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International Civil Aviation Organization

COUNCIL — 210TH SESSION

Montréal, 20 February — 8 March 2017

SUMMARY MINUTES WITH SUBJECT INDEX



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COUNCIL — 210TH SESSION**SUMMARY MINUTES OF THE FIRST MEETING****(THE COUNCIL CHAMBER, MONDAY, 20 FEBRUARY 2017, AT 1430 HOURS)****OPEN MEETING**

President of the Council: Dr. Olumuyiwa Benard Aliu

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. C. Monteiro	Panama	— Mr. G.S. Oller
Canada	— Ms. W. Drukier	Republic of Korea	— Mr. J. Hur
China	— Mr. Shengjun Yang	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. S. Kotis (Alt.)
Japan	— Mr. S. Matsui	Uruguay	— Mr. M. Vidal

ALSO PRESENT:

Dr. N. Luongo (Alt.)	— Argentina
Mrs. M.F. Loguzzo (Alt.)	— Argentina
Mr. N. Castro da Silva (Alt.)	— Brazil
Mr. P. Langlais (Alt.)	— Canada
Mr. Chunyu Ding (Alt.)	— China
Mr. M. Millefert (Alt.)	— France
Mr. N. Naoumi (Alt.)	— Germany
Mr. M. Ishii (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mr. S. Kim (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
Mrs. K.L. Riensema (Alt.)	— United Kingdom
Mr. J. Méndez (Alt.)	— Uruguay

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. V. Smith	— D/ADB
Mr. R. Bhalla	— C/FIN
Mr. M. Belayneh	— C/GAT
Mr. J. Wan	— DD/IAS
Mr. H. Gourdji	— DD/MO
Mr. C. Radu	— DD/SAF
Mr. M. Fox	— C/PRC
Mr. A. Bilaver	— OSG
Ms. S. Brand	— C/RPM
Mr. A. Opolot	— LEB
Mr. M. Leitgab	— ADADB
Mr. A. Larcos	— ACC
Mrs. C. Schultheiss	— Précis-writer

Representatives to ICAO

Bolivia (Plurinational State of)
Cyprus
Equatorial Guinea
Greece
Honduras
Indonesia
Lebanon
Libya
Mozambique
Paraguay

Airports Council International (ACI)
Civil Air Navigation Services Organization (CANSO)
European Union (EU)
International Air Transport Association (IATA)

Welcome to new Representatives on the Council

1. A warm welcome was extended to Mr. Shengjun Yang and Ms. Wendy Drukier, the newly-appointed Representatives of China and Canada respectively.

Order of Business

2. The Council noted that due to the unavailability of some oral reports from Committees before the commencement of the current session, the sequence in which items would be considered by the Council during the first week of the session had been reordered. This had necessitated the issuance of a revised Order of Business on Friday, 17 February 2017.

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

Schedule for consideration of items during the 210th Session

3. The Council noted the meeting schedule for the 210th Session presented in the President's memorandum PRES OBA/2599 (Revised), dated 14 December 2016, on the understanding that an additional meeting of the Human Resources Committee would be held on 22 February 2017 at 1430 hours and that an additional informal briefing on cybersecurity issues had been scheduled to take place on 23 February. The Council also noted the schedule for consideration of items during the 210th Session as set forth in the President's memorandum PRES OBA/2616, dated 16 February 2017.

4. Further to the request from a number of Representatives, it was decided that C-WP/14583 "Report of the Joint Inspection Unit entitled *Review of the Organizational Ombudsman Services across the United Nations system*" and C-WP/14589 "Report of the Joint Inspection Unit entitled *Analysis of the Evaluation Function in the United Nations system*", would both be tabled for discussion in conjunction with C-WP/14526 "Review of the Evaluation and Internal Audit Office", which was currently scheduled for consideration by the Council during the week of 6 March 2017.

Subject No. 18.14: Other finance matters for consideration by Council

Report on the Preliminary Performance of the Ancillary Revenue Generation Fund (ARGF)

5. The Council considered this item on the basis of an oral report presented by the Secretary General in which it was recalled that the Council at its 209th Session had requested an oral report on the preliminary performance of the ARGF be provided at the current 210th Session. The Council also had for consideration an oral report thereon that was presented by the Finance Committee (FIC).

6. In summarizing the main points of the report, the Chairperson of the Finance Committee (Representative of the United Kingdom) recalled that for the period January to November 2016, a surplus of over CAD 2 million had been recorded. The largest surpluses were achieved in "Publications, Distribution and Printing", "Licensing" and "Delegation and Conference Services and Rental". The surplus could be attributed largely to the favourable exchange rate and operating expenses that were lower than budgeted. It was also noted that the negotiations with IATA on the dangerous goods licensing agreement had been completed. Depending on the size of the carry over and as had been done in the previous year, the payroll costs of employees working for the regular budget would be absorbed, which would further increase the surplus of the ARGF.

7. Of particular concern to the FIC was the impact of the exchange rate on the budget and surplus of the ARGF and the risks associated with fluctuations in the exchange rate over the triennium.

An explanation on this issue had been provided to the Committee by the Secretariat. The size and utilization of the ARGF surplus was also discussed and it was recalled that an operational reserve was set at 25 per cent of annual sales according to the *Policy on Revenue Generating Activities*.

8. The Committee recommended that future ARGF reporting include an exchange rate forecast similar to what was done for the Regular Budget. In addition, ARGF reporting should also include an assessment of risk as well as greater detail on revenues and costs related to specific ARGF activities. Lastly, the FIC welcomed the progress made and commended the Secretariat on the results achieved on the dangerous goods licensing.

9. Referring to the issue of future reports on this item, the Representative of Spain indicated that the request on future reports of the ARGF should also take into consideration the recent internal audit and the consequent recommendations with regard to ARGF reporting. He recalled that for purposes of governance and information, the audit recommended that the reports on the ARGF be linked to the business and operational plan.

10. Supporting the previous intervention, the Representative of Mexico stated that the report on the ARGF that should be provided to the Council should follow the same lines as that of the AOSC Fund and should include, among other information, the expected outcomes and results achieved as well as information on staffing, including salaries funded by the ARGF. As such, the Council would then have the necessary information to take informed decisions with regard to any surpluses and would also be able to monitor performance and mitigate any risks associated with the use of the fund.

11. The Representative of France supported the report of the FIC but suggested that the EAO audit report on the ARGF be taken into consideration before making any decision. He had understood that this formed part of the document “Report on the activities of the Evaluation and Internal Audit Office” (C-WP/14577), which was due to be considered at a subsequent meeting of the current session.

12. The President of the Council confirmed that the “Report on the activities of the Evaluation and Internal Audit Office” (C-WP/14577), did indeed contain information pertaining to the ARGF and in this connection, if the Council deemed it pertinent, this certainly could be taken into consideration in order to guide Council deliberations on the item.

13. The Representative of South Africa requested clarification on the budgetary figures provided in relation to the ARGF, specifically the significant increase between the operating surplus reported in August and that reported in November. He also requested further information on the number of posts funded by the ARGF.

14. In response, the Chief, Finance Branch (C/FIN) explained that the increase was a result of the transfer of CAD 2.29 million to cover the payroll costs of the staff members embedded in the Regular Programme. This explained the change from CAD 2 million at the end of August to CAD 4 million at the end of the fiscal year.

15. With regard to the posts funded by the ARGF, the Director, Bureau of Administration and Services (D/ADB) confirmed that the consultant posts were funded through the ARGF. He also indicated that as a result of the audit mentioned earlier, an operating plan would be put in place to address all the issues that had come up in the audit carried out by EAO. He assured the Council that in terms of the operational aspects of the fund, the ARGF was being monitored and managed accordingly.

16. The Representative of South Africa expressed his concern with the high number of posts that were being funded from the ARGF, especially in the context of an unpredictable global economy and with the aviation industry facing serious challenges. Looking forward, he enquired what would happen in the event the ARGF generated insufficient funds to fund all these posts.

17. Noting that several risks had been previously identified in the consideration of this item, the President of the Council indicated that it was his understanding that the intention was for these issues to be addressed in the ARGF's enhanced operating plan, which would be considered by the Council in due course.

18. The Secretary General recalled that the ARGF had been established in line with a Council decision in order to supplement the regular budget although several activities funded by the ARGF were in fact considered to be part of the Regular Programme and as such, considered core activities of the Organization. She cited a range of areas including in conference services, security, and publications that were being funded through ARGF activities. The Secretary General emphasized that in undertaking these activities, the Secretariat exercised the utmost caution in order to eliminate risk. The implementation of a risk register and the correlation between it and the operational plans, the key performance indicators and the business plan would all help to monitor progress and mitigate risk. She also reaffirmed that these measures, as well as the online monitoring tool that was being developed (Corporate Performance Management Framework Tool), would certainly enable Council to monitor the progress of the ARGF activities along with other activities of the Organization on an ongoing basis.

19. As several issues being discussed related to the EAO audit report on the ARGF, the Representative of Malaysia enquired whether it might not be appropriate for the Council at this juncture to bring forward its consideration of the EAO report. In response, the Secretary General observed that unfortunately the Chief, Evaluation and Audit Office (C/EAO) was currently not present in the Council Chamber at this given moment. She noted however that a number of the issues raised by Representatives could nevertheless be revisited when the document "Report on the activities of the Evaluation and Internal Audit Office" (C-WP/14577) was considered by the Council at a subsequent meeting during the current session.

20. Observing that "Report on the activities of the Evaluation and Internal Audit Office 2016" (C-WP/14577) had already been published and was available on the Council website, the Representative of Malaysia agreed with the proposal of the Secretary General. Specifically, the issue of risk management of the ARGF, as it related to the present report under consideration, was an aspect of this activity that the Representative was keen to explore further when the EAO audit report was considered by the Council.

21. In concluding its consideration of this item, the Council welcomed the fact that the report on the preliminary performance of the ARGF was showing a significant financial surplus for the reporting period, with the net surplus being recorded at CAD 2 million. The Council noted that the Regular Budget absorbed the payroll cost of those employees who were working for the regular programme and that this would further increase the surplus of the ARGF. It was also noted that a final and complete summary of the major achievements and audited financial results for 2016 would be provided to the Council for consideration at the 211th Session.

22. Comments made by Representatives in the course of the consideration of this item concerning, inter alia, the governance arrangements of the ARGF, the sustainability of the staffing and consultancy requirements, greater detail on revenues and costs, and the monitoring of ARGF performance, would be addressed by the Secretariat in more detail in future reporting to the Council. In particular, the Council requested the Secretariat to ensure that future reporting on the ARGF should include an assessment of risk as well as an enhanced structure to present results and expected outcomes related to specific ARGF activities.

23. The Council also noted that the Evaluation and Internal Audit Office (EAO) had recently undertaken an audit of the ARGF and that some of the issues identified in the preceding paragraph were referred to in C-WP/14577 “Report on the activities of the Evaluation and Internal Audit Office”, which would be considered by the Council at a subsequent meeting in the current session. In this connection, the Council agreed to resume its discussion of these aspects of the ARGF when C-WP/14577 was presented for consideration.

Subject No. 18.1: Annual Budget

Proposal on Best Practices for the Preparation of the Triennial Budget

24. The Council considered this item on the basis of C-WP/14592, presented by Mexico and Spain and which outlined a proposal on best practices for the ICAO budget preparation process, so as to facilitate and simplify its consideration by the Finance Committee and the Council. An oral report thereon from the Finance Committee was also presented for consideration.

25. It was noted that the proposal, which is based on the Secretariat making four separate presentations to the Council, in sequential order, in the lead up to the final draft budget estimates being submitted to the Assembly for approval, was reviewed by the Finance Committee (FIC) at its meeting on 24 January 2017, and that subsequently, a revised version of C-WP/14592 was circulated to reflect the amendments that the FIC had agreed to.

26. The Chairperson of the Finance Committee (Representative of the United Kingdom) presented the Oral Report. The proposal presented best practices for the ICAO budget preparation process in order to facilitate and simplify its consideration by the Finance Committee and Council, for greater understanding and transparency. The Council’s final draft budget estimates for submission to the Assembly for approval would be derived via a process of four sequential presentations with the corresponding working papers presented by the Secretariat to the Finance Committee and the Council that were listed in C-WP/14592.

27. Although the Committee was satisfied with the scope of the draft of the working paper, based on the input received certain amendments were recommended and incorporated in the revised version of the working paper. These included: switching the order of the presentations in paragraphs 2.2 and 2.3 so the Business Plan would be first; underscoring that the first two presentations would take place during the same Council session and in sequential order; aligning terminology for consistency; adding “Other new sources of funding” to the list of funding sources; and using the term “efficiency gains” instead of “efficiencies”.

28. Responding to a question from the President of the Council concerning the use of the phrase “business plan” and “operating plan” within the documentation in an apparent inconsistent manner, the Chairperson of the FIC suggested that for the sake of simplicity and since the terms used by the Secretariat appeared to be interchangeable at times, the terms should remain as they currently appeared in the documentation for the time being.

