and
- Review and clearly define the business models and extent of our revenue generating activities *vis-à-vis* the aims, objectives and associated risks to the Organization.

“In addition to these, I am sure there are also a number of ideas that you may wish to consider for action in the months to come. I would therefore appreciate your feedback and suggestions.

“Once again, I want to thank the Council for the confidence reposed in me and I look forward to another productive three years ahead of us.”

19. In was understood that, as requested by the Representative of Saudi Arabia, Dr. Aliu’s address would be circulated electronically to all Representatives, especially given its importance in effectively setting forth his strategy, as President of the Council, for the next three years.

Congratulatory remarks

20. The Representative of Saudi Arabia congratulated Dr. Aliu on his well-deserved re-election.

21. On behalf of her State, and as the Coordinator of the African regional group (AFI Group), the Representative of Kenya also congratulated Dr. Aliu on his re-election, by acclamation, as the President of the Council, which, she affirmed, was a testament first and foremost to his exemplary leadership that all had witnessed during the current triennium. Many would agree that Dr. Aliu’s extraordinary leadership had been evident during the recently-concluded 39th Session of the Assembly, which had been successful in the face of significant differences during the deliberations on a global MBM scheme. In Dr. Aliu Delegates had seen strength, determination, focus and respect for diversity, which had led them to consensus on CORSIA. In further highlighting that under Dr. Aliu’s leadership as President of the Council, and that of Dr. Fang Liu, as Secretary General, ICAO had established a framework to reach all States in a constructive way under the NCLB initiative, the Coordinator of the AFI Group underscored that the latter stood up for small States and gave them a voice that they previously had not had. Observing that this was the legacy on which Dr. Aliu’s reputation would be based, she noted that the Council had stood solidly behind him, as its President, to increase his engagement with other Member States.

22. Dr. Aliu’s re-election by acclamation today was a strong affirmation of his leadership. Dr. Aliu had the respect, the understanding and the moral compass to be the President of the Council. ICAO had remained strong and relevant during his first term of office, although there had been challenges, as underscored by the Honourable Minister of State (Aviation) of Nigeria, Senator Hadi Sirika, and by Dr. Aliu himself, and much work remained to be done. Nevertheless, the AFI Group was confident that through his dedication Dr. Aliu would leave the Organization in a better situation than he had found it.

23. In then addressing the other Representatives on the Council and to ICAO, the Coordinator of the AFI Group profoundly thanked them for working with, and assisting, Dr. Aliu, as President, in reaching unprecedented milestones in the delivery of ICAO's mandate. Through them she conveyed the AFI Group's sincere appreciation to the entire global aviation community for continuing the confidence, trust and support given to Dr. Aliu as President. The Coordinator of the AFI Group emphasized that it was only when ICAO Member States, the aviation industry and other stakeholders collaborated and worked together with the President of the Council and the Secretary General that the Organization would achieve its desired aspirations. In concluding, she thanked Dr. Aliu very much for all of his efforts over the past three years as President.

24. On behalf of his State, and as the Coordinator of the Arab regional group, the Representative of Egypt likewise congratulated Dr. Aliu on his re-election by acclamation, which constituted a vote of confidence in him and an acknowledgement of all of the achievements realized by ICAO during his first term as President of the Council. In wishing Dr. Aliu every success, he indicated that the Arab regional group looked forward to the achievements that the Organization would realize during his second three-year term in office. In then speaking as the Representative of Egypt, he assured Dr. Aliu that his State would continue to give its full support to him, as President, to ensure that all of his efforts would be crowned with success.

25. In also offering his congratulations to Dr. Aliu, the Representative of Colombia noted that the great challenges facing international civil aviation made it necessary for ICAO to have a great leader so as to be able to address them in an appropriate and timely manner. However, few people had a clear understanding of international civil aviation, in particular, of the technical support required to keep aircraft flying in each State and of the real impact of the Council's decisions. For that reason, the Council had re-elected Dr. Aliu as its President. The Representative of Colombia highlighted the need for additional resources and increased efficiency, in particular, better coordination, during the coming triennium. He also underscored the need for the Council to allocate more time to the development and adoption of SARPs to meet the expectations of the aviation industry.

26. The Representative of Argentina also congratulated Dr. Aliu on his re-election by acclamation on behalf of his State and as the Coordinator of the Latin American regional group (GRULAC). In reiterating that many challenges lay ahead, one being the implementation of the major decisions taken by the Council during Dr. Aliu's first term as President, he affirmed that under his continued leadership progress would be made in addressing them, to the benefit of international civil aviation. The Representative of Argentina assured Dr. Aliu that he could rely on the support of the GRULAC, which wished him every success in his second term.

27. In offering his State's congratulations to Dr. Aliu, the Representative of France emphasized that his numerous qualities, as cited by the previous speakers, were very much needed to meet the significant challenges facing ICAO and international civil aviation. Those challenges had been highlighted by Dr. Aliu in his address, as well as by the recently-concluded 39th Session of the Assembly. The Representative of France underscored that Dr. Aliu had contributed to the Assembly's historic success by acting as an extraordinary catalyst, particularly during the difficult environmental negotiations on a global MBM scheme (CORSIA). Dr. Aliu's personal engagement, leadership and commitment were needed not only to continue ICAO's work relating to CORSIA implementation to ensure that the Assembly's goals would be met, but also to further the Organization's work on other important subjects.

28. Congratulating Dr. Aliu wholeheartedly on his re-election by acclamation as President of the Council, the Representative of Turkey emphasized that with his experience and expertise he was an asset to ICAO, as well as to international civil aviation. He assured Dr. Aliu of his full support.

29. In joining in the congratulations offered to Dr. Aliu, the Representative of Japan expressed confidence in the continuation of the Council's work under his renewed presidency. Recalling that three years ago he had been serving in the Government of Japan and had been involved in activities to support Dr. Aliu's first presidency, he emphasized that it was now his honour to work with other Council Representatives under Dr. Aliu's leadership. Referring to the upcoming challenges highlighted by Dr. Aliu earlier in the meeting, the Representative of Japan underscored that ICAO was at the crossroads of addressing the international aviation community's current concerns relating to safety and security and its longer-term concerns relating to the orderly economic development of air transport for future generations. He assured Dr. Aliu that Japan was ready to assist him, and work with him, for a harmonized and balanced solution to those and any other issues that might arise in the future.

30. During the Council's ensuing deliberations, all Representatives who took the floor congratulated Dr. Aliu on his re-election by acclamation and assured him of their full support during his second term as President.

Welcome to new Council Representatives

31. On behalf of the Council, the President extended a cordial welcome to Mr. Amine Debaghine Mesroua and Mr. Iván Arellano, the newly-appointed Representatives of Algeria and Ecuador, respectively.

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

Schedule for consideration of items during the 209th Session

32. The Council noted the meeting schedule for the current (209th) session presented in the President's memorandum PRES OBA/2529 Revised dated 21 October 2016.

33. In also noting the schedule for the consideration of items during the 209th Session as set forth in the President's memorandum PRES OBA/2580 dated 2 November 2016, the Council agreed to the following changes:

- Item 19 [*Progress report of the Monitoring and Assistance Review Board (MARB)*] would be amended to reflect that it would be considered on the basis of a written report by the Secretary General [C-WP/14518 Restricted (with Corrigendum No. 1)] rather than an oral report;
- Item 25 [*Review of the Evaluation and Internal Audit Office (EAO)*] would be deferred to the next (210th) session as requested by the Chairperson of the WGGE to afford the latter and its reconstituted Sub-Group on Supporting the EAO Mission (SEM) more time to complete their work thereon, including a holistic review of EAO's Charter alongside the Terms of Reference of the Evaluation and Audit Advisory Committee (EAAC) which the WGGE had also been requested by the Council to examine (cf. C-DEC 208/4, paragraph 27);
- Item 31 [*Report on the Conflict Zone Information Repository (CZIR)*] would be amended to reflect that it would be considered on the basis of an oral report, and not a written report, by the Repository Review Group (RRG);

- Item 35 [*ICAO Corporate Key Performance Indicators (KPIs)*] would be deferred to the next (210th) session as requested by the Chairperson of the WGGE to enable the latter's reconstituted Sub-Group on Performance Management (SGPM) to review the associated targets of the proposed KPIs as identified by the Secretariat;
- Item 41 would be amended by deleting the words “– Country case studies: Democratic Republic of the Congo, Haiti and India” from the title so as to read *Report of the Joint Inspection Unit (JIU) entitled “Use of non-staff personnel and related contractual modalities in the United Nations System organizations” (JIU/REP/2014/8)*;
- the supplementary item *Structure of the ICAO Secretariat*, which had been added to the Council's Work Programme for the 209th Session (C-WP/14493 Revised) in accordance with the President's e-mail dated 15 November 2016, would be inserted among the Items to be tabled for consideration during the second week of the current session, on the understanding that the Secretary General would present a written report thereon (C-WP/14541); and
- as requested by the Chairperson of the WGGE, a second supplementary item would be added to both the Council's said Work Programme for the current session and the schedule for consideration of items relating to an oral report by the WGGE on proposed commemorative arrangements for Council Representatives (cf. C-DEC 209/1, paragraph 11). It was understood that the President would consult with the Chairperson regarding an appropriate date for the Council's consideration of the WGGE's oral report.

34. In reiterating his concern regarding the WGGE's modus operandi and his desire that the Working Group finalize its work as soon as possible on a number of issues which the Council had referred to it, the President requested the Chairperson of the WGGE to use his personal good offices to ensure that it dealt with such issues in a more expeditious manner.