29. On the same point, the Representative of Spain, as co-author of the working paper, proposed that for the purposes of ongoing consideration of these issues, using the term “business plan” would be preferable since it encompassed the whole Organization whereas the term “operating plan” generally referred to specific units or sections.

30. Recalling past discussions when different methodologies for the preparation of the budget had been considered, the Representative of Malaysia suggested incorporating a performance statement that would gauge with more accuracy the funds required by the Secretariat rather than having to rely on the ARGF for additional funding. He also referred to past discussions in which he had understood C/FIN to indicate that a performance indicator statement would be produced as the result of previous audit recommendations.

31. Referring to the report from the Finance Committee, the Representative of Japan requested clarification on the nature of the approval that was being sought from Council and whether the purpose of the methodology proposed would serve only as guidance in the preparation of the budget.

32. In response, the Chairperson of the Finance Committee confirmed that indeed, rather than establishing a strict procedure, the intention of the Committee had been to provide a general guideline. Given the changing conditions often faced during the preparation of the budget, the Committee had wanted to avoid placing any unnecessary constraints for the Secretary General.

33. Following consideration, the Council approved the methodology presented as guidance for the preparation of the Organization's triennial budget.

Subject No. 54.1: ICAO Corporate Key Performance Indicators (KPIs)

ICAO Corporate Key Performance Indicators

34. The Council considered this item on the basis of C-WP/14536, which presented the proposed Corporate Key Performance Indicators (KPIs), along with corresponding targets, which were developed by the Sub-Group on Performance Management (SGPM) under the direction of the Working Group on Governance and Efficiency (WGGE) in collaboration with the Secretariat.

35. It was noted that a total of 27 Corporate KPIs were outlined, along with their respective targets and that these would be included in the Business Plan, which would be integrated and presented via the proposed Corporate Performance Management Framework Tool (CPMFT). In this connection, it was noted that the KPIs represented a dynamic document that would be updated and presented to the Council for consideration on an annual basis at a future session.

36. The Chairperson of the WGGE (Representative of India) presented the working paper, the culmination of the work and deliberations of the Sub-group on Performance Management (SGPM), the WGGE and the Secretariat. The SGPM was established in 2015 with a mandate to identify and propose corporate KPIs that would best represent the work of ICAO and allow Council to assess the performance of the Organization. A total of 27 corporate KPIs had been identified. After consultations and a review process with the Secretariat in order to establish a baseline, examine current level data, as well as harmonize some targets, the proposed 27 corporate KPIs were being submitted to Council for approval, noting that the appropriate quantified targets for Security and Facilitation would be developed once the Global Aviation Security Plan (GASep) had been established and once quantifiable figures could be identified.

37. Commending the WGGE for viewing the KPIs as something to be incorporated in a living document, the Representative of the United States suggested some changes to the Appendix. In reference to the Human Resources section on page A-8, he suggested changing the phrase in KPI-2 to "Wider geographical representation by selecting *qualified* candidates from un-represented or under-represented States for Professional posts subject to EGR" (additional wording in italics) and also enquired

whether it had been intentional in the KPI to refer only to unrepresented States as this would represent an inconsistency.

38. In also expressing her support for the working paper, the Representative of Cuba agreed that this should be a living document that could be improved over time. Referring to page A-9 of the working paper under the section “Stakeholders Management” the Representative suggested indicating a precise target for the improvement sought to State letter responses. She also proposed revisiting the KPIs identified for air navigation and capacity, underscoring the need to emphasize ASBU implementation as an important component of the GANP and the need to measure all the modules rather than restricting the KPIs to only two. With regard to improved digital AIM, she noted that 33 States had notified that they had not yet completed phase 1. For the States having already moved onto Phase 2, she suggested investigating the possibility of establishing a KPI that would measure the efficiency and timely updating of all the documentation involved in this process.

39. In thanking the Representative of Cuba for her suggestions, the President of the Council observed that in his understanding discussions had already commenced with respect to the KPIs linked to air navigation capacity and efficiency and the implementation efforts as part of the GANP. He suggested that this might be an issue that could be addressed at the next off-site strategy meeting. In any case, he emphasized that special attention would need to be given to how best to enhance all the global plans, particularly the GANP.

40. Responding to the earlier intervention of the Representative of the United States, the Representative of South Africa stated that in his view, the Human Resources KPI 2 on page A-8 appeared to be in line with the *No Country Left Behind* initiative. With reference to the KPI proposed by the WGGE for the Economic Development of Air Transport in which the number of bilateral and multilateral agreements would be the quantifiable element, the Representative suggested that it would be opportune to also refer to the “open skies” concept. He also proposed dividing the Consumer Protection KPI into two separate components, which specifically ought to encompass implementing consumer protection initiatives and then monitoring those efforts.

41. The Representative of Columbia expressed his support for the working paper and thanked the Representatives of the Council who had contributed to its preparation. He did however observe that the Council should not lose sight of the fact that ICAO’s main role was to develop SARPs to be implemented by its Member States, followed-up by audits. The impact that SARPs have on the aviation industry could potentially carry important financial consequences. Since the development of SARPs is an intrinsic part of ICAO’s mission, he suggested there should be a performance indicator related to the number of SARPs developed as part of the KPIs on Security.

42. Following consideration, the Council approved the Corporate KPIs for 2017 as contained in the Appendix to C-WP/14536. Comments made by Representatives during the course of the consideration of this item, especially in relation to the necessity to provide additional clarification vis-à-vis the alignment of respective KPIs and targets pertaining to the thematic areas of air navigation capacity and efficiency, economic development of air transport, human resources, and stakeholders management (pages A-2, A-3, A-8 and A-9 respectively), were noted by the Secretariat and would be addressed in future iterations of the document.

Subject No. 18.14: Other Finance matters for consideration by Council

ICAO Business Plan for 2017- 2019

43. The Council considered this item on the basis of information paper C-WP/14551, which provided information on the changes to the ICAO Business Plan 2017-2019 that were published as Revision No.1. In doing so, it was recalled that the Business Plan is a living document that would be regularly adjusted to meet the changing needs of Member States and the global aviation community. The Council also had the benefit of a presentation by the Secretariat on the proposed Corporate Performance Management Framework Tool (CPMFT). In this connection, it was noted that the CPMFT is a web-based system to be used by the Secretariat to manage their operating plans with a view to reporting on their progress and expected results.

44. In introducing the working paper, the Secretary General underscored that the Business Plan was a living document that must be regularly adjusted to meet the changing needs of States and the global aviation community. Since it was first published, a number of changes had taken place pursuant to the direction and approaches endorsed by the Council and taking into account the evolving work of ICAO. Therefore, the Business Plan was updated and changes were incorporated as follows: KPIs presented by the WGGE and approved by the Council; inclusion of Corporate Risk approved during the 209th Session of the Council including a new corporate risk related to cyber-threats and cyber-attacks to the ICT infrastructure; the Technical Cooperation Bureau's Operating Plan; the Global Aviation Training (GAT) office operating plan; the addition of Strategic Planning, Coordination and Partnerships (SPCP) and the inclusion of a descriptive paragraph on the Corporate Performance Management Framework Tool (CPMFT).

45. The Secretary General indicated that the CPMFT is a web-based system being developed by the Secretariat to manage the operating plans and report on their progress and expected results and will contain all information pertaining to organization-wide performance, reporting and risk, which would include in its first iteration, the following components: Corporate KPIs, key outcomes and their respective key KPIs (attributable to Strategic Objectives and Supporting Strategies); deliverables, KPIs and Targets (attributable to project/key activity level); corporate risks; and the status of Council Decisions and Assembly Resolutions. An informal briefing on the CPMFT would be provided to Council during the 211th Session of the Council followed by training at a later date.

46. The Secretary General emphasized that Revision No. 1 of the ICAO Business Plan 2017-2019 marked the first step in an evolutionary process which reiterated the Organization's commitment to a results-based management approach that integrates strategy, resources, processes and measurements to improve areas such as decision-making, transparency, coordination and accountability, while allowing for the flexibility to adjust to meet the changing needs of States and the global aviation community.

47. A brief presentation of the CPMFT was then provided by the Deputy Director, Monitoring and Oversight (DD/MO). Based on the operating plans that are contained in the Business Plan for the 2017-2019 triennial, the CPMFT would also be linked to the Strategic Objectives, C-DECs, corporate risks, corporate KPIs as well as the sessional reports provided by the Secretary General. Users would be able to navigate through the Business Plan or specific operating plans by a Bureau, Branch or Region in order to obtain a status or evaluate progress made in specific areas. This tool would be further developed in consultation with a sub-group of the WGGE. It was also noted that the Secretariat would be responsible for updating the Operating Plan which would be linked to the Business Plan.

48. Referring to paragraph 3.2 of the working paper, the Representative of Colombia suggested adding decisions of the Assembly to the proposed monitoring tool in addition to the Assembly Resolutions. He indicated that often during an Assembly session, working papers were presented by Member States that did not necessarily result in the adoption of a specific resolution but which nonetheless led to decisions taken by the Assembly. He suggested that it would be helpful if there was a

process by which these could be monitored and suggested adding an option to the CPMFT that would enable the users to do precisely this and select the relevant information according to geographical region.

49. In thanking the Secretary General and her team for preparing this iteration of the ICAO Business Plan, the Representative of Spain welcomed the fact that the changes were being presented in a logical and traceable manner. Referring to earlier discussions on the ARGF, he emphasized it would be necessary to include the ARGF operating plan, as part of this process and in the context of the revenue generating activities. He also suggested that it would be helpful to include the operating plans of the Regional Offices.

50. In concluding its consideration of this item, the Council welcomed the fact that the proposed CPMFT would contain all relevant information pertaining to organization-wide performance at the level of the Business Plan and would include in its first iteration, information on Corporate KPIs, key deliverables and targets, corporate risks, and status of implementation on C-DECs and eventually a means to track the implementation of Assembly Resolutions as well. Furthermore, the Council requested that the proposed range of information to be provided via the CPMFT be expanded to also include the status of recommendations emanating from the Council off-site meetings (COSM) as well as specifically, the ARGF operating plan.

Subject No. 7.1: Organization of the Secretariat

Structure of the ICAO Secretariat

51. The Council considered this item on the basis of C-WP/14550, in which it was recalled that during the seventh meeting of the 209th Session, the Council had approved the establishment of the Strategic Planning, Coordination and Partnerships Office (SPCP) under the Office of the Secretary General (C-DEC 209/7 refers). The information contained in C-WP/14550 provided additional clarification on the proposed staffing arrangements and funding sources for the SPCP, which it was noted had come into effect on 1 January 2017.

52. The working paper was presented by the Secretary General who recalled that during the 209th Session, the Council had approved the establishment of the Strategic Planning, Coordination and Partnerships Office (SPCP) under the Office of the Secretary General (C-DEC 209/7). The Council had also asked for a holistic review of the proposed staffing arrangements for this office and in particular the funding sources being considered. As a result, she explained that C-WP/14550 reflected all the requested additional information, including an organizational chart, which was helpfully displayed in Council to facilitate consideration of the proposed structure.

53. The Secretary General highlighted that the Secretariat had performed a comprehensive review of its structure and in particular senior level posts, taking into consideration the ICAO Business Plan, the operating plans prepared by each bureau and offices together with the results-based budget approved by the 39th Session of the Assembly, while also factoring in the additional tasks and outcomes generated from the Assembly and ensuring that all budgeted tasks were highlighted in the operating plans and assigned to the individual staff member for completion. The review resulted in the identification of the need to resource SPCP with a senior staff member at the D-1 level and relocate staff and resources as appropriate so as to achieve increased efficiencies, synergies and coordination. In explaining that this senior staff member would report directly to her, the Secretary General also indicated that it would be necessary for this individual to have substantive knowledge and experience that would cut across all ICAO strategic objectives. In this way the post would be equivalent to similar D-1 positions elsewhere within the United Nations system in which the duties encompassed outreach activities, liaison and

dialogue with high-level representatives of Member States, and interaction with other international organizations as well as the senior management of the Secretariat and Council Representatives.

54. In addition, the Secretary General emphasized that the principal functions and responsibilities of the post would respond to the Council's request to strengthen the Secretariat's existing capacity in the area of regional affairs coordination, implement a corporate performance management system to enhance efficiency as well as to implement the recommendations stemming from the Council's off-site strategy meetings (COSMs), those aimed to foster global partnerships for aviation development to help achieve the *No Country Left Behind* (NCLB) initiative as well as related Assembly Resolutions A39-23 *No Country Left Behind* (NCLB) initiative and A39-26 *Resource mobilization*. The functions would also include oversight of tasks related to the crisis response policy and disaster risk reduction strategy.