Subject No. 20: Periodic reports by the Secretary General

Secretary General's sessional progress report

35. The Council reviewed information paper C-WP/14506, whereby the Secretary General presented her progress report for the 209th Session on key leadership initiatives which she had undertaken since her last report (cf. C-WP/14428; 208/2) to further ICAO's Strategic Objectives and major accomplishments attained, as well as on the status of delivery of programmes and projects on policy objectives set by the Council, any new or emerging risks and strategies to mitigate them. In reiterating that the report's current format remained an ongoing work in progress, the Secretary General underscored that with the upcoming establishment of the Corporate Performance Management Framework Tool (CPMFT) she envisaged a more streamlined sessional progress report in future. In addition, the Secretary General proposed that, in accordance with the reporting expectations in the Charter Letter from the President, on behalf of the Council, dated 2 April 2015 (cf. PRES OBA/2399), she will present a mid-term progress report in lieu of a sessional progress report during the next (210th) session. The Council so agreed.

36. The Representative of the United Arab Emirates thanked the Secretary General and the Secretariat for their efforts. Recalling that during the Council's consideration of the previous sessional progress report it had been indicated that further refinements to its format might be possible with the aim of introducing additional clarity (cf. C-DEC 208/2, paragraph 8), she noted that the format had nevertheless remained unchanged. In then drawing attention to Section 2 of the report on the Secretary General's leadership initiatives, the Representative of the United Arab Emirates underscored that attendance at meetings did not constitute initiatives and that the Council needed to be provided with more

information on the outcomes of the meetings attended by the Secretary General and their linkage to the achievement of the Organization's Strategic Objectives. Referring to paragraph 2.1.4, she queried whether the said CPMFT would be accessible online and whether it was aligned with the ICAO Corporate Risk Register proposed by the WGGE in C-WP/14525, to be discussed later in the current session.

37. Turning to the Appendix to the report, the Representative of the United Arab Emirates indicated that although she had served on the Council for many years, she still found it very difficult to trace the various activities listed therein. She highlighted, in this context, that some target dates for implementation were unclear. Furthermore, it was unclear whether those activities whose status was "Completed" would be excluded from future sessional progress reports. In then suggesting that information on the implementation of the ICAO Business Plan for 2017-2019 and of the resolutions adopted by the 39th Session of the Assembly be provided in future reports, the Representative of the United Arab Emirates underscored that the Council was ultimately accountable therefor.

38. Commending the Secretary General's work, including her leadership initiatives, the Representative of Malaysia expressed appreciation that the various activities set forth in the Appendix to her sessional progress report were listed according to the priorities of the Organization's Strategic Objectives. He highlighted the outstanding achievements of the recently-concluded 39th Session of the Assembly, which included, in particular, the adoption of Resolution A39-3 [*Consolidated statement of continuing ICAO policies and practices related to environmental protection – Global market-based measure (MBM) scheme*]. The Representative of Malaysia also cited, in this context, the decisions taken and resolutions adopted to address emerging issues, such as the risks posed to civil aviation by cyberthreats and acts of unlawful interference (cf. Resolutions A39-19 and A39-18). Emphasizing that it was essential to empower the ICAO Regional Offices to focus on the effective implementation of the objectives set forth in the relevant Assembly resolutions, he expressed pleasure that the Secretary General had initiated a regional approach to aviation security and facilitation to tackle such emerging issues, as indicated in paragraph 2.1.3 of the report.

39. The Representative of Malaysia was also heartened that the Secretary General had taken the initiative of developing a results-based Regular Programme Budget for 2017-2019, which was consistent with the synergy of the Corporate Performance Management Framework via the issuance of the ICAO Business Plan. Noting that he was fully aware of the challenges which had arisen during the current triennium due to the allocation of financial resources under the Regular Programme Budget for 2014-2016, he underscored the importance of resource mobilization to meeting the changing needs of States and global aviation requirements, as prioritized by key activities and projects. The Representative of Malaysia also emphasized, in that respect, the importance of long-term partnerships with industry and financial institutions to prioritize the provision of assistance to States under the ICAO NCLB initiative. He stressed that their funding of civil aviation projects and infrastructure ensured the sustainability of international civil aviation.

40. The Representative of Malaysia then drew attention to the growing concern of some States over the use of ICAO's training activities to generate revenue to supplement the Regular Programme Budget, which could be interpreted as undermining the Organization's Strategic Objectives relating to safety and security. He highlighted, in particular, their concern over revenue-generating activities which touched on the fundamental issue of providing training and capacity building to States to enhance competency against the emerging threats to aviation security. The Representative of Malaysia recalled that that issue had been emphasized at the recent 25th AVSEC World Conference, jointly convened by ICAO, the International Air Transport Association (IATA) and Airports Council International (ACI) in Kuala Lumpur, Malaysia, from 25 to 27 October 2016, where discussion had

focused on, inter alia, how to share and manage risks to international civil aviation arising from cyberthreats and acts of unlawful interference through the envisaged ICAO Global Aviation Security Plan (GASeP). Referring in this context to the AVSEC Professional Management Course (AVSEC PMC) developed by ICAO in collaboration with Concordia University's John Molson School of Business (JMSB), he averred that an exorbitant fee was overzealously charged, which disincentivized many States from participating therein. The Representative of Malaysia emphasized that it was counter-productive to accord priority to revenue-generation over the said Strategic Objectives of safety and security.

41. While not trying to micromanage, the Representative of Malaysia reiterated the concern of some States that ICAO materials were being provided for a fee that was higher than what was required to recover costs and that ICAO was consequently being diverted to becoming a profit-oriented organization. He emphasized that it defeated the purpose of the said training, which was to focus the fight against aviation security threats. The Representative of Malaysia noted, in this regard, the challenging issue of intellectual property rights and copyrights where ICAO materials and training methodologies were the re-collections and re-arrangements of materials submitted by States members of ICAO's TRAINAIR PLUS Programme. He affirmed that the Council was duty-bound to ensure a fair policy for the Organization's Member States and not to profit from the importance of aviation security. Recalling the decision to waive the fee for USOAP CMA computer-based training (CBT) for nominees to increase the pool of technical experts for the conduct of audit activities, to the benefit of ICAO's Strategic Objective relating to safety (cf. C-WP/14364, paragraph 2.6; 207/4), the Representative of Malaysia sought a similar decision to the benefit of all of the Organization's Strategic Objectives.

42. The Representative of Malaysia then raised the issue of enhancing aviation security by delegating authority to the ICAO Regional Offices globally, taking into account concerns regarding deficient staff arrangements, especially at the European and North Atlantic Office (EUR/NAT) in Paris, France. He recalled that at the said Assembly the Executive Committee had given much attention to the question of how best to mitigate landside attacks such as had occurred at airports in Brussels, Paris and Istanbul. During its related discussion of Agenda Item 18: *Implementation Support and Development – Security*, it had considered A39-WP/258, in which Kazakhstan and the Russian Federation proposed strengthening the EUR/NAT Office in the area of aviation security and facilitation by adding a staff position funded by the Regular Programme Budget while preserving the aviation security position currently funded by voluntary contributions. The co-sponsors further proposed that the latter position be converted in the 2020-2022 triennium to a position funded by the Regular Programme Budget. The Representative of Malaysia thus affirmed that it was fundamentally necessary and timely for the Secretary General to give serious consideration to strengthening the aviation security and facilitation personnel at the EUR/NAT Office and to have the latter fully funded under the Regular Programme Budget, aside from the existing personnel funded by voluntary contributions. He noted that the issue of strengthening the Regional Offices was referred to in Section 4 of the Appendix to C-WP/14506. In concluding, the Representative of Malaysia reiterated the need for the Secretary General to modify and re-strategize the way in which the Strategic Objective relating to security was implemented.

43. Responding to the point raised by the Representative of the United Arab Emirates on the need for the Council to be updated regarding the outcomes of the various meetings referred to in the sessional progress reports and their contribution to the achievement of the Organization's Strategic Objectives, the Secretary General recalled that the sessional reports on the activities during the recess, which comprised descriptions of the various meetings held at ICAO Headquarters, as well as of the missions undertaken by the Secretary General and the President of the Council, were posted on the Council secure website under *Periodic Reports*. The Secretary General also emphasized that meetings and missions conducted are results-oriented to implement Council decisions and Assembly resolutions. To

address the comments of Council Members, the Secretary General will inform of missions undertaken and the activities and outcomes of the missions.

44. Highlighting that information on the implementation of the Organization's programmes and projects would be provided through the said CPMFT, the Secretary General noted that a demonstration thereof would be given to the Council during the next (210th) session. In confirming that the CPMFT was fully aligned with the proposed ICAO Corporate Risk Register and that it would be accessible through the Council secure website, she further indicated that consideration would be given to also providing through the CPMFT information on the outcomes of the various meetings referred to in the sessional progress reports and on the implementation of Assembly resolutions.

45. In then referring to the comments made by the Representative of Malaysia, the Secretary General assured the Council that the TRAINAIR PLUS Programme was operated on the basis of the cost recovery principle. She reiterated that she would like to reduce the TRAINAIR PLUS Programme's fee in order to increase its membership and thus benefit from the Standardized Training Packages (STPs) that new Members (States' accredited training centres) produced and the training they provided to aviation professionals. With regard to the issue of strengthening the Regional Offices, the Secretary General clarified that the job descriptions for each of the six new posts of Regional Officer, Aviation Security and Facilitation had been developed and tailored to the individual Regional Office's needs and that the respective Vacancy Notices had been posted on the ICAO careers website. She noted that while it was desirable to have the new Regional Officers join the Organization as soon as possible, it was envisaged that due to the recruitment process they might only do so in the first half of 2017, hopefully in March/April. The Secretary General emphasized that she had already instructed the Regional Directors to engage consultants, if required, in order to commence, from the beginning of the next triennium, the programme activities set forth in the comprehensive Operating Plan for 2017-2019. It was necessary to accommodate the resources in order to carry out the requisite tasks.

46. In underscoring the relevance of the issue of revenue generating activities, in particular those of the GAT Office relating to training and capacity building, vis-à-vis ICAO's aims and objectives, the President recalled that it had been raised previously in the Council. Referring, in this context, to the Executive Certificate Programme in Civil Aviation Management established collaboratively by ICAO and Concordia University's JMSB, he noted that he had recently received a letter from a participant in the Certificate on Strategic Management six week-long sub-programme indicating that the fee charged therefor, USD 4 000, was prohibitive. As the President had mentioned in his earlier address, it was thus pertinent for the Council to review and clearly define, at a later stage, ICAO's business models and the extent of its said revenue-generating activities vis-à-vis the Organization's aims and objectives and the associated risks to ICAO. That, in turn, would enable the Council to determine the principal objective. The President emphasized that while it was necessary to meet the Regular Programme Budget, it was also necessary to be alive to the responsibilities and objectives of the Organization, which were to set SARPs and provide implementation assistance. A balance had to be struck between the need to supplement the Regular Programme Budget with the needs of States in implementing ICAO SARPs, policies and programmes.

47. The Representative of the Republic of Korea also expressed appreciation for the Secretary General's painstaking work to enhance the Secretariat's efficiency, as well as the development of international civil aviation. Noting that the Council had often highlighted the importance of prioritizing the aviation sector in States' national development plans, he underscored that donors sometimes considered that it was not fit for prioritization and that recipient States sometimes indicated that there were other economic sectors that needed to be prioritized in their national development plans. As ICAO

was thus still struggling to have more priority accorded to civil aviation in States' national development plans, it was very important to draw the matter to the attention of each State's high-ranking political decision-makers and obtain their support. The Representative of the Republic of Korea emphasized that that was imperative for the many civil aviation projects initiated under the ICAO NCLB campaign and whose implementation was based on such political will.

48. Responding to a question then raised by the Representative of the Republic of Korea regarding paragraph 6.2 of the report, the Secretary General indicated that the six new partnership agreements and project-based initiatives with States and international organizations referred to therein were as follows: the second phase of the successful ICAO-European Union (EU) joint assistance project *Capacity Building for CO₂ Mitigation from International Aviation*; a new pledge of support to ICAO by Germany for a pilot project supporting the implementation of the global MBM scheme's (CORSIA's) monitoring, reporting and verification (MRV) system; a partnership between ICAO and France on aviation training programmes aimed at enhancing the capacity of developing States; the confirmed intention of ACI to partner with ICAO on initiatives driving greener airport operations globally; a new commitment by the World Bank to partner with ICAO on global aviation MBM financing; and the initialling of the ICAO-UN Habitat III pilot project aimed at codifying the synergies between well-planned and efficient airports with prosperous and sustainable urban centres. Further information thereon would be provided to the Representative in writing after the meeting.

49. To a query by the President of the Council, the Secretary General indicated that although paragraph 6.2 referred to "agreements", no MoUs had yet been signed by ICAO with the said third parties; rather, ICAO had reached agreement with the latter to pursue the said partnerships and initiatives with a view to formalizing them in MoUs. She emphasized that in accordance with the Council-approved *Policy on Interactions with Third Parties*, any proposed MoUs would be submitted to the Committee on Cooperation with Third Parties (CC3P) for review and approval prior to signature by ICAO and the third parties concerned.

50. Voicing full support for the interventions made by the Representatives of the United Arab Emirates and Malaysia, the Representative of the Russian Federation expressed appreciation to the latter for having highlighted A39-WP/258 in which his State and Kazakhstan proposed strengthening the EUR/NAT Office in the area of aviation security and facilitation. In agreeing with the President of the Council on the importance of striking a balance between the need to supplement the Regular Programme Budget with the needs of States in implementing ICAO SARPs, policies and programmes, he underscored that although the TRAINAIR PLUS Programme was operated on the basis of the cost recovery principle, it was necessary to consider how to reduce the fees charged for the GAT's training activities for developing States as they were still excessive.

51. In then drawing attention to paragraph 2.1.2 of the report, the Representative of the Russian Federation welcomed the improved collaboration between ICAO and various industry stakeholders. Referring to the Industry High Level Group (IHLG), which comprised ICAO, IATA, ACI, the Civil Air Navigation Services Organisation (CANSO) and the International Coordinating Council of Aerospace Industries Associations (ICCAIA) and was chaired by the Secretary General, he recalled the questions previously raised in the Council regarding, inter alia, the Group's mandate and the expected outcomes of its meetings (cf. C-DEC 206/2, paragraph 27). Emphasizing that the IHLG's activities fell within the framework of ICAO's programme of activities, he requested that the Council discuss such issues in greater detail in the future, at which time he would elaborate on the reasons for his concerns.

52. In also concurring with the need to take a balanced approach, the Secretary General underscored that the GAT's staffing arrangements were entirely funded from its training activities, which were carried out on a cost recovery basis. With respect to the comments made on the IHLG, she clarified that at its meeting on 29 September 2016 referred to in paragraph 2.1.2 the Group had discussed how to strengthen partnerships among organizations and how to have the aviation industry align itself with ICAO's programme of activities, in particular, with ICAO's priorities as identified and approved by the Council through the Operating Plan of the ICAO Business Plan for 2017-2019.

53. The Representative of Spain noted that although the said Charter Letter from the President, on behalf of the Council, to the Secretary General (cf. PRES OBA/2399) stipulated that there be a progress report each Council session, it did not clearly specify what was to be reported on, or how the information was to be provided. Observing that the Council had already spent much time discussing those issues, he questioned the usefulness of the sessional progress report. The Representative of Spain underscored, in this regard, that while the Council wished to be apprised of the high-level activities undertaken by the Secretariat, it was difficult to relate the activities listed in the Appendix to the ICAO Business Plan. He therefore considered that the Appendix was unnecessary.

54. With respect to the content of the report now under discussion, the Representative of Spain expressed appreciation to the Secretary General and her team for having risen to the challenge and made the 39th Session of the Assembly such a success. He nevertheless agreed on the need for the Council to have information on the various initiatives underway with third parties and access to any signed MoUs. While grateful for the enhanced collaboration between ICAO and the aviation industry, the Representative of Spain reiterated the need for increased transparency. In that context, he supported the comments and suggestion made by the Representative of the Russian Federation regarding the IHLG. In affirming that it was also necessary to be more transparent with regard to the Secretary General's high-level meetings with Heads of State and Ministers, the Representative of Spain agreed that it was insufficient to merely indicate that the meetings had been fruitful and that it was necessary to set forth the meetings' respective outcomes. In concluding, he suggested that the Council task the WGGE with reviewing the sessional progress report's current format and making recommendations to the Council as to its future structure and content so that the latter could make best use of its time.

55. Agreeing with the comments made by the Representative of Spain regarding the Appendix to the sessional progress report, and noting that the ICAO Business Plan for 2017-2019 and associated Operating Plan had a much clearer format, the Secretary General indicated that once the CPMFT was operational, the Appendix would be replaced with a link to the latter which will provide the status of the various Operating Plans at the key outcome level.

56. With reference to the issues raised regarding the IHLG, the Secretary General emphasized that the Group had been established by her predecessor in the Fall of 2013 and that she had decided to maintain it on the understanding that the Council had already been informed thereof and that its purpose was to enhance partnerships among the various organizations.

57. In providing further clarification regarding ICAO MoUs with third parties, the Secretary General indicated that, in accordance with the Council's decision (203/5), once such MOUs had been reviewed and approved by the CC3P and signed, they were included in the repository of all relevant ICAO-third party agreements, MoUs and similar arrangements that was accessible via the Council secure website. In reiterating her commitment to transparent reporting to the Council, which she had first expressed in her response to her Charter Letter following her election (cf. C-WP/14312; 206/7), the Secretary General underscored that she welcomed the Council's oversight, as well as any direction and

guidance it might wish to provide.

58. While noting that the IHLG had been established before the current Secretary General had assumed office, the President indicated that the problem lay in the fact that the Council had not yet received a response regarding the said issues, which had been raised at a previous meeting (206/2) and reiterated during the present meeting by several Representatives. In order to put those issues to rest, he proposed that they be considered by the Council as a whole, at a future session, rather than on a bilateral basis.

59. In supporting the Representative of Spain's proposal to request the WGGE to review the current format of the Secretary General's sessional progress report and to make recommendations to the Council as to its future structure and content, the President emphasized that that would both facilitate the report's preparation and avoid further discussions on its format.

60. The President observed that although the sessional reports on the activities during the recess, including the missions undertaken by the Secretary General and the President of the Council, were regularly posted on the Council secure website, no advance information was provided to Representatives regarding the Secretary's General's planned activities. Noting that he took it upon himself to inform the Council at the end of every session of the activities he planned to undertake during the recess, he indicated that if the Secretary General were to do likewise, as an additional step, then there would be full transparency regarding their activities.

61. The Representative of Mexico associated himself with many of the comments made by previous speakers, in particular the Representative of the United Arab Emirates and the Representative of Malaysia. Reiterating the importance of the issue raised by the latter regarding ICAO training and capacity building activities, he concurred that the USD 4 000 fee charged for the said six-week long ICAO-JMSB Certificate on Strategic Management was unreasonable. Emphasizing that the Organization's *Policy on Interactions with Third Parties* explicitly stipulated that the ICAO logo should not be used for activities that generated revenue in such a manner, the Representative of Mexico agreed with the President that the Council should consider the extent of its revenue-generating activities vis-à-vis the Organization's aims and objectives and associated risks to ICAO.