55. The Secretary General then proceeded to outline the proposed staffing arrangements while emphasizing that these would be cost neutral for the Regular Budget. This would involve the conversion of the current vacant D-1 DD/HR post in ADB to the D-1 Head of the SPCP and the relocation of an existing P-5 post with the current staff member to the post of P-5 Strategic Planning and Regional Affairs Coordinator (PRC). As a result, there would be no increase in the number of senior-level positions or impact on the regular budget. The posts of P-5, Chief, Partnerships and Resource Mobilization (PRM) and a post at the P-3 level would be funded 100 per cent from voluntary funds. Separately, the Secretary General explained that the duties of M/GAT would be assigned to DD/TCB with direct reporting to her, facilitating inter-bureau/office coordination and ensuring effective oversight by the OSG for all training and assistance activities undertaken throughout the Organization. Altogether, it was envisaged that the changes would result in a saving to the AOSC Fund of approximately CAD 412,000.

56. Although expressing his support for the working paper under consideration, the Representative of Australia recalled that he had voiced his concerns in a previous Council meeting on the complexity of the finances involved for the restructuring. He acknowledged however, that having now tasked the Organization with implementing activities around resource mobilization and improving corporate reporting, it would be somewhat counterproductive to now prevent the Secretariat from moving forward in this direction. He certainly agreed that the post in SPCP required a senior and experienced staff member who could represent the Organization externally and while he was aware of certain concerns that had been expressed as to whether the new post should be at the D-1 level, he nonetheless supported the views presented by the Secretary General in the working paper. The Representative also indicated that he hoped that a thorough analysis had been undertaken of the impacts that would arise once the tasks of the previous post of D-1 DD/HR were divided among other staff members.

57. The Representative of China indicated that with regard to the working paper under consideration, he recalled that it was further to an earlier Council decision that the SPCP office had recently been established, subject to a review by the Secretary General of the staffing arrangements and funding sources. It was his understanding that the SPCP had already assumed some of its responsibilities and it would therefore stand to reason that the adjustment and reassignment of duties would be undertaken in order to enhance communication among all the parties, within and between the Secretariat, Regional Offices, Council and ICAO's partners in an effort to increase the overall efficiency of the Secretariat. The Representative stressed that in his view the SPCP should be headed by an individual at the D-1 level, especially since the post and the two P-5s had no budgetary implications. This seemed to be a reasonable approach. He voiced his support for all four action points in the working paper.

58. The Representative of France expressed his support for the working paper, which he recalled had been prepared in response to a request by the Council at a previous session. He especially welcomed the fact that the proposals contained therein would be budget neutral. The Representative also

observed that in order for the Secretary General to meet the objectives assigned to her in the Charter Letter, it would be necessary to ensure that she was given the necessary means and flexibility to do so.

59. The Representative of Nigeria expressed his support for the creation of the SPCP and affirmed this office would be instrumental in helping the Organization achieve its objectives. However, he underscored his delegation's concern with regard to an existing D-1 post being moved from human resources to SPCP. He considered human resources to be a core function of the Organization and would have liked to have had more information on the impact of the duties of the existing post being transferred to other staff members. In particular, he was concerned at the long-term effects of this decision and cautioned against fixing one problem by creating another. The Representative wondered whether a gradual approach might not be better and in this context suggested that the new Head of the SPCP should be at a P-5 level instead, subject to re-assessment at a later date.

60. Thanking the Secretary General for her proposal, the Representative of the United Kingdom concurred with previous interventions and especially with the comments made by the Representative of France on the necessity to give the Secretary General the resources required to accomplish the tasks outlined in the Charter Letter. Observing that while the proposal on hand might not be perfect, it would be a good starting point. Since this was a new initiative for the Organization, there would necessarily be a learning curve that could also be accompanied by a subsequent review process and he would certainly support that. The Representative indicated that it was important for the Council to note that if successful, the proposals being considered represented an important part of a resource mobilization programme, and as such the initiative would generate valuable resources for the Organization.

61. In also expressing the thanks and support of his delegation to the Secretary General for the working paper, the Representative of Saudi Arabia averred that the Secretary General, by virtue of her post as head of the Organization, should be accorded the freedom necessary to achieve the objectives she had been tasked with and for which she would be accountable to the Council. The Representative observed that in order to meet the goals of the office, the D-1 post required a high-calibre candidate; one suitable to represent the Organization at high-level meetings and to deal with government representatives. On this basis, the Representative was pleased to support the actions proposed in the working paper.

62. The Representatives of India, Singapore and the United States all indicated that they supported the working paper and the action points therein.

63. Referring to the organizational chart prepared by the Secretariat, the Representative of Germany wondered whether the Secretary General's span of control was not becoming too far-reaching as opposed to what was indicated in paragraph 2.2 of the working paper where one of the functions of the SPCP would be to facilitate coordination between the Headquarters and Regional Offices.

64. Responding to the comments made in previous interventions, the Secretary General expressed her appreciation for the support received. Her role as Chief Executive Officer of the Organization demanded that she not only implement the programme activities and decisions taken by Council but that she act in the best interests of the Organization. Given the current context, she considered that the proposed solution was the best possible option. The Secretary General underlined that the new post would be cost-neutral for the regular budget during the 2017-2019 triennium while the extra-budgetary posts would be funded through resource mobilization efforts and global partnerships. With regard to the concerns expressed on the transfer of the DD/HR post, the Secretary General acknowledged these but noted that the tasks of the new D-1 Head of SPCP were also intended to include corporate performance management, which represented an important element of the staff performance management process.

65. Congratulating the Secretary General for having accomplished so much with so little, the Representative of Brazil voiced her support for the proposals that had been presented and urged the Council to do the same. Although the delegation shared some concerns with regard to the transfer of an existing human resources post, the Representative believed that the proposal was nonetheless viable in the long-term.

66. The Representative of the United Republic of Tanzania recalled that during the previous session, the Council had requested a holistic review of the staffing and funding arrangements for the new SPCP office. Referring to the organizational chart prepared by the Secretariat, he noted the importance of ensuring regional coordination, partnership and resource mobilization but questioned the nature of the staffing component. He also shared the concerns expressed in previous interventions with regard to the elimination of the existing D-1 DD/HR post in ADB and enquired whether this would not subsequently create new problems. Although accepting the explanations provided by the Secretary General, he asked whether an appropriate analysis had been carried out of the effect of the redistribution of the tasks of that post. In the circumstances, the Representative suggested that rather than using an existing post to create the new D1 post in SPCP, whether other options could not have been considered instead.

67. The Representative of Mexico stressed that the Council had an obligation to report on the activities of the Organization to the Assembly and whether in this context, it might not be advisable to take a more modest approach. While the funding was clear for the present triennium, he questioned how the decision would result in long-term financial consequences. He also underscored the importance of the existing D1 DD/HR function in the Organization and in the UN system in general, as supported by the Joint Inspection Unit (JIU). With regard to the duties of the M/GAT post being reassigned to the DD/TCB, the Representative observed that this could lead to an overlap, especially in the area of technical assistance, which in turn might result in conflicting priorities. He suggested that using the vacant P-5 post in GAT might present a longer lasting solution.

68. In voicing his support for the working paper under consideration, the Representative of Egypt reasoned that based on the instructions she had received from the Council and the limited resources available, the Secretary General had presented a viable solution for the staffing of the SPCP. Given the importance of the post, the grade would have to be commensurate with the level of responsibility and competencies required. Although he also shared the concerns expressed on the elimination of the D-1 DD/HR post, he suggested that should the SPCP office produce the expected results once fully operational, funding would potentially be available for re-establishing the D-1 DD/HR post on a subsequent occasion.

69. Thanking the Secretary General for the proposal under consideration, the Representative of Kenya associated herself with the views expressed in previous interventions with regard to the elimination of the D-1 DD/HR post, which she perceived to be a core function within the Organization. In the circumstances, she suggested that another D-1 post within the Organization should have been reassigned instead of the DD/HR post. While in agreement with the general lines of the proposal, she nonetheless voiced her reservations about using the existing D-1 HR post. The Representative questioned whether the existing post of Deputy Director, Information Management and General Administrative Services (DD/IAS) genuinely warranted a D1 grading and in this regard, suggested that this should have been the post to have been eliminated rather than the DD/HR post.

70. Voicing his opinion with regard to the level of competence required for the SACP post, the Representative of Spain expressed his reservations with the solution being proposed based on eliminating the existing D-1 DD/HR post. He recalled that the DD/HR post had been created following a recommendation of the External Auditors who had considered that creating the post was essential for

ICAO. Referring to the Secretary General's mid-term progress report to the Council (C-WP/14549), paragraph 2.9, "*Improving Corporate Performance and Organizational Culture*", he noted that the four items therein related to human resources and while agreeing with the Secretary General's assessment, he also shared the views of other Representatives on the importance of human resources. He also asked what the long-term funding implications would be in creating the new D-1 post in SPCP that ostensibly could be held by an individual for a potential eight-year term. Finally, the Representative reiterated concerns raised in previous interventions on the dual role of the DD/TCB and M/GAT and considered that this could lead to conflicting priorities and difficulties in the reporting lines.

71. The Representative of the Russian Federation expressed his support for the Secretary General's proposal and expressed his confidence in the direction she had proposed with regard to the D-1 post for the SPCP, especially since this option would not create any additional budgetary burden.

72. The Representative of Sweden expressed her support for the working paper and underscored the importance of creating the new post in SPCP at a D-1 level. She concurred with the Representative of the United Kingdom, that while the proposed solution might not be the best one, it remained within budget and would initiate the process, which was what was necessary at this juncture.

73. The Representative of Italy also expressed his appreciation to the Secretariat for the working paper. The proposals contained therein represented the logical implementation of the mandate given to the Secretary General. As two of the main functions in SPCP involved coordination and partnership it would take a person with the necessary capabilities and competencies to undertake these tasks and it would be appropriate for this to be at a D-1 level in heading this function. While in agreement with the staffing levels proposed for the Partnerships and Resource Mobilization (PRM) and Strategic Planning and Regional Affairs Coordination (PRC), he noted the ambitious funding for the PRM which was intended to become self-sustaining. The Representative considered the restructuring plan as a positive look towards the future and expressed his support, while further suggesting that periodic monitoring could be undertaken especially with regard to allocation of resources.

74. Expressing his full support for the Secretary General's proposal, the Representative of the Republic of Korea reiterated comments he had made on a previous occasion in stating that the Council's role was to guide and oversee the work of the Secretariat but it was the Secretary General who should be given the necessary freedom and flexibility to carry out her mandate.

75. In also voicing his support for the working paper proposals, the Representative of Turkey agreed that the Secretary General should be given the necessary flexibility to carry out her duties. While he agreed that a D-1 level post was appropriate for the head the SPCP, he also suggested exploring options to retain the D-1 DD/HR post.

76. Highlighting the great expectations placed on the SPCP office, the Representative of Uruguay noted that it would stand to reason that only an outstanding individual would be able to head this office. Among the many priorities of the new office, of particular concern to his delegation was the objective to find the necessary resources to carry out the technical assistance for the countries needing assistance to implement SARP's under the NCLB initiative. Expressing support for the proposal, he also heeded the comments made in previous interventions with regard to the long-term sustainability of the new structure and its impact on the human resources of the Organization.

77. Recalling that the Secretary General's proposal was in response to a previous decision of the Council, the Representative of Ecuador noted that the proposed restructuring prioritized the objectives set by Council in keeping with the NCLB initiative. Subject to any possible future review, the proposal

appeared to appropriately respond to the Council's request and would certainly facilitate the work of the SPCP. While voicing his support for the proposal and agreeing that a D-1 should head the office, he nonetheless suggested re-examining the options with a view to retaining the DD/HR post.

78. The Representative of Argentina expressed his support for the proposals contained in the working paper. Given the important role of the SPCP office, it should be adequately staffed subject to a possible re-evaluation after one year. Only a person with the appropriate qualifications and experience would be able to undertake this important role, especially in dealings with external parties. He observed that given the budgetary constraints, the Secretary General had presented a reasonable, workable proposal.

79. In also speaking in favour of the proposed restructuring with a D-1 at the head of the SPCP and confident that the necessary impact analysis had been carried out with regard to the shift of responsibility within ADB, the Representative of Canada noted that with D/ADB overseeing human resources, the function was not in reality being downgraded or lost.

80. The Representative of South Africa stated that while not against the proposal under consideration, he would have preferred a solution that did not involve reassigning the D-1 DD/HR post. In his view, the human resources function was critical in the Organization and he sought assurances from the Secretary General that this move would not compromise the Organization in any way. He also expressed concern that according to the organization chart there appeared to be far too many direct reports to the Secretary General and wondered whether this was genuinely sustainable in the long-term. In addition, the Representative noted that all the current D1 posts in the Secretariat, were currently held by men, with one exception. This represented a significant gender imbalance that he hoped would be addressed with upcoming appointments.

81. In also voicing his support for the proposal presented by the Secretary General, especially as it was cost-neutral, the Representative of Malaysia recalled that this was a priority underscored by the Council on previous occasions. As a trade-off and in order to reduce funding implications, he wondered however whether it might not have been preferable to consider establishing P-4 level posts to head the PRM and PRC instead of P-5 level posts.

82. The Representative of Colombia highlighted that the main role of the SPCP would be to mobilize the necessary resources to assist States in the implementation of SARPs, especially in the context of budgetary restrictions. In order for the Secretariat to implement Council decisions he hoped that sufficient resources would be generated by the SPCP. In this connection, the Representative wondered whether a Committee should be created to advise the Council on the allocation of budgetary resources that would be raised as a result of these activities.

83. Generally agreeing with the proposal that a D-1 should head the SPCP office as well as with the intention to split the DD/TCB post along the lines of a 50-50 division with GAT duties, the Representative of Cuba noted the latter was not an ideal solution. She also remarked that the loss of the DD/HR post could potentially result in problems down the line. In relation to the proposed activities of the Partnerships and Resource Mobilization (PRM) unit, she suggested that this warranted monitoring with a full review at the end of one year. Finally, in view of the preparation of the budget for the next triennium, the Representative requested that the Council be provided with a detailed organizational chart that would present a holistic view of the whole Organization and which reflected details of the structure beyond merely the Director level.

84. In sharing the concerns expressed in previous interventions on the sustainability of the new D-1 post, the Representative of the United Arab Emirates also highlighted the importance of monitoring the deliverables once the SPCP office was established. Following the CORSIA meeting that

had been held earlier that same morning, she was conscious that there would be other pressing priorities that would require additional resources.

85. In voicing support for the actions proposed, the Representative of Japan also noted the concerns raised with regard to the conversion of the DD/HR post and suggested investigating other possibilities in order to maintain the D-1 post for human resources.

86. The Secretary General expressed her appreciation for the confidence which the Council had placed in her. Responding to the comments made with regard to the DD/HR post, she elaborated that there were currently three P-5 level posts in the Human Resources Section, heading their respective sections and reporting directly to D/ADB, thus ensuring that the department was being well managed. In response to the proposal that the DD/IAS post should have been eliminated instead, she underscored that this post had important responsibilities including oversight of ICT as well as ARGF. With regard to the sustainability of the posts to be funded through extra-budgetary funding, she assured the Council that the posts would continue to be funded this way, thus minimizing any potential impact on the regular budget. Finally, she affirmed that the SPCP office, once fully established, would represent an important stepping stone to continuous enhanced global partnerships, not only for ICAO but also for Member States and would be instrumental in implementing the NCLB initiative.

87. Following consideration, the Council:

- a) approved the proposed D-1 level staffing arrangements for the Head of SPCP;
- b) noted and approved the remaining staffing arrangements and funding sources to complement the SPCP, including the post of P-5 Chief, Strategic, Planning and Regional Affairs Coordination (PRC) Section as well as the post of P-5 Chief, Partnerships and Resource Mobilization (PRM) Section and separate P-3 post also in PRM;
- c) welcomed the assurance from the Secretariat that these new staffing arrangements for the SPCP would be cost-neutral in terms of the impact on the Regular Budget in the current triennium and requested that recourse to the use of the TCB AOSC Fund be avoided;
- d) noted that the funding currently allocated for the vacant post of D-1 Deputy Director, Human Resources (DD/HR) was being used in order to create the new post of D-1 Head of SPCP, which would result in the elimination of the post of DD/HR and further noted that this decision was being made notwithstanding the previous recommendations of the External Auditor that emphasized the need for such a role and which had led to the original creation of this position in 2012 (C-DEC 196/6 refers), such that the decision of C-DEC 196/6 was now superseded and in this connection, acknowledged that this decision did not preclude the possibility that the post of DD/HR could again be re-established by the Council at some point in the future;
- e) approved that the duties of Chief, Global Aviation Training Office (C/GAT) be assigned to D-1 Deputy Director, Technical Cooperation Bureau (DD/TCB) with direct reporting to the Secretary General while noting that the effectiveness of these dual reporting lines for this position might need to be re-assessed in the future; and

- f) requested the Secretary General to provide a comprehensive report on all these arrangements as outlined in the preceding sub-paragraphs above at the 213th Session (February/March 2018).

Any other business

Condolences

88. The Council expressed its condolences at the sudden passing away on 20 February 2017 of His Excellency, Mr. Vitaly Churkin, the Permanent Representative of the Russian Federation to the United Nations in New York.

COUNCIL — 210TH SESSION**SUMMARY MINUTES OF THE SECOND MEETING****(THE COUNCIL CHAMBER, WEDNESDAY, 22 FEBRUARY 2017, AT 1000 HOURS)****OPEN MEETING**

President of the Council: Dr. Olumuyiwa Benard Aliu

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. C. Monteiro	Panama	— Mr. G.S. Oller
Canada	— Ms. W. Drukier	Republic of Korea	— Mr. J. Hur
China	— Mr. Shengjun Yang	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. S. Kotis (Alt.)
Japan	— Mr. S. Matsui	Uruguay	— Mr. M. Vidal

ALSO PRESENT:

Dr. N. Luongo (Alt.)	— Argentina
Mrs. M.F. Loguzzo (Alt.)	— Argentina
Mr. N. Castro da Silva (Alt.)	— Brazil
Mr. Chunyu Ding (Alt.)	— China
Mr. M. Millefert (Alt.)	— France
Mr. N. Naoumi (Alt.)	— Germany
Mr. M. Ishii (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mr. S. Kim (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
Mrs. K.L. Riensema (Alt.)	— United Kingdom
Mr. J. Méndez (Alt.)	— Uruguay

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
Mr. M. Belayneh	— DD/TCB
Mr. R. Macfarlane	— DD/AN
Mr. M. Fox	— C/PRC
Mr. A. Djojonegoro	— ASP
Miss S. Black	— Précis-writer

*Part-time

Representatives to ICAO

Afghanistan
Bolivia (Plurinational State of)
Cameroon
Chile
Greece
Indonesia
Lebanon
Libya
Venezuela (Bolivarian Republic of)

Airports Council International (ACI)
Civil Air Navigation Services
Organization (CANSO)
European Union (EU)

Subject No. 16: **Legal work of the Organization**
Subject No. 24.3: **Action on Assembly resolutions and decisions**

Review of the ICAO Policy on Interactions with Third Parties

1. The Council had for consideration C-WP/14552 presented by the Chairperson of the Committee on Cooperation with Third Parties (CC3P), the Representative of Mexico, Mr. D. Méndez Mayora, to which was appended a proposed revised text of the ICAO *Policy on Interactions with Third Parties* containing the original changes proposed by the CC3P in C-WP/14523, as well as those proposed by the Ad Hoc Group established to review the said Policy and the modus operandi of the CC3P, which had been discussed by the Council during the last session (209/5 and 209/7). The Council had decided at that time not to include any of those proposed changes in the Policy. Instead, it had decided, as an interim solution, that the President of the Council appoint, under delegated authority, two or three additional Representatives as Members of the CC3P, and to return to this subject during the 210th Session. Accordingly, the Representatives of Japan, the Russian Federation and the United Republic of Tanzania had been appointed as Committee Members, as notified to the Council in the President's e-mail dated 18 January 2017.

2. The Ad Hoc Group had continued its review in the interim in consultation with Representatives. Its additional proposed changes were reflected in C-WP/14552 (by underlined and crossed-out text) and included the following, inter alia:

- replacing the term “third parties” with “external parties” throughout the document, and renaming the CC3P the Committee on Cooperation with External Parties (CCEP);
- revision of new sub-paragraph e) in paragraph 4.1 of the Policy, which would now read “e) *Authority of the Council*: The Authority of the Council to approve arrangements with external parties may be exercised by the President of the Council under authority delegated by the Council pursuant to this Policy.”;
- further amendments to paragraph 4.2 a) and b);
- further expansion of the list of categories of third-party arrangements exempted from review by the CC3P (cf. Appendix A), whereby proposed amendments to, or renewals of, signed arrangements may be exempted from the CC3P review process, provided that the original documents to be amended or renewed have been previously endorsed by the CC3P and their terms and conditions are not materially different from those contained in the original document, as determined by the Legal Affairs and External Relations Bureau (LEB); and
- incorporation of a new Appendix C containing a flowchart depicting the four phases of the administrative process for proposed third-party arrangements [early assessment by the Secretariat; due diligence and risk assessment by the Committee and the President; signature by the appropriate authority as decided by the President upon receipt of the Committee's report; and notification to the Council through posting of the signed arrangements in the central repository on its website].

3. Recalling that initially the Policy had some exempted categories of third-party arrangements, the President of the Council thanked the Chairperson of the CC3P and the above-mentioned Committee Members for having subsequently recommended other exemptions based on the experience gained in implementing the Policy. In likewise expressing appreciation to the Chairperson of the Ad Hoc Group, the Representative of Spain, Mr. V.M. Aguado, and the other Group Members (the Representatives of Canada, Malaysia, Mexico, the Russian Federation, South Africa and the United Arab Emirates) for their proposals for additional exemptions, he emphasized that Appendix A was a living document and as such could be further amended in the future.

4. In elaborating on the Ad Hoc Group's work, its Chairperson underscored that it had been conducted in strict compliance with the relevant Assembly Resolutions, notably A1-10 (*Relations with public international organizations*) and A1-11 (*Relations with private international organizations*), and provisions of the Chicago Convention relating to the role of the Council and its President. Its objective had been to enhance the overall administrative process for ICAO-third-party arrangements through the facilitation of the Secretariat's related work and the avoidance of bottlenecks in the processing of such arrangements, including those with Member States. In emphasizing that the Ad Hoc Group had taken into account the many comments received on the Policy and the CC3P review process, he recalled that some Member States and international organizations had highlighted that in their experience, it took longer than necessary to conclude arrangements with ICAO. The Ad Hoc Group had accordingly focused its efforts on facilitating the said administrative process. The Chairperson noted that LEB had participated in all of the Ad Hoc Group's meetings.

5. In then turning to the scope of the Ad Hoc Group's work, the Chairperson stressed that it had not called into question the existence of the CC3P; rather, it had endeavoured to ensure that the Committee could function more smoothly. It had not reviewed the *Guidelines on a Principle-based Approach to the Cooperation between the United Nations and the Business Sector* annexed to the Policy. The Chairperson recalled the four basic points on which the Ad Hoc Group had previously reached agreement and which had led to the changes it had proposed during the last session of the Council (cf. C-DEC 209/7, paragraph 25), then highlighted its additional proposed changes as described in paragraph 2 above.

6. Drawing attention to the flowchart depicting the four phases of the said administrative process (cf. new Appendix C), the Chairperson of the Ad Hoc Group indicated that under the first phase, the Secretariat conducted a preliminary or early assessment of a proposed arrangement with ICAO submitted by a Member State or other third party, such as an international organization, to determine if it was administrative in nature and fell under any of the categories of arrangements exempted from review by the CC3P as listed in Appendix A. He reiterated that the Ad Hoc Group, drawing on the experience of the Chairperson of the CC3P, was proposing to further expand that list in order to facilitate the Secretariat's work (cf. fourth bullet of paragraph 2 above). In the case where the Secretariat determined that a proposed administrative arrangement fell under one of the exempted categories and was in compliance with the corresponding CC3P-approved template, it transmitted the arrangement directly to the Secretary General for approval and signature. The President of the Council and the CC3P were informed thereof by means of an electronic notification, and the Council was duly notified through the posting of the signed arrangement in the central repository on its website. In that manner, the process was completely transparent.

7. In the case where the Secretariat determined that a proposed arrangement did not fall under any of the exempted categories, it submitted the arrangement directly to the Secretary General for transmittal to the CC3P for review. After performing due diligence and risk assessment, the Committee determined whether it was administrative in nature or whether it had policy or other types of implications and presented its recommendation to the President of the Council for approval. In most instances, the President, acting under delegated authority from the Council, would approve the proposed arrangement. However, the President could consult the Council in the event that he deemed it necessary to obtain its approval. The President would thereafter decide on the signature authority. Those arrangements which were non-administrative in nature were signed by the President, and those that were administrative in nature were signed by the Secretary General. In both cases, the Council was notified through the posting of the signed arrangement in the said central repository, to ensure full transparency.

8. The Chairperson of the Ad Hoc Group then put forward an idea that he had not discussed previously with the latter or with the Secretariat but which he considered to be important: establishing

timeline references for the first two phases of the administrative process for proposed third-party arrangements (Appendix C). He noted, in this regard, that various Council Members had informed him of proposed arrangements with ICAO that had taken several months to formally conclude. The Chairperson could think of no plausible explanation for holding up any type of proposed arrangement for that length of time in order for a recommendation to be given as to its approval. He recognized, however, that following completion of the first two phases of the administrative process (early assessment by the Secretariat, and due diligence and risk assessment by the CC3P and the President of the Council), it could take several months for the arrangement to be signed due to scheduling difficulties or other reasons on the part of the signatory authority. Although he had not consulted the Secretariat, the Chairperson considered that a reasonable timeline for the first phase would be three to four weeks, and the second phase, one week. He emphasized that those timeline references would ensure that any proposed third-party arrangement could be decided upon within four to five weeks.