62. Drawing attention to paragraphs 2.1.5 and 6.2 of the report, the Representative of Mexico proposed that future sessional progress reports contain links to the formalized documents concluded between ICAO and third parties cited therein. With respect to paragraph 2.1.6, he emphasized that it was difficult to understand the relationship between ICAO's work and that of UN-Habitat and consequently suggested that any agreement with the latter be subject to an annual evaluation to determine its effectiveness and its contribution to the achievement of ICAO's Strategic Objectives.

63. Referring to Section 4 of the report and the comments made by the Representatives of the United Arab Emirates and Spain, the Representative of Mexico maintained that it was unnecessary to provide information on the ICAO Business Plan in sessional progress reports as in future it would be the subject of separate reports by the Secretary General, which would enable the Council to consider the Business Plan's evolution and determine if any adjustments thereto were required. The same applied to the provision of information on the ICAO Corporate Key Performance Indicators (KPIs) (cf. Section 5), on which a separate report would be presented by the WGGE during the next (210th) session.

64. With respect to paragraph 7.1.3 on the partnership which ICAO had initiated with the World Bank, the Representative of Mexico stressed the need to proceed with caution to ensure that did

not establish any kind of commitment on the part of ICAO until the Council had decided on the best way in which to include financial institutions in the measures to control international aviation emissions. He underscored that that was a complex process and that certain States had concerns regarding the implementation of the CORSIA. Nevertheless, the Representative of Mexico was not opposed to consultations between ICAO and financial institutions pending such a decision by the Council.

65. In endorsing the proposal to request the WGGE to review the current format of the sessional progress report and to make recommendations to the Council as to its future structure and content, the Representative of Mexico suggested that the Council's Charter Letter to future Secretaries General accordingly specify the structure and content of the sessional progress reports so as to avoid duplication and ambiguity. He indicated that such reports should place emphasis on the Secretary General's leadership initiatives (cf. Section 2). The Representative of Mexico underscored that the various comments and suggestions made on the current report should be taken into account by the Secretary General to prevent a repetition thereof at future Council sessions.

66. Responding to the point raised regarding paragraph 7.1.3, the Secretary General clarified that in view of the World Bank's experience in resource mobilization, the Secretariat was proactively exploring a possible partnership with that financial institution to mobilize the additional resources required to perform the capacity building, assistance and outreach activities called for in Assembly Resolution A39-3. She noted that further information thereon was provided in C-WP/14516 [*Update on work on a global market-based measure (GMBM) scheme*], which would be considered by the Council later in the present meeting.

67. The Representative of Saudi Arabia fully supported the activities conducted globally and at the international level by the Secretary General, as well as by the President of the Council. In cautioning against restricting the Secretary General's activities, he emphasized that she should have wide room in which to manoeuvre in order to implement the Assembly's and Council's decisions and resolutions. The Representative of Saudi Arabia maintained, however, that the outcomes of the Secretary General's said activities should be set forth in greater detail in the Appendix to future sessional progress reports.

68. To a query by the Representative of Colombia, the President clarified that the draft Assembly resolutions presented by the Council for consideration were in many cases amended during the Assembly on the basis of the working papers submitted by States prior to being adopted by the Plenary. The various issues raised in the said working papers, as well as any recommended actions and decisions, were also captured in the relevant Executive Committee/Commission reports which were presented to the Plenary for approval. He noted that during the upcoming (210th) session the Secretary General would present, for the Council's consideration, reports proposing actions to implement the resolutions and decisions of the 39th Session of the Assembly.

69. In underscoring the need to implement the Assembly's resolutions and decisions despite any budgetary constraints, the Representative of Colombia emphasized that although ICAO's goal was not to generate revenue, it could nevertheless utilize revenue-generating activities to supplement the Regular Programme Budget in the event that States, for economic reasons, were unable to provide sufficient funds to ensure that the SARPs required by the aviation industry were delivered by the Organization in a timely manner. In cautioning against being penny wise and pound foolish, which was the inherent danger in having a small Budget, he appealed for support of the Ancillary Revenue Generation Fund (ARGF). The Representative of Colombia highlighted, in this regard, that if ICAO followed the example of other UN organizations and did not charge for its publications, and instead

expanded its portfolio and its customer base, then it could raise any additional funds needed to implement the Assembly's resolutions and decisions. He agreed with the President that the Council should review ICAO's business models and the extent of its revenue-generating activities, and that the WGGE should review the format of the Secretary General's sessional progress reports.

70. The Representative of Ecuador reiterated the need to provide more information in future such reports on the Secretary General's various leadership initiatives. In then referring to the question raised regarding the relationship between ICAO and UN-Habitat (cf. paragraph 7.1.1), he indicated that while many, including him, had wondered about the synergies that could be developed between aviation and urban development, his participation, as a Member of the Delegation of Ecuador, in the recent UN Conference on Housing and Sustainable Urban Development (Habitat III) (Quito, Ecuador, 17-20 October 2016) had demonstrated the high importance of having the Specialized Agency responsible for international aviation present at such meetings. On behalf of the host Government of Ecuador, he thanked and commended ICAO for the strong leadership role which it had played through its attendance at that important Conference. The Representative of Ecuador emphasized that air navigation, airports and the growth of air transport were issues of importance to all States and were mainstreamed into their respective national development plans, aviation being viewed as a fundamental tool for the eradication of poverty and the achievement of equality throughout the world. He further underscored that Habitat III had laid the foundation for future work and a new urban agenda that would include the main objectives of aviation.

71. Reiterating the need for the Secretary General to provide more detailed information on her activities, in particular those concerning third parties, in her sessional progress reports during the upcoming triennium, the Representative of Turkey affirmed that that would facilitate the Council's deliberations. He suggested that Representatives be notified electronically whenever the sessional reports on activities during the recess were posted on the Council secure website.

72. Note was taken of the various comments made during the discussion, including the suggestions to enhance future sessional progress reports by: elaborating in more detail on any new partnership agreements and project-based initiatives with third parties and adding links to the formalized documents; providing information on the implementation of the ICAO Business Plan for 2017-2019 and of the resolutions adopted by the 39th Session of the Assembly; and replacing the Appendix with a link to the CPMFT which will provide the status of the Operating Plans at the key outcome level.

73. The Secretary General offered to meet with the Representatives concerned on a bilateral basis to further discuss issues raised during the course of the meeting.

74. The Council noted the information contained in C-W/14506, as well as the supplementary information provided by the Secretary General. In addition, the Council took the following actions as proposed by the President in light of the discussion:

- a) in the absence of any clear specifications in the said Charter Letter regarding the sessional progress reports, requested the WGGE to review the latter's current format and to make recommendations to the Council as to the structure and content of future reports, taking into consideration: that there had not been an ICAO Business Plan for the current triennium; enhancements suggested during the discussion; and any further proposals for improvements received from Representatives following the meeting;
- b) agreed to review and clearly define, in future, ICAO's business models and the extent of its revenue-generating activities, in particular those of the GAT Office relating to

training and capacity building and those relating to the sale of ICAO publications, vis-à-vis the Organization's aims and objectives and associated risks to ICAO, with a view to striking a balance between the need to supplement the Regular Programme Budget with the needs of States in implementing ICAO SARPs, policies and programmes; and

- c) agreed to also consider in future issues relating to the Industry High Level Group (IHLG) comprising ICAO, IATA, ACI, CANSO and ICCAIA, such as its mandate and the expected outcomes of its meetings (cf. C-DEC 206/2, paragraph 27).

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

Appointment of Members of the Air Navigation Commission (ANC)

75. Tabled for the Council's consideration was C-WP/14507 (with Corrigendum), whereby the Secretary General presented the nominations for the ANC for the period 1 January 2017 to 31 December 2019 which had been received in response to State letter S 5/3-16/47 dated 17 June 2016. The English version of the candidates' curricula vitae were appended to the paper. Following the issuance of C-WP/14507, the Government of Namibia had withdrawn the nomination of Mr. Petersen Uakotoka Petii Tjitemisa (cf. Corrigendum). As there were consequently nineteen nominations for the nineteen seats on the ANC, the Secretary General invited the Council to suspend that part of paragraph 1 of Appendix D of the *Rules of Procedure for the Council* (Doc 7559) which read "and, unless waived by unanimous agreement of the Members represented at the meeting, shall be by secret ballot" and to proceed to the appointment of the ANC Members pursuant to said Appendix D. Following endorsement of this proposal by the Representatives of Mexico, Saudi Arabia and the United Republic of Tanzania, the Council agreed thereto.

76. Accordingly, the Council unanimously agreed, by show of hands, to appoint the following nineteen candidates as Members of the ANC for the period 1 January 2017 to 31 December 2019:

Name of candidate	Nominating State(s)
Mr. Raúl Héctor Carboni	Argentina
Mr. Jeffrey Ronald Bollard	Australia
Mr. Rodrigo Henriques Godinho	Brazil
Mr. Claude Hurley	Canada
Mr. Feng Tai	China
Mrs. Isabelle Monnier	France
Mr. Nabil Naoumi	Germany
Mrs. Elpida Koryfidou	Greece
Mr. Einar Örn Hedinsson	Denmark, Estonia, Finland, <u>Iceland</u> , Latvia, Norway, Sweden and Switzerland
Mr. Hajime Yoshimura	Japan
Mr. Moussa Halidou	Niger
Mr. Peter Kyungsoo Yu	Republic of Korea
Mr. Alexander Aleksandrovich Korsakov	Russian Federation
Mr. Jameel Metwalli	Saudi Arabia
Mr. Mervyn Gerard Fernando	Singapore
Mr. Ismael Pacheco Serrano	Spain and Belgium

Mr. John Wycliffe Kabbs Twijuke
Mrs. Kirsten L. Riensema
Mr. William R. Voss

Uganda
United Kingdom
United States

77. The President of the Council congratulated the newly-appointed ANC Members and wished them every success in their endeavours. He had every confidence that they would keep the tradition of the ANC and provide the Council with the best objective technical advice possible.