9. The Chairperson of the Ad Hoc Group noted that Council Members had often asked him about the mechanism that had previously been in place for the review of proposed third-party arrangements with ICAO and why it was necessary for the CC3P to review proposed arrangements with Member States. The answer to the first question was very simple: in the past, the President, under delegated authority from the Council, had examined all proposed arrangements. In general, non-administrative arrangements had been signed by the President, and administrative arrangements, by the Secretary General.

10. With regard to the second question, the Chairperson of the Ad Hoc Group indicated that while the Secretary General might wish to clarify the Committee's *raison d'être*, he considered that its mission was not to review the technical merits of a proposed arrangement but rather to perform due diligence and risk assessment and to make a recommendation to the President of the Council for approval. That issue had not yet been discussed in the Ad Hoc Group, however.

11. In concluding, the Chairperson of the Ad Hoc Group noted that the issues of timeline references for the first two phases of the administrative process, and the CC3P's mission, required further clarification. He underscored that at the end of the day it was necessary to have a transparent process that culminated in notification to the Council electronically. The Chairperson reiterated that the list of categories of arrangements exempted from review of the CC3P (Appendix A) was a living document which could be amended to reflect future decisions of the Council to exempt additional categories based on experience gained in the Policy's implementation. He noted, however, that such changes would not affect the underlying administrative process. Recalling that he had received, the previous evening, certain proposals from the Secretariat, the Chairperson indicated that some could be accommodated without changing the said process.

12. The President of the Council first gave the floor to Members of the Ad Hoc Group, as follows:

13. Affirming that the Group's additional proposed changes to the Policy were a step forward, the Representative of the Russian Federation recommended that the Council approve them, as well as the amendments proposed previously, as reflected in the revised text appended to C-WP/14552. Underscoring that the whole Policy was a living document and thus open to further enhancements, he spoke in favour of establishing reasonable timelines for at least the first two phases of the administrative process for proposed third-party arrangements.

14. Endorsing the interventions by the Chairperson of the Ad Hoc Group and the Representative of the Russian Federation, the Representative of the United Arab Emirates suggested that the Chairperson of the CC3P advise the Council regarding the amount of time required to complete each

phase in order to facilitate its establishment of minimal timelines.

15. In expressing support for the Ad Hoc Group's additional proposed changes, the Representative of Malaysia concurred that it would assist in the interpretation of the said administrative process if timelines were established for each phase thereof. With regard to Appendix A, he suggested that the CC3P be requested to consider the issue of fees charged for training courses offered under partnership arrangements between ICAO and third parties and make recommendations to the Council as to whether or not such arrangements should in future be reviewed by the Committee.

16. The Representative of South Africa also voiced agreement with the Ad Hoc Group's proposed changes to the Policy.

17. The President of the Council then gave the floor to Members of the CC3P, as follows:

18. The Representative of the United Republic of Tanzania emphasized that many good improvements were being proposed, among which was the incorporation of new Appendix C, which would ensure the efficiency of the administrative process for third-party arrangements, including the performance of due diligence and risk assessment by the Committee and the President of the Council. He nevertheless hoped that there would be the opportunity to propose further improvements in future.

19. The Representative of Japan noted that, as a new Member of the CC3P, he found reviewing all of the proposed third-party arrangements referred to the Committee to be a daunting task. That led him to suggest, in light of the practice followed by other organizations, that the Council consider in future delegating authority to the Secretary General to directly review those proposed arrangements relating to voluntary contributions to ICAO, whether in cash or in kind, prior to signing them on behalf of the Organization. A clear framework and criteria for handling such arrangements could be established by the Council, as had been done by the said organizations. The Representative of Japan averred that such delegation of authority to the Secretary General would save time and resources and further enhance the efficiency of the CC3P. He stressed the importance of transparency in the overall administrative process for third-party arrangements and the Committee's contribution to that transparency.

20. Recalling that it was Colombia that had originally proposed, at the 38th Session of the Assembly, that the Council be requested to provide guidelines and adopt policies for the interactions of ICAO with third parties in the form of endorsements and Memoranda of Understanding (MoUs) (cf. A38-WP/338), the President asked its Representative on the Council whether the proposed revised ICAO Policy appended to C-WP/14552 was still consistent with its original intent.

21. The Representative of Colombia prefaced his reply by voicing appreciation to the Chairpersons and Members of the CC3P and the Ad Hoc Group and to the Secretariat for their excellent work. He noted that the intent behind Colombia's original proposal was to ensure that ICAO did not passively approve arrangements proposed by third parties and that there were guidelines and policies in place to prevent conflicts of interest and to guarantee transparency, fairness and objectivity in the selection of arrangements with other international organizations, industry and academia. Underscoring that the current mechanism for reviewing and approving proposed arrangements was more efficient than the one that had been in place previously, the Representative of Colombia spoke in favour of the Council approving the proposed revised ICAO Policy as presented in the paper and taking more time to discuss other related issues in the future as it set the direction for ICAO. He cited, in this context, the possible development of policies for various classifications of arrangements, such as those concluded between ICAO and universities.

22. The Secretary General highlighted that within the United Nations (UN), the *Guidelines on a Principle-based Approach to the Cooperation between the United Nations and the Business Sector*, which was a reference for the ICAO Policy, was applied strictly to the UN's interactions with the business sector and not to its relationship with Member States. She also highlighted that on some occasions her Senior Management Team, comprising the Bureau Directors and Regional Directors, had raised serious concerns regarding the CC3P review process, in particular, its impact on the efficient operation of the Organization. However, those concerns had not been consolidated and brought to the Ad Hoc Group's attention during its deliberations.

23. In advocating a return to the previous mechanism under which proposed arrangements with Member States had been entrusted to the President of the Council and the Secretary General, the Representative of Saudi Arabia underscored that it had been transparent and efficient, and had enhanced productivity by facilitating the Organization's work. He also emphasized that it reflected the Council's confidence in its President and his skills, as well as its trust in the Secretary General and the Secretariat. The Representative of Saudi Arabia averred that the proposed additional exemptions from CC3P review would place an additional burden on the Secretariat and distract it from providing assistance to Member States, without leading to any improvement in the administrative process for third-party arrangements. Recalling the emphasis which the Chicago Convention placed on State sovereignty, he stressed that it was unacceptable that an arrangement with ICAO proposed by Saudi Arabia could be rejected by another Member State serving as a member on the CC3P.

24. The President of the Council rejected any notion that Representatives took actions solely for the benefit of their respective Member States and/or against the interests of other Member States, which would call into question the integrity of the Council as a whole. He stressed that the fundamental premise underlying the Council's election was that it worked on behalf of the 191 ICAO Member States which had elected it. Thus each Representative served the interests of all Member States, not only on the Council but also on every committee and working group.

25. Reiterating the comments which he had made during the Council's previous discussion of this subject (209/7) as they were not reflected in the proposed revised text of the Policy, the Representative of France emphasized the need for the Council to determine what it was trying to solve with the approach outlined therein. In his view, the main problem to address was the risk of damaging ICAO's reputation through partiality, which arose mainly from its relations with the private sector, and to a much lesser extent from its relations with Member States. While the Representative of France thus considered that the Policy's new provisions should address that problem as a priority, that did not seem to be the case. In then seeking clarification regarding the term "external parties" used in the revised text, which was not defined therein, he noted that the term commonly used in the United States was "third parties", which had been used in the Policy's original text.

26. In also enquiring how Member States could be considered to be "external parties", the Representative of France averred that they could not be placed on the same level as others, such as the private sector. While agreeing with the President that the Council served the collective interest of all Member States, he underscored the need to examine the issue raised by the Representative of Saudi Arabia of a Member State represented on the Council and on the CC3P trying to exert control over another Member State through its opinion on the latter's proposed arrangement with ICAO, which could lead to the imposition of conditions by the Committee. The Representative of France stressed that it was also necessary to have a specific mechanism for addressing the relations between ICAO and Member States. Emphasizing that one was likewise needed for addressing the very important technical collaboration between ICAO and the other international organizations comprising the United Nations (UN) family, he averred that the CC3P review process was too cumbersome and complicated for relations that should be natural and easy and based on trust within the UN family. Underscoring the consequent need

for a very broad exemption for proposed arrangements with all UN organizations, the Representative of France indicated that the Policy's scope should be reviewed and amended accordingly.

27. In reiterating the importance of streamlining the review of proposed ICAO-third-party arrangements in order to reduce the overall amount of time taken to conclude them, the Representative of France expressed concern that in its desire to exert greater control over such arrangements through the envisaged changes to the Policy, the Council risked adversely affecting the Organization's efficiency and effectiveness. He repeated his earlier suggestion (209/7) that proposed arrangements be subject to an initial sorting by the Secretariat to determine if they related to administrative matters, policy matters or other matters not falling under either category, before they were referred to the CC3P to avoid overburdening the Committee. A precise framework for such filtering could be included in Appendix A to the revised Policy. The Representative of France cautioned that without such filtering the review process would very quickly become bogged down and ICAO would consequently lose opportunities for cooperation and collaboration with third parties as the latter would be unwilling to wait a long period of time to conclude arrangements with the Organization. It was thus necessary for the Council to: review and revise the scope of the Policy so that it would focus on relations with the private sector; and establish a precise filter for proposed arrangements for inclusion in Appendix A.

28. While noting that there were other important issues to address, such as balanced representation of Council Members and the Secretariat on the CC3P, the Representative of France underscored that the main task was to further consider the Policy's underlying principles, especially in view of the new ideas raised during the present meeting, notably the establishment of timelines for the various phases of the administrative process. He stressed that the Council should first define its objective and the role it wished to confer upon the CC3P, and thereafter determine the procedure to be followed and the composition of the Committee.

29. Endorsing these comments, the Representative of Singapore reiterated that the main issue raised during the Council's previous discussion (209/7), namely, the exemption of proposed arrangements with Member States from the CC3P review process, had not been subsequently considered by the Ad Hoc Group and was not reflected in the proposed revised Policy. In therefore requesting that the Council at least discuss that issue, he recalled that Colombia's original proposal (A38-WP/338) only covered interactions with international organizations, industry and academia and made no reference to interactions with Member States or Member State entities. The Representative of Singapore therefore considered that the CC3P should focus on reviewing only proposed arrangements with the business sector, international organizations, non-governmental organizations and institutes of higher learning (academia).

30. Recalling the comments made regarding Assembly Resolutions A1-10 (*Relations with public international organizations*) and A1-11 (*Relations with private international organizations*), the Representative of Singapore averred that they related to arrangements between ICAO and international organizations, whether governmental or non-governmental and thus, in his view, did not cover arrangements with Member States and Member State entities. In supporting the intervention by the Representative of Saudi Arabia, he recalled that in the past the President of the Council and the Secretary General had been entrusted with reviewing all of the proposed third-party arrangements to ensure the integrity, impartiality and independence of ICAO. Noting that there had been no Committee comparable to the CC3P in existence at that time, including when the 1990 Headquarters Agreement was concluded with Canada, the Representative of Singapore remained unconvinced that having the CC3P scrutinize proposed arrangements with Member States would significantly enhance ICAO's integrity, impartiality and independence.

31. Emphasizing that his remarks should not be misconstrued as being critical or disrespectful of the CC3P and the Ad Hoc Group, the Representative of Singapore applauded their work,

citing the many good elements of the administrative process for proposed arrangements (cf. flowchart in Appendix C). Highlighting, in this context, that it was for the President of the Council to decide, upon receipt of the CC3P's report, on the appropriate authority to sign the proposed arrangements, he underscored that such filtering by the President added clarity and transparency to the administrative process. The Representative of Singapore voiced support for the proposed establishment of timelines for the latter's various phases, as well as for reflecting the Senior Management Team's concerns in the revised Policy.

32. The Representative of Nigeria also spoke in favour of the revised Policy as presented in the Appendix to the paper, subject to any changes which the President of the Council might later suggest in light of the comments made and concerns expressed during the discussion.

33. Noting that his concerns were similar to those voiced by the Representatives of Singapore and France, the Alternate Representative of the United States reiterated the need to consider the core objectives that the Council was trying to achieve through the Policy, which may have been lost from view during its many discussions: facilitating the conclusion of arrangements with Member States for the provision of assistance and expertise to ICAO; reducing the Secretariat's workload; and making the administrative process more efficient through use of the CC3P. Averring that those objectives were not being met, he underscored that, in the United States' experience, it was taking longer to conclude arrangements with ICAO since the CC3P review process had been instituted. Observing that all governments had internal deadlines for concluding such arrangements, the Alternate Representative of the United States emphasized that adding increased complexity to the ICAO approval process did not facilitate matters. He recalled, in this regard, anecdotes from members of the Secretariat who had to divert a significant portion of their time away from their regular work to the verification and processing of the proposed arrangements. The Alternate Representative of the United States underscored that whereas the CC3P took only a short period of time to complete its review of each proposed arrangement, there was much behind-the-scenes work by the Secretariat during the preceding first stage of the administrative process.

34. In that context, the Alternate Representative of the United States failed to see the value, or the appropriateness, of having proposed arrangements with Member States being subject to the CC3P review process. He sought statistics regarding the number and types of proposed arrangements reviewed by the Committee, in particular, the number of proposed arrangements with Member States. Agreeing that arrangements with the private sector might give rise to serious ethical issues that would need to be examined, he emphasized that the CC3P should focus its attention thereon, taking into account the *Guidelines on a Principle-based Approach to the Cooperation between the United Nations and the Business Sector* annexed to the Policy. The Alternate Representative of the United States recalled, in this regard, that the Representative of Japan found it to be a daunting task, as a CC3P Member, to review all of the proposed arrangements submitted to the Committee.

35. The Alternate Representative of the United States indicated that although the above were only anecdotal pieces of information, they did not lead to the conclusion that the CC3P review process was facilitating work relating to, and culminating in, the conclusion of third-party arrangements with ICAO, whether from the point of view of Representatives and members of the Secretariat serving on the Committee or national administrations. He therefore supported the proposal that arrangements with Member States be exempted from the CC3P review process.

36. Recalling the remarks he had made during the Council's previous consideration of the Policy (209/7), the Representative of the United Kingdom reiterated that he needed to consider the proposed changes to the Policy from two perspectives: that of a Council Member, in terms of the functioning of the Organization; and that of a Representative of a Member State which from time to time

entered into arrangements with ICAO, in terms of how cumbersome the proposed changes to the review process would be. In giving an example of how the review process was in danger of breaking down, he cited how in 2016 he had been faced with the choice of either signing, on behalf of the United Kingdom, a secondment arrangement with ICAO which he considered to be faulty or having the matter referred to the CC3P with such a long timeline that the actual window for that secondment would have passed, rendering the arrangement of no use. After a long consultation with lawyers in London, the Representative of the United Kingdom had decided to sign the said secondment arrangement as he had considered the latter to be in ICAO's interests, regardless of its perceived faults. He averred, however, that neither he nor the Organization should ever have to enter into faulty arrangements.

37. Referring to the suggested establishment of timelines for the various phases of the administrative process, the Representative of the United Kingdom indicated that although he could possibly believe that they might be achievable during the Committee and Council phases of each session, when Representatives were present at ICAO Headquarters in Montréal, he considered that there would be problems meeting a timeline of four to five weeks for the review of proposed arrangements relating to secondments, the hosting of meetings, etc. during the recesses, in particular during the summer recess, even though such arrangements would not require that amount of time to be reviewed. He underscored that a long and cumbersome review process would not encourage Member States to provide assistance to ICAO through the conclusion of arrangements with the latter, and that the proposed amendments to the Policy would not solve the underlying problems.

38. On the question of the interests of the Organization, the Representative of the United Kingdom recalled that at its previous meeting (210/1) the Council had agreed to staffing arrangements and funding sources for the newly-created Strategic Planning, Coordination and Partnerships Office (SPCP), which was aimed at ensuring, inter alia, that ICAO would be better able to enter into partnerships with international governmental organizations, other international organizations within the UN common system, etc. ICAO would consequently need to be much more nimble in future in terms of its ability to conclude arrangements, and would require a mechanism that was considerably more lightweight and flexible than the one currently in place.

39. Noting that the issues raised were greatly problematic, the Representative of the United Kingdom cited the issue of principle highlighted by the Representatives of France, Singapore, Saudi Arabia and others relating to the exemption of proposed arrangements with Member States from the CC3P review process. He emphasized the need to also consider the issue of practicality as well and to further expand the categories of exemptions to include proposed arrangements with international governmental organizations. While agreeing with previous speakers that the Council should take a step back and consider the longer term future of the Organization, he emphasized that it was not possible to simply stop the clock: it was necessary to go forward. The Representative of the United Kingdom thus suggested, as an interim solution that would assist in unblocking the situation and enable a step forward to be taken, that the Council delegate authority: to the Secretary General to review, approve and sign proposed administrative arrangements with Member States, international governmental organizations and international organizations within the UN common system rather than having such arrangements be subject to the CC3P review process; and to the President for those cases where there was some doubt that the arrangements were purely administrative in nature and it was considered that they may have wider implications. In stressing the need for the Council to also consider the issue of relations with other organizations more broadly, the Representative of the United Kingdom stressed that it was necessary to examine the more fundamental question of what would be achieved through the review process. He emphasized that his suggested short-term solution, whereby proposed administrative arrangements with Member States, international governmental organizations, and UN organizations would be exempted from the CC3P review process, would enable a smooth process and would constitute a reasonable compromise.

40. In acknowledging the President's continuous efforts to guide the 36 Council Representatives in their work and decision-making, the Representative of Uruguay reiterated the importance of the Council representing the interests of all ICAO Member States at all times, in particular in taking action with regard to the subject now under discussion, the *ICAO Policy on Interactions with Third Parties*. While considering that the proposed revised Policy established a good common denominator for moving forward, he agreed that further work thereon was required in order to address the various concerns raised, which he shared, and to achieve the necessary consensus.

41. Underscoring that the Organization's 191 Member States constituted a big family called "One ICAO", the Representative of China maintained that no member of that family should be considered as a "third party" or "external party". In thus sharing the views expressed by the Representatives of France, Singapore and the United States (Alternate), he emphasized that: the Policy's scope of application should be confined to what had originally been proposed by Colombia in A38-WP/338, namely, to international organizations, industry and academia; and that the term "external party" should be explicitly defined in Section 1 of the revised Policy.

42. In endorsing the comments made by the Representatives of Saudi Arabia, France, Singapore, the United States (Alternate), the United Kingdom, Uruguay and China, the Representative of India left it to the President of the Council to address the issue raised regarding proposed arrangements with Member States. He emphasized the importance of ensuring that the latter did not feel as if they were external to the Organization.

43. The Representative of Egypt indicated that he was very worried that the serious concerns raised by the Senior Management Team regarding the CC3P review process had not been brought to the Ad Hoc Group's attention and reflected in the proposed revised Policy as the Bureau Directors and Regional Directors were the ones who worked with the Member States in the field and who were thus aware of their concerns. He emphasized that in order to ensure the Policy's successful implementation, it was necessary for the Council to take into account the Secretariat's views prior to taking a decision, especially as it was dealing with a legal issue that could impact the Organization's reputation. The Representative of Egypt thus supported the interventions by all previous speakers, including the Chairperson of the Ad Hoc Group.

44. Referring to the intervention by the Representative of Saudi Arabia, the Representative of Egypt reiterated that the CC3P's review of proposed arrangements with Members States could negatively affect State sovereignty, particularly if the Council were to decide that such arrangements would not be exempted from the Committee's review in the future. He noted that while Egypt could become a member of the CC3P at some point, it would not wish the Committee to delve into matters that could impact its relations with ICAO. For that reason, the Representative of Egypt agreed with the Representative of Saudi Arabia that the Council should continue to place its confidence in the President of the Council and the Secretary General and return to the said previous mechanism under which they were entrusted with arrangements with Member States. He emphasized that whereas that simpler mechanism would enable decisions to be made more promptly, the complicated administrative process that was proposed could perhaps hamper the Secretariat's work and thus slow down decision-making.

45. Referring to the issue of establishing timelines for the various phases of the administrative process, the Director, LEB (D/LEB) indicated that in his experience with the CC3P up to seven working days might be required for a proposed arrangement to be processed by the Committee. He noted that a number of factors could affect the overall timeline for the review, approval and signature of a proposed arrangement, the main one being the latter's level of maturity. For those arrangements that were tightly drafted, the whole process was completed quickly and easily. On the other hand, arrangements

which dealt with a new subject and whose text could be immature would require much negotiation between ICAO and the submitting party, resulting in a much longer overall process. D/LEB cautioned that by establishing a timeline for the completion of the entire process might put the Secretariat in a position where it was forced to accept terms that might not be in the Organization's best interests.

46. To the question raised of whether arrangements with Member States should be subject to the CC3P review process, D/LEB underscored that while Colombia's initial proposal (A38-WP/338) made no mention of such arrangements, the draft Policy for interactions between ICAO and third parties subsequently submitted to the Council by Bolivia (Plurinational State of), Colombia, India, Malaysia and the Russian Federation indicated that stakeholders included government authorities (Member States and Member States' agencies) (cf. C-WP/14225, Annex 2; 203/5 and 203/8). Similarly, the draft Policy for interactions by ICAO with third parties which the Secretary General had presented for the Council's consideration in conjunction with C-WP/14225 applied to Member States and Member State entities, inter alia (C-WP/14195, Appendix, paragraph 1.3 and 3.1).

47. D/LEB noted that it was clear from the International Law Commission's studies and reports to the UN General Assembly that Member States had their own legal personality separate to that of the Organization. In underscoring that the exemption of arrangements with Member States from the CC3P review process was a separate policy issue to be decided by the Council, he indicated that whatever decision was reached he would need clear guidance regarding the approval and signatory authority of such arrangements so that he could provide appropriate advice to the relevant operational offices. D/LEB reiterated that Assembly Resolutions A1-10 and A1-11 granted the Council the authority to enter into arrangements with public (governmental) international organizations and private (non-governmental) international organizations, respectively. He noted that although the Chicago Convention made references to agreements, there had never been, at the policy-making level, clear guidance on how ICAO should treat arrangements with Member States and Member State entities as regards approval and signature authority.

48. Observing that Representatives now had a clear perspective of that issue, the President of the Council emphasized that while the Chicago Convention was an instrument that was binding on all 191 Member States, it was also ICAO's constituent instrument, establishing the Organization's legal personality. Although the Chicago Convention contained several Articles relating to the Council's responsibility to conclude suitable arrangements with, inter alia, individual Member States or groups of Member States, and such responsibility was reflected in various Assembly Resolutions, the Council had a fair degree of latitude in terms of delegating authority to the President and the Secretary General to approve and sign such arrangements. Noting that under Article 51 b) of the Chicago Convention one of the duties of the President was to serve as representative of the Council, he indicated that he consequently took many actions on behalf of the Council, notably when it was not in session.

49. The President of the Council noted D/LEB's clarification regarding potential causes for any perceived inefficiency in the administrative process. Highlighting that the CC3P made recommendations, and not decisions, regarding the approval of proposed third-party arrangements, he indicated that the Committee's reports assisted him in deciding on the signature authority. The President emphasized that in reviewing those reports, he verified that they were not injurious to the interests of a particular Member State, which addressed the concern raised by the Representative of Saudi Arabia and shared by others. He underscored that he would perform such verification even if a proposed arrangement were not reviewed beforehand by the CC3P.

50. The Representative of Cuba prefaced her comments by emphasizing that the CC3P's and the Ad Hoc Group's proposed amendments to the Policy, which she supported, should not be taken as criticism of the existing review process but rather as suggestions to enhance its efficiency. She noted that they were aimed at improving the work of the CC3P, which had been established by the Council to

facilitate the performance of its functions as delegated by the Assembly pursuant to Article 54 b) of the Chicago Convention, one of which was the conclusion of suitable arrangements with third parties. Her point of view was thus different from that of other Representatives, who considered that the Committee's purpose was to reduce the Secretariat's workload. The Representative of Cuba emphasized that the Policy facilitated the Council's work by clearly defining which categories of arrangements could be transmitted directly to the Secretary General for appropriate action. She underscored that whereas the Secretary General had the means to process the numerous proposed arrangements in the form of the Secretariat, the President did not, as the 36 Council Members were not in a position to devote the required amount of time to processing the many arrangements due to other pressing priorities. The Council had thus established the CC3P to assist the President in that regard.

51. Referring to the comments made regarding proposed arrangements with Member States, the Representative of Cuba recalled that the CC3P did not review the following categories of arrangements (cf. Appendix A):

- a) MoUs between ICAO and Member States relating to the Universal Safety Oversight Audit Programme Continuous Monitoring Approach (USOAP CMA), and the Universal Security Audit Programme Continuous Monitoring Approach (USAP-CMA);
- b) arrangements concluded with Member States and organizations within the UN common system, which pertained to staff secondments, transfers, loans and as now proposed, provision of short-term experts;
- c) cooperation agreements between ICAO and third parties relating to the ICAO Programme of Aviation Volunteers (IPAV); and
- d) as now proposed, Training Services Agreements (TSA) between ICAO and civil aviation authorities that were based on and were not materially different from the current TCB Management Service Agreement (MSA) mentioned in paragraph 2.3 of the Policy.