78. It was noted that, in accordance with Rule 16 c) of the said Rules of Procedure (Doc 7559), the President of the Council would now proceed to invite the Members-Elect of the ANC, under cover of a President's memorandum (PRES OBA/2589) to be issued later that afternoon, to declare to him in writing their candidacies for the presidency of the Commission before the close of business on Thursday, 24 November 2016. The election of the President of the ANC was scheduled to take place on Friday, 2 December 2016 on the basis of C-WP/14529. The President of the Council encouraged the ANC to undertake the necessary consultations to ensure that the election of the President of the ANC would be conducted efficiently. His Office was available to support that process.

Subject No. 50: Questions relating to the environment

Environmental protection – Recent developments

79. The Council reviewed information paper C-WP/14515 on this subject presented by the Secretary General, which provided updates mainly with regard to the key results of the 39th Session of the Assembly in the areas of: aircraft noise; aircraft emissions, including the development of new certification Standards on CO₂ emissions and non-volatile Particulate Matter (nvPM) emissions; modelling and analysis; sustainable aviation alternative fuels; State voluntary Action Plans on CO₂ emissions reduction activities and assistance; and emerging topics, such as climate change adaptation and aircraft recycling. The paper also highlighted ongoing coordination efforts with the United Nations Framework Convention on Climate Change (UNFCCC), in particular with regard to the Paris Agreement, to ensure that ICAO and the UNFCCC take relevant and complementary actions, with full respect of their respective mandates; and outlined some of the planned activities for the next triennium to respond to the Assembly's requests, notably those set forth in Assembly Resolutions A39-1 [*Consolidated statement of continuing ICAO policies and practices related to environmental protection – General provisions, noise and local air quality*] and A39-2 [*Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*], as well as the additional Secretariat resources required for that purpose.

80. Referring to Section 1 of the paper, the Representative of the United States reiterated his State's support for ICAO's balanced approach to aircraft noise management, including operating restrictions needing to be applied through that approach. He underscored that States must consider the global impact of operating restrictions, noting that they may divert noise problems from one State to another. Furthermore, the Representative of the United States reiterated Operative Clause 4 of Appendix D to Assembly Resolution A39-1, which urged States "not to introduce measures to phase out aircraft which comply, through original certification or recertification, with the noise certification Standards in Volume I, Chapters 3, 4 or any more recent Chapter of Annex 16;". He emphasized that the United States supported, and would continue to support, the work of ICAO's Committee on Aviation Environmental Protection (CAEP) regarding the development of Standards for supersonic aircraft.

81. With respect to Section 5, the Representative of the United States indicated that his State fully supported the development of alternative fuels for aviation and that it planned to attend the proposed High-level Conference on Aviation Alternative Fuels (cf. C-WP/14517, to be considered later in the current session).

82. In then drawing attention to Section 9, the Representative of the United States indicated that his State did not see a significant amount of new environmental work resulting from the recent Assembly. In its view, the work had been planned for, and was included in, the existing Work Programmes. It therefore appeared premature to provide the Secretariat with so many additional resources. The United States thus suggested that ICAO carefully consider its priorities such that the Organization's limited resources could be used most effectively. As an example, the United States suggested that ICAO leverage existing information that had been developed by the CAEP to update the information contained in the Intergovernmental Panel on Climate Change (IPCC) 1999 *Special Report on Aviation and the Atmosphere*. It considered that such an update could be done by simply posting the information on the ICAO website.

83. In the absence of further comments, the Council noted the information provided in C-WP/14515.

Update on the work on a global market-based measure (MBM) scheme

84. The Council then commenced its consideration of C-WP/14516, in which the Secretary General: elaborated on the key design elements of the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) which had been adopted by the Assembly in Resolution A39-3 [*Consolidated statement of continuing ICAO policies and practices related to environmental protection – Global market-based measure (MBM) scheme*]; and outlined some of the planned activities for the next triennium that were needed to ensure the CORSIA's timely implementation (i.e. development of related SARPs and guidance material; capacity building and assistance activities; establishment of an appropriate governance structure and process), as well as the additional Secretariat resources required therefor. The timeline for the development, adoption and implementation of CORSIA SARPs and guidance material was set forth in Appendix A to the paper, and the timeline for capacity building and assistance activities for CORSIA implementation, in Appendix B.

85. In her introduction of the paper, the Secretary General highlighted that the Chief, Climate Change (C/CC) was involved in the preparatory activities for CORSIA implementation in addition to the two MBM Officers and one Junior Professional Officer (JPO) listed in paragraph 2.8 of the paper.

86. The Representative of the United States reiterated his State's appreciation for the efforts of the President, the Council and all others involved in attaining a successful conclusion at the Assembly with regard to CORSIA. While recognizing that the agreement thereon was an historic achievement, the United States also noted that CORSIA implementation would be challenging and would likely require a similar level of effort from all ICAO Member States.

87. Although the United States appreciated the thoughtful approach to CORSIA implementation laid out in Section 2 of the paper, it considered that the corresponding timeline set forth in Appendix A would be a challenge. It believed, however, that the CAEP and the Council would meet the necessary deadlines. As the United States viewed ICAO's role in capacity building as that of a facilitator, it considered that while the actions described in Section 2 were a positive start, it was necessary to allow room for further discussions, as needed. As Assembly Resolution A39-3 made clear, ICAO Member

States and operators would be the parties doing the majority of the work to implement CORSIA. Therefore, while it was important that ICAO play a role in facilitating discussions around the world, the ongoing bilateral and multilateral technical discussions were imperative if CORSIA implementation was to be successful. The United States hoped that ICAO would be able to support such discussions, as needed. In endorsing the proposed establishment of an ad hoc Council Group to advise the Council on CORSIA implementation (cf. paragraph 2.7.1), it underscored that the efforts of the Council Environment Advisory Group (EAG) over the last triennium had been important in enabling ICAO to arrive at a successful outcome at the Assembly and affirmed that a similar group would be helpful to guide CORSIA implementation.

88. With reference to paragraph 2.8.1 of the paper, the United States considered that it was premature, at the present time, to provide the Secretariat with the estimated USD 20 million in additional resources required for the next triennium for preparatory activities for CORSIA implementation. In its view, the said ad hoc Group should first be established and should conduct an in-depth review before the amount of additional resources required for the said preparatory activities was quantified.

89. Noting that the timeline for the development, adoption and implementation of CORSIA SARPs and guidance material given in Appendix A had been agreed within the CAEP's Global MBM Technical Task Force (GMTF), the United States expected the full CAEP to approve that timeline at its upcoming Steering Group meeting (Washington, D.C, 5-9 December 2016). While the United States saw many correct items in the timeline for capacity building and assistance activities for CORSIA implementation given in Appendix B, it reiterated that although ICAO was an excellent facilitator and had great success in bringing States together, it was necessary to recognize the significant State-to-State discussions and interactions that would ultimately be required for successful CORSIA implementation.

90. Recalling that his State had expressed a reservation regarding certain provisions of Assembly Resolution A39-3 [Preamble Paragraph 14 and Operative Paragraphs 5, 9 g), 11, 18, 20 and 21], the Representative of the Russian Federation indicated that the detailed text thereof would soon be submitted to the Secretary General for subsequent posting on the A39 website, together with other States' reservations. Noting, from paragraph 2.3 of the paper, that fuel and CO₂ emissions data would be collected, reported and verified by States/operators through the MRV system only from 2019, he queried how the envisaged consolidated central registry to be established under ICAO auspices could be operationalized by 1 January 2021. In then referring to the proposed creation of an ad hoc Council Group, the Representative of the Russian Federation suggested that consideration be given to having the EAG carry out the envisaged tasks of supporting and providing guidance to the Council regarding the preparatory work for CORSIA implementation.

91. In fully agreeing with the comments made by the Representative of the United States regarding the Secretariat's additional resource requirements for the preparatory activities, the Representative of the Russian Federation reiterated that the Council should not discuss them at the present time. He highlighted the need for future Assemblies to take into account Rule 42 a) of the Standing Rules of Procedure of the Assembly (Doc 7600), according to which "No resolution or other form of action involving expenditure not provided for in the Budget estimates shall be recommended by a Commission or Committee for approval by the Plenary before the Secretary General presents to such Commission or Committee his estimate of the expenditure involved."

92. Offering clarifications, the Deputy Director, Environment (DD/ENV) indicated that there were two very important issues to be taken into account in preparing for CORSIA implementation. The first was the monitoring, reporting and verification of fuel and CO₂ emissions data, which had to

commence in 2019 to enable average emissions to be calculated for 2019 and 2020 and. She also noted that the required information on the international aviation Revenue Tonne Kilometres (RTKs) for 2018 would be available through the ICAO Statistics Programme. DD/ENV highlighted that discussions were already underway in the CAEP regarding the CORSIA-related guidance material and SARPs that would permeate all of the preparatory activities.

93. Regarding the said consolidated central registry becoming operational by 1 January 2021, DD/ENV indicated that the surrendering of emissions units would commence at the end of 2021, and that although the decisions relating to the implementation of national or group registries would begin earlier, it would be necessary for ICAO to conduct capacity building and assistance activities to ensure the timely CORSIA implementation.

94. Drawing attention to the action proposed in the executive summary of the paper, the President of the Council emphasized that the Council was not invited to approve, at the present time, the estimated amount of additional resources required to undertake preparatory activities for CORSIA implementation; rather, it was invited to acknowledge the magnitude of the additional resources so required and to give guidance to the Secretariat on possible means of mobilizing them. With regard to the governance structure necessary to ensure the timely implementation of CORSIA, the President affirmed that it would be beneficial to have an ad hoc advisory group, one that was not as formal or as large as the EAG and that would thus be more flexible, fluid and efficient in providing guidance. If the Council so agreed, then it could delegate authority to the President to determine the ad hoc Group's composition, refer items for its consideration and establish its schedule of meetings. In emphasizing that all decisions pertaining to CORSIA implementation would nonetheless be taken by the Council, he noted that he was considering having formal reports to the Council on CORSIA-related developments every session, as well as informal briefings thereon as frequently as practicable. The President further indicated that given the importance of the CORSIA-related technical work to be carried out by the CAEP, all Member States interested in participating could formally request Observer status on the Committee and nominate their experts to participate accordingly in the relevant meetings, notably those of the GMTF.

95. In underscoring that environmental protection was highly important, the Representative of Saudi Arabia averred that there was an imbalance in the funding allocated for the Organization's work on environmental issues in the zero nominal growth (ZNG) Regular Programme Budget for 2017-2019 that had been adopted by the 39th Session of the Assembly. Referring to Assembly Resolution A39-2 [*Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*], he emphasized that the limitation or reduction of international aviation emissions that contributed to global climate change did not solely depend upon CORSIA implementation and that there were other equally important elements of the basket of mitigation measures that could be implemented as set forth in that Resolution.

96. The Representative of Sweden observed that all agreed on the importance of commencing work as soon as possible so that the necessary CORSIA-related SARPs and guidance material would be ready for adoption by the Council in 2018 as requested by the Assembly in Resolution A39-3. While noting that Section 1 of the paper provided a good description of the CORSIA's key design elements, she highlighted that paragraph 1.5 indicated that the periodic review of the CORSIA would include the assessment of its impact on the growth of international aviation, without mentioning that the assessment would also consider how the CORSIA supported the purpose of the Paris Agreement, in particular, its long-term temperature goals, as referred to in Operative Paragraph 18 b) of the said Resolution.

97. With regard to Section 2, the Representative of Sweden agreed that priority should be

accorded first to developing the MRV system and thereafter to developing the emissions unit criteria (EUC). While expressing satisfaction that there was now a proposal on how to proceed with the work required for CORSIA implementation, as described in Appendices A and B, she observed that the timeline for the development, adoption and implementation of CORSIA-related SARPs and guidance (cf. Appendix A) was very tight and would be demanding for the CAEP, in the first instance, to meet. The Representative of Sweden emphasized the importance of keeping the Council up to date on the CORSIA-related work so that it could determine well in advance if it was not proceeding according to plan.

98. Noting that CORSIA implementation was a global issue of major interest to society, the Representative of Sweden underscored that in order for it to have credibility, it was extremely important that there be transparency in the conduct of the related work, not only to States, but also to other interested parties such as industry and non-governmental organizations (NGOs). She sought clarification regarding paragraph 2.5.2 of the paper, in which it was indicated that the “progress of the SARPs/guidance development process should be frequently disseminated to States, including through the CORSIA seminars, for the feedback received to be considered by the process.”. It was her understanding that the CORSIA seminars would be similar to the Global Aviation Dialogues (GLADs) on MBMs, which had been very successful.

99. With respect to the additional resources required for preparatory activities for CORSIA implementation, the Representative of Sweden highlighted that there would be a need for supplementing competencies, not only in the Secretariat but also in the CAEP, in addition to the competencies already at hand from participating States. She cited, in this context, individuals with knowledge of, for example, the practical elements of emissions trading, economies and route charges.

100. The President of the Council noted that such supplementing competencies could be provided through secondments, inter alia. Recalling that the issue of transparency had also been discussed during the last GMTF meeting, he stressed that while it was necessary to be transparent regarding CORSIA-related work, care should be taken in providing information to civil society on the development of CORSIA-related SARPs in advance of the latter’s adoption by the Council, following consultation with States and relevant international organizations, so as to ensure that civil society did not make incorrect assumptions about their contents.

101. The Secretary General reiterated that the said USD 20 million in additional resources required for preparatory activities for CORSIA implementation for the next triennium was only an estimate and that she was not seeking the Council’s approval thereof at this stage. She clarified that, of that estimated amount, some USD 4 million was to cover staff costs up to 2019 relating to the development of CORSIA-related SARPs and capacity building. It was necessary in order to maintain the current levels of the Secretariat support, as well as to hire two specialized staff in the areas of MBM-related registries and the carbon market, together with support from three additional officers in non-MBM areas.

102. In noting that additional resources were also required for capacity building and assistance and for outreach activities, the Secretary General indicated that discussions were underway with the World Bank regarding a possible partnership to provide the necessary resources. The World Bank’s initial estimate of the cost for capacity building activities (e.g. CORSIA seminars/webinars, development of training and other outreach material) was some USD 6 million and for infrastructure development support to individual States, such as IT hardware/software for registries, some USD 10 million. The Secretary General noted that there were approximately 20 States which did not have the expertise and the funding required to establish a national registry. She further indicated that the World Bank had informed ICAO

that it would take it approximately a year to mobilize the said USD 20 million in additional resources required by the Secretariat. In welcoming the offers already made by some States to provide expertise in the form of secondees, the Secretary General encouraged other States to provide ICAO with in-kind contributions, as well as to make financial contributions to the ENV voluntary fund, to enable the Secretariat to carry out its CORSIA-related tasks. She underscored that the Council would have the opportunity to further discuss this subject at its next (210th) session, when a report would be presented on ongoing activities and next steps regarding CORSIA implementation.

103. In light of time constraints, the Council agreed to return to this subject at its next meeting.

104. The meeting adjourned at 1730 hours.

COUNCIL — 209TH SESSION

SUMMARY MINUTES OF THE THIRD MEETING

(THE COUNCIL CHAMBER, WEDNESDAY, 23 NOVEMBER 2016, AT 1235 HOURS)

CLOSED MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Dr. Fang Liu, Secretary General

PRESENT:

Argentina	— Mr. G.E. Ainchil	Kenya	— Ms. M.B. Awori
Australia	— Mr. S. Lucas	Malaysia	— Mr. Y.-H. Lim
Brazil	— Mrs. M.G. Valente da Costa	Mexico	— Mr. D. Méndez Mayora
Cabo Verde	— Mr. M. Dieguimde (Alt.)	Nigeria	— Mr. M.S. Nuhu
Canada	— Mr. J.-B. Leblanc	Panama	— Mr. G.S. Oller
China	— Mr. Tao Ma	Republic of Korea	— Mr. J. Hur
Colombia	— Mr. A. Muñoz Gómez	Russian Federation	— Mr. A.A. Novgorodov
Congo	— Mr. R.M. Ondzotto	Saudi Arabia	— Mr. S.A.R. Hashem
Cuba	— Mrs. M. Crespo Frasquiere	Singapore	— Mr. T.C. Ng
Ecuador	— Mr. I. Arellano	South Africa	— Mr. M.D.T. Peege
Egypt	— Mr. A. Khedr	Spain	— Mr. V.M. Aguado
France	— Mr. P. Bertoux	Sweden	— Ms. H. Jansson Saxe
Germany	— Mr. U. Schwierczinski	Turkey	— Mr. A.R. Çolak
India	— Mr. A. Shekhar	United Arab Emirates	— Mr. M. Salem (Alt.)
Ireland	— Mrs. A. Smith Floch	United Kingdom	— Mr. M. Rodmell
Italy	— Mr. M.R. Rusconi	United Republic of Tanzania	— Mr. R.W. Bokango
Japan	— Mr. S. Matsui	United States	— Mr. M.A. Lawson
		Uruguay	— Mr. M. Vidal

ALSO PRESENT:

Dr. N. Luongo (Alt.)	— Argentina
Mrs. M.F. Loguzzo (Alt.)	— Argentina
Mr. P. Jardim (Alt.)	— Brazil
Mr. L.H. Sacchi Guadagnin (Alt.)	— Brazil
Mr. R. da Rosa Costa (Alt.)	— Brazil
Mr. Chunyu Ding (Alt.)	— China
Mr. M. Millefert (Alt.)	— France
Mr. M. Ishii (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mr. S. Kim (Alt.)	— Republic of Korea
Mr. S. Koh (Alt.)	— Republic of Korea
Mr. K. Lee (Alt.)	— Republic of Korea
Mr. D. Subbotin (Alt.)	— Russian Federation
Mr. M.S. Habib (Alt.)	— Saudi Arabia
Mr. S. Vuokila (Alt.)	— Sweden
Mr. S. Kotis (Alt.)	— United States
Mr. J. Méndez (Alt.)	— Uruguay

SECRETARIAT:

Mrs. J. Yan	— CoO/OSG
Mr. B. Djibo	— D/ATB
Mr. J. Marriott	— DD/ASF
Mr. S. Berti	— C/ASP
Mr. B. Verhaegen	— SELO
Mr. J. Lamosa	— C/ISD-SEC
Mr. T. Tanaka	— C/CC
Mr. C. Petras	— LEB
Mr. A. Opolot	— LEB
Ms. O. Bondareva	— LEB
Mr. A. Djojonegoro	— ASP
Mr. A. Doazan	— ASP
Mr. A. Larcos	— ACC
Mrs. C. Schultheiss	— Précis-writer

Representatives to ICAO

Afghanistan
Burkina Faso
Cameroon
Cyprus
Equatorial Guinea
Finland
Greece
Honduras
Indonesia
Iran (Islamic Republic of)
Lebanon
Nicaragua
Paraguay
Peru
Sudan
Venezuela (Bolivarian Republic of)

Airports Council International (ACI)
European Union (EU)
International Air Transport Association (IATA)

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

Adoption of Amendment 15 to Annex 17 – Security

1. The Council considered this item on the basis of C-WP/14513 and Corrigendum No.1, concerning the Aviation Security (AVSEC) Panel, which at its twenty-seventh meeting held in Montréal from 14 to 18 March 2016, undertook a review of Annex 17 – Security, in order to ensure that the measures therein were commensurate with the level of threat to civil aviation. The Council also had for consideration an oral report thereon from the Committee on Unlawful Interference (UIC).