52. Furthermore, it was proposed that, in the interest of efficiency, proposed amendments to, or renewals of, signed arrangements may be exempted from the CC3P review process, provided that the original documents to be amended or renewed have been previously endorsed by the CC3P and their terms and conditions are not materially different from those contained in the original document, as determined by LEB. The Representative of Cuba underscored that any Member State that considered that its concerns had not been reflected in the proposed amendments to Appendix A could present its proposal to expand the list of exempted categories.

53. The Representative of Cuba highlighted that it was also proposed to include, under General Principles, a new sub-paragraph e) in paragraph 4.1 of the Policy to reflect that the authority of the Council to approve arrangements with external parties may be exercised by the President of the Council under authority delegated by the Council pursuant to the Policy. Emphasizing that that addressed her previously-expressed (209/5) concerns about governance, she recalled that under Article 54 b) of the Chicago Convention, the Council shall "carry out the directions of the Assembly and discharge the duties and obligations which are laid on it by this Convention;"

54. Affirming that the flowchart for the administrative process (Appendix C) was simple, clear and appropriate, the Representative of Cuba noted that all that now needed to be done in that regard was to define the timelines for the various phases.

55. Recalling that each time the Council discussed an administrative issue it was indicated that ICAO should adopt the same practice as other international organizations within the UN common system, the Representative of Cuba emphasized the need to recognize that ICAO, as the technical organization responsible for international civil aviation, did not necessarily follow the same practices as they did as it had its own constituent instrument, the Chicago Convention, which governed the way in which it worked and which should be respected. She underscored that Representatives should continue to place all of their trust and confidence in the President and the Secretary General to ensure that the Council functioned as efficiently and cost-effectively as possible. The Representative of Cuba concluded by reiterating her support for the proposed amendments set forth in C-WP/14552 and expressing the hope that a consensus could be reached regarding the inclusion of arrangements with Member States in the list of exempted categories contained in Appendix A thereto as suggested by some Representatives.

56. The Representative of Panama strongly endorsed these comments. Recalling that he had previously worked for a few years on his Member State's technical cooperation projects with ICAO, he highlighted that 2019 would mark 50 years of such technical cooperation with the Organization. In voicing support for the work done by the CC3P and the Ad Hoc Group to enhance the *ICAO Policy on Interactions with Third Parties*, he affirmed that the proposed revised text constituted a big step forward.

57. In noting that he shared most of the views expressed by the previous speakers, the Representative of Turkey endorsed those expressed by the Representatives of China and France given the importance of defining the term "external party". It was clear from D/LEB's explanation, however, that the exemption of arrangements with Member States was a separate policy issue to be decided by the Council. In view of ICAO's nature, the Representative of Turkey considered that Member States should be regarded as partners rather than as external parties since most of their arrangements with ICAO were Memoranda of Understanding (MoUs) on technical matters which were not even subject to review by the CC3P. He agreed with the Representatives of the United Kingdom and the United States (Alternate) on the need for a quick, flexible system which strengthened the role of the President of the Council and the Secretary General in the review of proposed arrangements with Member States through the use of an efficient filter which would distinguish between arrangements based on the external parties' proximity to ICAO. The Representative of Turkey noted that Member States and UN organizations were considered to be in very close proximity to ICAO, while the business sector and non-governmental organizations were less so. The Secretary General, the President of the Council and LEB should decide on the paperwork required and the approval procedure. The Representative of Turkey emphasized that from his perspective it was not all that important whether or not the CC3P reviewed proposed arrangements with Members States since it was a technical body that facilitated the work of the Secretary General and the President of the Council. He could therefore accept the majority decision in that regard. In reiterating that from the policy point of view ICAO Member States should not be considered as external parties as it was mostly technical work that they undertook in collaboration with the Organization, he underscored that if a complicated arrangement were submitted by a Member State, then it could be dealt with separately.

58. The Representative of Kenya noted that her concerns regarding the timelines for the various phases of the administrative process and the role of the CC3P had already been clarified. Observing, however, that the Council was giving the Secretariat different signals each time it discussed the *ICAO Policy on Interactions with Third Parties*, she stressed the need for the Council to self-reflect and to set one objective, agree on its role in achieving that objective, and give one directive to the Secretariat in order to enable the Organization to make progress in this area.

59. In emphasizing that he would find a way to weave a Council decision that addressed the legal, policy and politically-sensitive issues raised, the President thanked Representatives for their trust and confidence in his ability to do so, both now and in the past.

60. While sharing some of the concerns expressed by several Representatives on the need to ensure State sovereignty in the context of their proposed arrangements with ICAO, the Representative of Brazil acknowledged the excellent work done by the CC3P and the Ad Hoc Group to enhance the Policy. She considered that their proposed revised text would be a good basis for going forward if: the Policy were amended to reflect that the CC3P review process did not apply to proposed arrangements with Member States, and any definition of third parties did not encompass Member States; and the Council's decision, to be proposed by the President, also made that clear. The Representative of Brazil suggested that the Council give the CC3P and the Ad Hoc Group a vote of confidence by putting into practice the proposed administrative process (Appendix C) for one year, following which it would review its implementation.

61. The Representative of Argentina likewise commended the work done, in particular by the Chairperson of the CC3P. Observing that politically-sensitive questions of principle had been raised that could not be resolved during the present meeting, he suggested that an alternative procedure be followed that would enable all stakeholders to participate in the further review of the Policy and the Council to return to this subject before the end of the current session. The Representative of Argentina indicated, in this regard, that while he considered the proposed administrative process to be appropriate, it was necessary to define its scope of applicability.

62. The Representative of Italy highlighted two essential points: the need to strike a balance between advancing ICAO's Strategic Objectives through third-party arrangements and safeguarding the Organization's reputation; and the need for a more efficient and expeditious administrative process that would include a filtering of proposed arrangements to ensure that only good ones were selected and approved. Noting that national Delegations often assisted their respective Member State entities in drawing up and presenting arrangements to ICAO, he emphasized that the existing administrative process, while much improved, did not guarantee their timely review, approval and signature. Underscoring that it also did not guarantee the rejection of bad arrangements as its scope of applicability was too broad, the Representative of Italy stressed the need for the administrative process to focus on those third-party arrangements that were not with Member States.

63. The Representative of Australia acknowledged the work that the CC3P had diligently undertaken in pursuing its functions over time, and the work by the Ad Hoc Group in reviewing the administrative process and carefully building on the existing foundation. He nevertheless considered that the very well thought-out and well-engineered process was becoming a little too over-engineered for the purposes that the Council needed it to address. The Representative of Australia underscored that whereas the Council certainly needed to oversee the work of the Organization, it did not need to do it all and could not do it all. He averred that the Council would impose a significant degree of inefficiency on the Organization's work if it did not take into account that the latter had been reviewed by many experts before being presented for its consideration.

64. Noting that his views had already been expressed by previous speakers, the Representative of Australia underscored that although the administrative process had a sound basis on which to go forward, it needed to focus on the review of complex arrangements that had potentially problematic process elements, instead of getting bogged down in a merits review of simple arrangements. He emphasized that it would be very useful to amend Appendix A to the proposed revised Policy to enable as many categories of arrangements as possible to be exempted from the CC3P review process, as that would maximize the number of arrangements that could be concluded with ICAO without implementing policy decisions of the Assembly or the Council. In noting that that would simplify the administration of the exempted arrangements, the Representative of Australia underscored that the

Council would still be able to monitor them as they would be included in the central repository of signed ICAO-third-party arrangements that was available on its website.

65. The Representative of Congo underscored that although many organizations and institutions derived substantial benefits from the arrangements they concluded with ICAO on the basis of the said Policy, the Organization itself did not reap sufficient benefits therefrom. He therefore suggested that the Policy be amended so that it would no longer apply to arrangements with Member States and would thus be focused on relations with the private sector. The Representative of Congo supported the comments made by the Representatives of France and Saudi Arabia in that regard. In also endorsing the comments made by the Representatives of Japan, Malaysia and Colombia, he underscored the need to consider in future how to treat proposed third-party arrangements of a financial nature.

66. It was noted that while some Representatives supported the proposals contained in C-WP/14552, other Representatives supported the exclusion of proposed arrangements with Member States from those to be reviewed by the CC3P and preferred a return to the previous mechanism when this was entrusted to the President of the Council and the Secretary General.

67. In offering a summary of the discussion, the President of the Council observed that a number of important issues had been raised, most of which were either covered by the list of exempted categories of third-party arrangements (Appendix A) or had been addressed through the explanations provided by him, the Secretary General and D/LEB. He underscored that it was the fundamental responsibility of the Council, as reflected in several Articles of the Chicago Convention and various Assembly Resolutions, to conclude suitable arrangements with, inter alia, individual Member States or groups of Member States, the UN and international organizations within the UN common system, public and private international organizations, and regional organizations and regional civil aviation bodies, while the Council delegated that responsibility in a number of cases.

68. Referring to the outstanding issue of establishing timeline references for the various phases of the administrative process for proposed third-party arrangements, which was supported by several Representatives in view of the initial suggestion made by the Chairperson of the Ad Hoc Group in the context of the first two phases, the President indicated that the Council should not be involved therein. He recalled that, under the first phase, all such arrangements were subject to review by the relevant operational offices as well as by LEB to determine whether the arrangements may be exempted from the CC3P review process consistent with Appendix A to the Policy and to ensure ICAO participation in the arrangements is in accordance with the Organization's regulations, rules and procedures [cf. paragraph 4.2 a)]. In underscoring the importance of a thorough legal assessment, the President emphasized that while the Council could encourage the Secretariat to complete that first phase within four weeks, it should leave that process to the Secretariat. With regard to the second phase, the President noted that in his experience the CC3P completed its examination of proposed third-party arrangements within a week, which was reasonable. Nevertheless, it would be even better if the Committee could do so in less time by, for example, conducting its work more by correspondence. The President underscored that he took prompt action upon receipt of the CC3P's reports and that proposed arrangements were approved and signed by the appropriate authority in a timely manner.

69. Noting that proposed arrangements that were not aligned with the approved corresponding templates posed a challenge to the Secretariat in carrying out the said legal assessment as they necessitated negotiations with the submitting third party, the President indicated that the Secretariat should use the templates only as broad guidance and not insist upon the exact language used therein so as to avoid prolonging the first phase of the administrative process.

70. The President recalled that a number of Representatives had advocated exempting proposed arrangements with Member States from the CC3P review process as they considered that Member States were not third parties. It had, however, been clarified by D/LEB that Member States had their own legal personality separate to that of the Organization and furthermore that the said exemption of arrangements with Member States was a separate policy issue to be decided by the Council. The President emphasized that policy-wise, it was necessary to treat proposed arrangements with Member States and Member State entities differently from proposed arrangements with Member State entities whose activities were commercial in nature, such as State aviation academies involved in commercial training activities and privatized air navigation service providers (ANSPs).

71. Referring to another point raised, by the Representative of Malaysia, regarding the issue of fees charged for training courses offered under partnership arrangements between ICAO and third parties, the President indicated that the CC3P should thus not be tasked with considering the matter, particularly as it would enlarge the scope of its mandate, which was currently limited to performing due diligence and risk assessment.

72. The President then proposed that the Council approve the suggested amendments to the retitled ICAO *Policy on Interactions with External Parties* as presented in the Appendix to C-WP/14552 (cf. pages A-1 to A-12) and adopt, as an Annex to the revised Policy, the new *Guidelines on a Principle-based Approach to the Cooperation between the United Nations and the Business Sector* (2015) (cf. pages A-13 to A-26), on the understanding that in one year's time, at the 213th Session, the newly-renamed Committee on Cooperation with External Parties (CCEP) would present a progress report on the revised Policy's implementation. He further proposed that, in the interim, Representatives provide him with their suggestions for categories of arrangements with Member States and Member State entities that they wish to be exempted from the CCEP review process and that he will review them and following consultation with the Committee and the Ad Hoc Group under delegated authority from the Council he would decide on a solution and inform Representatives accordingly later in the current session.

73. This proposal having received the support of the majority of Representatives, it was so agreed.

Any other business

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

Subject No. 41: Rules of procedure of the various representative bodies in ICAO

Attendance of industry observer organizations at closed sessions of the Council

74. It was noted that following requests by some industry observer organizations to participate in closed sessions of the Council, the President had received general comments from Representatives cautioning against such participation and asking that the issue of attendance of observers at closed sessions of the Council be given careful consideration. Consequently, the President had informed the industry observer organizations concerned that, in accordance with Rule 32 a) of the *Rules of Procedures for the Council* (Doc 7559), they may only be invited to participate as observers in closed sessions of the Council involving the discussion of aviation security-related items on a case-by-case basis, provided that there is sufficient reason why they should be permitted or invited to attend.

75. It was agreed that: in such a case where attendance by an industry observer organization at such a closed session of the Council was deemed necessary by the President, he would inform the Council and, subject to its approval, would extend an invitation to that organization; and that, in the

interim, the Council would consider how to further define which issues should be discussed in closed session, taking into account the Guidelines set forth in Appendix F to the said Rules of Procedure (Doc 7559) and the fact that Council meetings should normally be open to the public pursuant to Rule 37.