2. It was recalled that further to the Panel’s review of Annex 17 – Security, the Council, at its third meeting of the 208th Session on 18 May 2016, considered C-WP/14416, which presented the Panel’s recommendations on proposed Amendment 15 to Annex 17 – Security, along with the rationale for the proposals from a risk perspective, and requested that the Secretary General circulate the text of the proposed Annex amendment to States for comments (C-DEC 208/3 refers). Accordingly, State letter AS 8/2.1-16/58 was dispatched on 8 June 2016, requesting comments by 9 September 2016. A summary and graphical representation of replies to the State letter were presented in Appendix A of C-WP/14513. Likewise, an Implementation Task List and an Impact Assessment were presented in Appendices C and D respectively.

3. Due to time constraints, the Chairperson of the Unlawful Interference Committee (UIC), (Representative of South Africa), specifically highlighted paragraph 7 of his Oral Report that had been circulated earlier and in which it was recommended that the Council adopt Amendment 15 to Annex 17 contained in Appendix E of C-WP/14513 with an approval date of 3 August 2017. It was noted that the UIC had also recommended that Council approve the Resolution of Adoption contained in Appendix F as well as the amendment to the foreword section of Annex 17 as contained in Appendix G.

4. To supplement the information contained in the UIC Oral Report, the Secretary General also apprised the Council on the replies received from Member States after the State letter deadline of 9 September 2016. A total of eight late replies had been received. Of these, four indicated agreement without comments, whereas another four indicated agreement with comments. The comments that were received from Australia, Brazil, Germany and Mexico were in the same vein as those previously received and to which the Secretariat had already responded in the working paper. The Secretary General indicated that careful consideration had been given to all the comments received but as the paper had already been finalized, these would be noted and recorded with those raising compelling technical issues to be addressed in the near future.

5. In expressing his support for the Amendment, the Representative of the Russian Federation reiterated his ongoing request to the Secretariat that in instances such as these, it was important that a State Letter pertaining to the Amendment should be issued and that in addition, the Appendices be made available in all the Organization’s working languages.

6. The Council agreed with the conclusion drawn by the UIC, in which was emphasized the importance of ensuring the availability of guidance material to promote effective implementation of the new and/or revised provisions in Annex 17. In doing so, it was noted that of particular relevance would be the application of appropriate behaviour detection techniques in order to avert discriminatory practices and to uphold passengers’ privacy and fundamental human rights.

7. In relation to the Implementation Task List outlined in Appendix C to C-WP/14513, the Secretariat assured the Council that every effort was being made to ensure that the guidance material currently in development would be finalized so that it could be made available to security experts well before the proposed applicability date of 3 August 2017.

8. The Council by 35 votes in favour, none against, and no abstentions (one Representative being absent), adopted, as Amendment 15 to Annex 17 – *Security*, the Standards and Recommended Practices (SARPs) contained in Appendix E to C-WP/14513 with an applicability date of 3 August 2017. The Council also approved the Resolution of Adoption in Appendix F, and as part of the amendment, also approved the revised Foreword to Annex 17 – *Security*, as contained in Appendix G to C-WP/14513.

COUNCIL — 209TH SESSION**SUMMARY MINUTES OF THE THIRD MEETING****(THE COUNCIL CHAMBER, WEDNESDAY, 23 NOVEMBER 2016, AT 1000 & 1245 HOURS)****OPEN MEETING**

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Dr. Fang Liu, Secretary General

PRESENT:

Argentina	— Mr. G.E. Ainchil	Kenya	— Ms. M.B. Awori
Australia	— Mr. S. Lucas	Malaysia	— Mr. Y.-H. Lim
Brazil	— Mrs. M.G. Valente da Costa	Mexico	— Mr. D. Méndez Mayora
Cabo Verde	— Mr. M. Dieguimde (Alt.)	Nigeria	— Mr. M.S. Nuhu
Canada	— Mr. J.-B. Leblanc	Panama	— Mr. G.S. Oller
China	— Mr. Tao Ma	Republic of Korea	— Mr. J. Hur
Colombia	— Mr. A. Muñoz Gómez	Russian Federation	— Mr. A.A. Novgorodov
Congo	— Mr. R.M. Ondzotto	Saudi Arabia	— Mr. S.A.R. Hashem
Cuba	— Mrs. M. Crespo Frasquieri	Singapore	— Mr. T.C. Ng
Ecuador	— Mr. I. Arellano	South Africa	— Mr. M.D.T. Peege
Egypt	— Mr. A. Khedr	Spain	— Mr. V.M. Aguado
France	— Mr. P. Bertoux	Sweden	— Ms. H. Jansson Saxe
Germany	— Mr. U. Schwierczinski	Turkey	— Mr. A.R. Çolak
India	— Mr. A. Shekhar	United Arab Emirates	— Mr. M. Salem (Alt.)
Ireland	— Mrs. A. Smith Floch	United Kingdom	— Mr. M. Rodmell
Italy	— Mr. M.R. Rusconi	United Republic of Tanzania	— Mr. R.W. Bokango
Japan	— Mr. S. Matsui	United States	— Mr. M.A. Lawson
		Uruguay	— Mr. M. Vidal

ALSO PRESENT:

Dr. N. Luongo (Alt.)	— Argentina
Mrs. M.F. Loguzzo (Alt.)	— Argentina
Mr. P. Jardim (Alt.)	— Brazil
Mr. L.H. Sacchi Guadagnin (Alt.)	— Brazil
Mr. R. da Rosa Costa (Alt.)	— Brazil
Mr. Chunyu Ding (Alt.)	— China
Mr. M. Millefert (Alt.)	— France
Mr. M. Ishii (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mr. S. Kim (Alt.)	— Republic of Korea
Mr. S. Koh (Alt.)	— Republic of Korea
Mr. K. Lee (Alt.)	— Republic of Korea
Mr. D. Subbotin (Alt.)	— Russian Federation
Mr. M.S. Habib (Alt.)	— Saudi Arabia
Mr. S. Vuokila (Alt.)	— Sweden
Mr. S. Kotis (Alt.)	— United States
Mr. J. Méndez (Alt.)	— Uruguay

SECRETARIAT:

Mrs. J. Yan	— CoO/OSG
Mr. B. Djibo	— D/ATB
Mr. J. Marriott	— DD/ASF
Mrs. J. Hupe	— DD/ENV
Mr. M. Belayneh	— A/C/GAT
Mr. S. Berti	— C/ASP
Mr. B. Verhaegen	— SELO
Mr. J. Lamosa	— C/ISD-SEC
Mr. T. Tanaka	— C/CC
Mr. C. Petras	— LEB
Mr. A. Opolot	— LEB
Ms. O. Bondareva	— LEB
Mr. A. Djojonegoro	— ASP
Mr. N. Dickson	— ES
Mr. A. Doazan	— ASP
Mr. A. Larcos	— ACC
Mrs. C. Schultheiss	— Précis-writer

Representatives to ICAO

Afghanistan
Burkina Faso
Cameroon
Cyprus
Equatorial Guinea
Finland
Greece
Honduras
Indonesia
Iran (Islamic Republic of)
Lebanon
Nicaragua
Paraguay
Peru
Sudan
Venezuela (Bolivarian Republic of)

Airports Council International (ACI)
European Union (EU)
International Air Transport Association (IATA)

Subject No. 50: Questions Relating to the environment

Update on work on a global market-based measure (GMBM) Scheme

1. The Council resumed (C209/2) consideration of this item on the basis of C-WP/14516, which reported on the results of the 39th Session of the ICAO Assembly and during which Assembly Resolution A39-3 *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Global Market-based Measure (MBM) scheme*, was adopted.
2. It was recalled that the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA), was part of a basket of measures to reduce CO₂ emissions from international aviation and to achieve an aspirational goal of keeping global net CO₂ emissions from international aviation from 2020 at the same level. Given the urgency to undertake preparatory activities for the CORSIA implementation, such as the development of necessary Standards and Recommended Practices (SARPs) and guidance material for adoption by the Council by 2018 and related capacity-building and assistance to States, C-WP/14516 outlined planned activities in the next triennium which were needed to ensure timely implementation of the CORSIA.
3. The Representative of Mexico expressed his appreciation to the Secretariat for the work that was being done to create a global market-based measure scheme. In relation to paragraph 1.5 of the working paper, he indicated that as part of the review of the impact on the growth of aviation, there should be an evaluation of the environmental integrity of the scheme and its contribution to the established targets. With regard to paragraph 2.5.2 and as mentioned in Appendix A, he underscored the challenge international and regional seminars on CORSIA would present and enquired whether sufficient material would be available in advance of these seminars. While generally in agreement with paragraph 2.7, the Representative would have preferred that participation as observers to CAEP be limited to ICAO Member States. He also suggested that the resource requirements for capacity-building in paragraph 2.8, should be part of a broader package of proposals that would also include the additional posts required for the Organization's activities and programmes. He proposed that the Secretariat should prepare a separate working paper detailing the funding required with regard to capacity-building, infrastructure and additional assistance.
4. The Representative of Spain agreed with the comments made by the Representative of Mexico and congratulated the Secretariat for preparing such an excellent paper before the end of the current session that informed the Council on the plan of action for the next triennium and that would be conveyed to Member States. He underscored the importance of participation by all ICAO Member States in the development of SARPs, guidance material and seminars. He also supported the proposal by the Representative of Mexico that a separate working paper by the Secretariat would be necessary to detail the way forward for capacity-building and assistance. On the subject of next steps, the Representative expressed his support of paragraph 2.7 as well as its sub-paragraphs regarding the creation of an ad-hoc group to provide the Council with regular updates and in which all members of Council and ICAO delegations would be invited to participate. In relations to the Secretariat's request for additional funding, he suggested that one-third of the needs could be covered by secondments and voluntary contributions and that it would be within the Secretariat's purview to allocate funds for the remainder from the budget approved by the Assembly. Furthermore, he requested that the Secretariat provide additional information on the financial requirements in order to establish priorities on the allocation of voluntary funds and secondments. Lastly, he questioned the terminology used in Appendix A, in the workflow of the

development process for the adoption and implementation of the CORSIA SARPs material, which he deemed as being potentially misleading.

5. While noting that his country had filed reservations on certain aspects of Assembly Resolutions A39-2 and A39-3, the Representative of India nonetheless agreed on the issue of governance and structure outlined in the working paper and emphasized that the efforts should be State-driven rather than Secretariat-driven. He emphasized the importance of the ad hoc group of the Council to be established and the proposed framework for the development of the guidelines and SARPs for the implementation phase. He suggested that the ad hoc group should examine projected funding requirements and the governance implications as well as the timelines outlined in Appendix A of the working paper. In this connection, the Representative recommended that the ad-hoc group should operate along the same lines as the Environment Advisory Group (EAG), which had set the tone for the work accomplished in the lead up to the last Assembly. He also recommended that attendance at the meetings of the Group be open to everyone. Finally, the Representative enquired on the outcomes of the recent meeting of the Global MBM Technical Task Force (GMTF) and suggested that Council should, from time to time, be informed on any developments occurring in that forum.

6. In response to the intervention of the Representative of India, the President of the Council clarified that the GMTF is a group that exists under CAEP and was mandated to develop recommendations for consideration by the CAEP. In this context, there was no need to add an additional reporting mechanism from the GMTF to the Council since CAEP had already created its own reporting mechanisms for this purpose.

7. In echoing the thanks expressed to the Secretariat for the working paper and congratulating all the persons involved for developing a comprehensive program for the implementation of the GMBM scheme so soon after the Assembly, the Representative of China concurred on the need for the Council to take time to reflect on the issues to be considered in order to make an informed decision. He noted a certain dichotomy between the title of the working paper “*Update on the Progress of the Work*” and the action item of the paper, which invited the Council to “approve the overall plan”. Moreover, the Representative expressed his reservations concerning action item c) and paragraph 2.8 on the subject of additional funding required and feared it would be premature to approve this item without a more detailed plan to be elaborated by the Secretariat. Expressing support for paragraph 2.7, he added that the proposed ad hoc group, should be comprised of Council Representatives, should have an advisory role only and should participate in and guide the work of CAEP. This would guarantee the flow of information between CAEP and Council and would ensure that issues requesting Assembly approval reach the Assembly in advance of the sessions. In his view, CAEP had assumed an expanded role that had gone beyond its original scope and the ad hoc group’s mandate should include guiding the work of CAEP. Under the guidance of this group, he envisaged that CAEP would develop the programme for CORSIA implementation and would report to Council for eventual approval by the Assembly. In order to hasten implementation however, the Representative underscored the importance of engaging all Member States in order to reach a consensus on a programme that would be acceptable to all.

8. In response, the President of the Council indicated that it was important to remember that CAEP was a body that reported to the Council. Moreover, the Assembly Resolutions A39-2 and A39-3 clearly defined the work to be done with regard to the development of the SARPs, monitoring, reporting and verification (MRV), systems and emissions units criteria (EUC), as well as related issues, and in this context it was the Council that would receive and rely on the technical advice of CAEP but it was the Council that was the decision-making body. Since CAEP was a body reporting to Council and Council

Representatives could attend CAEP meetings, it was also understood that Representatives could participate in CAEP meetings. The envisaged ad hoc group could make proposals or recommendations to the Council regarding CAEP activities if it so chose, but ultimately it was the Council that had the responsibility to consider all proposals and guide the CAEP accordingly.

9. The Representative of the United Kingdom stressed the importance of paragraph 1.5 of the working paper that he felt was aligned with the goals of the UNFCCC Paris Agreement as well as the aspirational goals included in Assembly Resolution A39-3. He also indicated that it was clear that it would not be necessary for all States to establish a registry. He thanked the President for having already provided some clarification on the mandate of the envisaged ad hoc group and noted that while the EAG had served its purpose, it was now time to move forward onto different forums that were more appropriate following the Assembly session. He suggested a modest, informal, flexible approach be followed in the discussions to take place at the ad hoc group and he recommended against unnecessarily complicating the relationship between the Council and CAEP. He supported the need for transparency and endorsed the suggestion that non-CAEP States, having volunteered to participate in the early stages of the scheme, should have automatic observer status at the meetings of the group. Furthermore, he proposed the creation of a network in order to assist the States that had already committed to the voluntary stage of the scheme, which would facilitate planning as well as raising levels of awareness and advance preparation among the States. He also commended the voluntary initiatives already undertaken by some States on capacity-building to assist other States, including targeted projects sponsored by the European Union.

10. The Representative of Brazil concurred with the views expressed by the Representatives of Mexico, Spain and others on the importance of transparency and the need for additional information, especially with regard to additional financial resources that might be required. She also underscored the need for a fall-back plan should there be a shortfall in the projected voluntary contributions that would supplement the budgeted amounts already approved by the Assembly. The Representative expressed her interest in participating in the ad-hoc group since she was confident that the Brazil would make a meaningful contribution to its work. Finally, she stressed the need for broad participation in the ad hoc group.

11. In expressing the appreciation to everyone who had been instrumental in bringing the CORSIA scheme to the stage of implementation, the Representative of Singapore concurred with the comments made during previous interventions, including those concerning resources. He advocated broad representation on the envisaged ad-hoc group as well as the engagement of States, the sharing and exchange of information and transparency in the process. He also questioned whether, as outlined in paragraph 2.5.1 of the working paper, it should be the ANC that would be the appropriate body to review the CORSIA-related SARPs since the ANC generally dealt with safety-related matters. He cited previous instances where SARPs had been reviewed by the ATC and the UIC when it concerned facilitation and security matters, and suggested CORSIA could be another instance where the ATC would be better placed to undertake the review of the proposed SARPs. Finally, with regard to the timeline contained in Appendix A and the next agenda item to be discussed on the High-level Conference on Alternate Fuels, the Representative enquired whether it would not be more appropriate for this event to have a broader scope, including a focus on measures such as MBMs, MRV, and EUC.

12. The Representative of Colombia commented on paragraph 2.7.1 of the working paper and proposed that the ad-hoc group should be composed of Representatives from different types of countries and should include those strongly committed to environmental issues as well as small and medium-sized countries. He also expressed concern with the views expressed by European environmentalists who had

accused ICAO of giving airlines a license to pollute. In his view, such environmentalists apparently considered reduction more important than off-setting. The Representative observed however, that reduction measures were taken into account in the CORSIA scheme and should be included when monitoring and reporting emissions. He noted that it had been agreed that reductions emanating from national action plans by States would also be taken into account as would the measures contained in the GANP, which once implemented, would also bring down emissions. He further suggested that the key design elements of the scheme should ensure that both measurements of the actual reduction impact of national plans be included in the accounting process in order to ensure the States would not be double-charged and that these should be deducted from the overall offsetting requirement amounts. In this context, the Representative suggested keeping in mind the relevant operative clauses of Assembly Resolution A39-3 and subsequent guidance material as being critical design elements of the future work of the scheme.

13. In response to issues raised in the deliberations thus far, the Deputy Director, Environment (DD/ENV) stressed the importance of including all measures when considering ICAO's goals in international aviation emissions; hence, the importance of including all the basket of measures in the accounting process. She also explained that the emission trends were contained in the documentation presented to the Assembly each triennium and showcased the reductions already achieved in terms of technology, operations or alternative fuels as well as the action plans developed for the measures not yet covered. She underscored the importance of the States' individual action plans as the progress achieved in each of the measures would be monitored at each stage of the action plans and then compiled for the purpose of measuring overall progress. She further explained that when measuring emissions in CORSIA, the resulting figures would be final results comparing one year to the other on the same route that already included all the measures and activities. New procedures or changes in the measures would be monitored State by State, through the action plans or specific reporting methods on specific routes.

14. The President of the Council reminded Representatives that the working paper under consideration was at this stage outlining the preparations necessary for CORSIA implementation. Once the process moved forward and was more advanced, parallel activities in areas such as in enhancing the efficiency of air navigation and use of sustainable alternative fuels would also help to address the issue of carbon emissions reduction. At this preliminary stage however, the President emphasized the importance of simply endorsing the plan proposed in the Appendix of the working paper so that the process could commence. He indicated that in relation to the ad hoc group, he envisaged a group of between 6 to 12 members and he assured the Council that he would consult the regional groups in order to ensure appropriate geographical representation. Regardless of the final size however, the President indicated that the work of the group would be open to all Council Representatives. While the group would serve as an advisory body to the Council and would share information with all Representatives, it was important to note that the ultimate decision-making power would remain with the Council. The President also assured Representatives that the Council would be informed well in advance of the meeting schedule of the envisaged ad-hoc group so as to facilitate attendance.

15. In thanking the Secretariat for the clear roadmap outlined in the working paper, the Representative of France underlined the importance of ensuring the environmental integrity of the scheme. He believed that the effectiveness and legitimacy of the technical work carried out for the implementation of the Assembly Resolution would be contingent on certain conditions being met including effectively and efficiently delegating the technical work to the experts and allowing them to work independently with a minimum of interference, while at the same time closely monitoring their work. He also endorsed the proposal to create an ad hoc group as well as the timeline in Appendix A. However, in relation the