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

Appointment of Members and Alternates on the ATC, JSC, FIC, UIC, HRC and RHCC

76. In the absence of comments by 23 January 2017 to his e-mail dated 22 January 2017, the President of the Council, in accordance with paragraph 3 of the Special Provisions applicable to the ATC and paragraph 6 of the Special Provisions applicable to the JSC, FIC, HRC, UIC and TCC of the *Rules of Procedure for Standing Committees of the Council* (Doc 8146), has appointed: Mr. Claude Hurley, Head of Mission, Chargé d’Affaires, Canada, to serve as Member on the ATC, and as Alternate on the JSC, FIC, HRC and UIC; and Mr. Paul Langlais, Canada, to serve as Alternate on the ATC, and as Member on the JSC, FIC, HRC and UIC. In addition, in accordance with paragraph 11 of C-DEC 199/3, the President of the Council has appointed Mr. Hurley and Mr. Langlais as Member and Alternate on the RHCC, respectively.

77. Furthermore, in the absence of comments by 23 January 2017 to the President of the Council’s e-mail of the same date, the Council, in accordance with paragraph 7 of the Special Provisions applicable to the JSC, FIC, HRC, UIC and TCC of the said Rules of Procedure (Doc 8146), has appointed Mr. Shengjun Yang, the Representative of China on the Council, to succeed his predecessor, Mr. Tao Ma, as Member on the FIC, HRC and UIC for the remainder of the period 2016-2017, with effect as from the 210th Session. In addition, in accordance with paragraph 3 of the Special Provisions applicable to the ATC of the Rules of Procedure (Doc 8146), the President of the Council have appointed Mr. Yang to succeed Mr. Ma as Alternate on the ATC, with immediate effect.

Appointment of Members on the Committee on Cooperation with Third Parties (CC3P)

78. In accordance with paragraph 27 of C-DEC 209/7, the President of the Council has appointed Messrs. Shinji Matsui, Alexey Novgorodov and Raphael Bokango, the Representatives of Japan, the Russian Federation and United Republic of Tanzania, respectively, as Members on the CC3P.

Subject No. 50: Questions relating to the environment

**Appointment of new Observer on the
Committee on Aviation Environmental Protection (CAEP)**

79. In the absence of comments by 24 January 2017 to his e-mail dated 5 January 2017, the President, on behalf of the Council, has approved the nomination of Mr. Jorge David Taramona Perea as the new CAEP observer from Peru to replace Mr. Luis Mojovich, with effect from 25 January 2017.

Subject No. 15.4: Facilitation

Public Key Directory (PKD) Board Membership

80. In the absence of comments by 3 February 2017 to the President of the Council’s e-mail dated 25 January 2017, the Council, in accordance with Section 2 of Attachment C to the PKD Memorandum of Understanding (MoU), has approved the appointment of Mr. Stephen Gee, Australia, to replace Ms. Anne Moores until November 2019.

Subject No. 50: Questions relating to the environment

Convening of the ICAO Regional Seminar on States' Action Plans and on Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) in five regions

81. In the absence of comments by 1 February 2017 to his e-mail dated 27 January 2017, the President of the Council has approved the invitation of the organizations listed therein to attend the ICAO Regional Seminar on States' Action Plans and on Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) to be convened in five regions from 27 March to 27 April 2017. Further information on the said Seminar will be made available on the event website in due course.

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

**Review of the Evaluation and Internal Audit Office (EAO) –
Consultation with the Evaluation and Audit Advisory Committee (EAAC)**

82. In the absence of comments by 1 February 2017 to his e-mail dated 31 January 2017, the President of the Council has referred to the EAAC, for consultation, the amendments to EAO's Charter and the EAAC's Terms of Reference proposed by the Working Group on Governance and Efficiency (WGGE), through its Sub-Group on Supporting the EAO Mission (SEM) (cf. C-DEC 208/4, paragraph 27).

Issuance by Mexico of a commemorative stamp in honour of the *Lifetime Goodwill Ambassador of ICAO* and former Council President Mr. Roberto Kobeh González

83. The Council noted, with pleasure, that in November 2016 Mexico had issued a stamp to commemorate 50 years (1966-2016) of dedication to aviation by *Lifetime Goodwill Ambassador of ICAO* and former Council President Mr. Roberto Kobeh González.

84. The President requested that the Representative of Mexico convey the Council's congratulations and best wishes to Mr. Kobeh on that recognition and that the Secretariat make arrangements to showcase the commemorative stamp in the ICAO Museum.

Subject No. 14.5: Safety oversight

**Middle East and North Africa Regional Safety Oversight Organization (MENA RSOO) –
Hosting and support of operations by Saudi Arabia**

85. The Council also noted, with pleasure, that as instructed by The Custodian of the Two Holy Mosques King Salman bin Abdulaziz Al Saud the Government of Saudi Arabia would host the Middle East and North Africa Regional Safety Oversight Organization (MENA RSOO) and support its operations for the first two years by defraying the associated costs (USD 1.5 million).

86. The President requested that the Representative of Saudi Arabia extend the Council's best regards to The Custodian of the Two Holy Mosques King Salman bin Abdulaziz Al Saud and H.E. Sulaiman bin Abdullah Al-Hamdan, the Minister of Transport of Saudi Arabia, for the generous support being given to the establishment of the MENA RSOO, which was very important for the advancement of safety oversight and, in particular, the ICAO *No Country Left Behind* (NCLB) initiative,

in the said region.

87. The meeting adjourned at 1300 hours.

SUMMARY MINUTES OF THE THIRD MEETING

(THE COUNCIL CHAMBER, WEDNESDAY, 24 FEBRUARY 2017, AT 1000 HOURS)

CLOSED MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu

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. C. Monteiro	Panama	— Mr. G.S. Oller
Canada	— Ms. W. Drukier	Republic of Korea	— Mr. J. Hur
China	— Mr. Shengjun Yang	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. S. Kotis (Alt.)
Japan	— Mr. S. Matsui	Uruguay	— Mr. M. Vidal

ALSO PRESENT:

Dr. N. Luongo (Alt.)	— Argentina
Mrs. M.F. Loguzzo (Alt.)	— Argentina
Mr. N. Castro da Silva (Alt.)	— Brazil
Mr. L. Sacchi Guadagnin (Alt.)	— Brazil
Mr. Chunyu Ding (Alt.)	— China
Mr. M. Millefert (Alt.)	— France
Mr. N. Naoumi (Alt.)	— Germany
Mr. M. Ishii (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mr. S. Kim (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
Mrs. K.L. Riensema (Alt.)	— United Kingdom
Mr. J. Méndez (Alt.)	— Uruguay

SECRETARIAT:

Mrs. J. Yan	— CoO/OSG
Mr. B. Djibo	— D/ATB
Mr. J. Marriott	— Senior Advisor for Aviation Security
Mr. R. Macfarlane	— DD/AN
Mrs. N. Abdennebi	— C/FAL
Mr. S. Berti	— C/ASP
Mr. J. Lamosa	— C/ASA
Mr. J. Thaker	— FAL
Mr. W. Parks	— ISD-SEC
Mr. A. Djojonegoro	— ASP
Miss S. Black	— Précis-writer

*Part-time

Representatives to ICAO

Bolivia (Plurinational State of)
Cameroon
Greece
Indonesia
Lebanon
Peru
Sudan
Uganda
Venezuela (Bolivarian Republic of)

European Union (EU)

Subject No. 52: Unlawful interference with international civil aviation and its facilities**Aviation security risk overview – 2016**

1. The Secretary General presented the following oral report, in which she outlined the acts of unlawful interference with international civil aviation which had been recorded in 2016, and summarized the broader aviation security situation worldwide:

“I am pleased to provide the Council with this annual overview of the current aviation security risks facing international civil aviation. In 2016, the Secretariat recorded nine acts of unlawful interference. These included two sabotages, two unlawful seizures and five facility attacks.

“As the weapon of choice in attempts to attack civil aviation and airport infrastructure, improvised explosive devices (or IEDs) and person-borne IEDs continue to pose a significant threat. On 3 March 2016, six persons, including two police officers, were injured after a laptop computer rigged with explosives detonated during a security control outside Beledweyne Airport in Somalia. During the check, two other IEDs, including one concealed inside a computer printer, were successfully defused. Earlier in the year, on 2 February 2016, a passenger detonated an IED concealed inside a modified laptop computer on board Daallo Airlines Flight 159 from Somalia to Djibouti, causing a person-size hole in the fuselage.

“Those two incidents are a reminder that screening regimes play a critical role in the aviation security system as a primary defence against the carriage of explosives inside airports and on board commercial aircraft. Unfortunately, in the case of Daallo Airlines Flight 159, surveillance footage showed that this attack was also facilitated by airport workers. Such a *modus operandi* not only undermines the security checkpoint and screening processes, but also highlights the insider threat as an important dimension of aviation security risk.

“The threat posed by insiders and airport staff remains a real concern, and compliance with applicable Annex 17 – *Security* provisions is paramount. The increasing activity and influence of terrorist organizations like Daesh, and their wide global reach, may well increase the general risk of recruitment and use of insiders in attacks against aviation. It should be noted that a number of States and industry bodies are now reviewing their current security measures against, and vulnerabilities to, insider threats in particular. In this regard, the Aviation Security Panel Working Group on Threat and Risk (AVSECP WGTR) advises that the potential for insiders with privileged access and knowledge to perpetrate or assist in attacks on aviation should be factored into risk assessments for all potential threat scenarios.

“Over the last few years, attacks on soft targets – such as the landside areas of airports – have highlighted a growing vulnerability in locations where members of the public and passengers circulate with minimal restrictions and congregate at predictable times. Such areas are open to the conveyance of weapons and selection of targets, as evidenced by the attacks in Belgium on 22 March 2016, Turkey on 28 June 2016, and more recently in the United States on 6 January 2017, where a passenger opened fire in the baggage claim area of Fort Lauderdale International Airport.

“The ICAO Aviation Security *Global Risk Context Statement* (RCS) assesses landside threats as medium-high, the second-highest risk level and one of the highest threats to civil aviation assessed by this document. Amendment 15 to Annex 17 – *Security*, which was approved by the Council at its 209th Session (cf. C-WP/14513 Restricted & Corrigendum No. 1; 209/3), strengthens the international aviation security framework in an effort to mitigate the risks associated with landside attacks. By elevating existing Recommended Practices on landside security to Standards, ICAO and its Member

States have expressed the urgency and importance to address this threat globally. I take this opportunity to remind the Council that Amendment 15 will be applicable on 3 August 2017.

“For further information on the incidents recorded in 2016, I invite Council Members to log into the Acts of Unlawful Interference (AUI) database on the ICAO secure portal, where you will also find copies of the revised AUI reporting form. This form aims to simplify and expedite its submission by focusing on gathering key data and critical information concerning incidents. While any reporting form, medium or channel is acceptable, Member States are encouraged to use the revised form when reporting AUIs to ICAO. Reports of AUIs can be emailed to ASP@icao.int. The Secretariat remains at your disposal should you need assistance in gaining access to the site.

“You may wish to note that the latest update to the RCS can be found on the ICAO-NET, under *Publications*. It contains an analysis of the evolution of the global threat, information on recent developments in terrorist tactics, and detailed technical analyses for different forms of aviation security threats as assessed by the WGTR. The annual update to the RCS will be available following the AVSECP’s consideration of this item.

“With respect to security vulnerabilities, ICAO’s Universal Security Audit Programme continues to observe low levels of implementation of Annex 17 Standards in many States, and make recommendations to address these. Furthermore, the audit programme is monitoring progress being made toward the resolution of 11 Significant Security Concerns (SSeCs) in five States.

“Reinforced by UN Security Council Resolution 2309 (2016) – *Threats to international peace and security caused by terrorist acts: Aviation security*, the ICAO Secretariat remains committed to the continuous review of security measures and guidance material, and to the provision of assistance in order to support States’ efforts to mitigate the risk of unlawful interference with civil aviation, noting ICAO’s *No Country Left Behind* (NCLB) initiative and the emerging Global Aviation Security Plan (GASeP) – which is addressed in C-WP/14542 and C-WP14543 and will serve as the future global framework for progressive aviation security enhancement.

“This concludes my 2016 Risk Overview oral report.”.

2. In the absence of comments, the Council noted the above oral report by the Secretary General.
3. The Secretary General expressed gratitude to States for providing incident information to support the preparation of risk assessments and for their close cooperation with the Secretariat in producing updates to the ICAO RCS.
4. The Council reconvened in open session at 1015 hours to consider the remaining items on the order of business.

COUNCIL — 210TH SESSION**SUMMARY MINUTES OF THE THIRD MEETING****(THE COUNCIL CHAMBER, WEDNESDAY, 24 FEBRUARY 2017, AT 1015 HOURS)****OPEN MEETING**

President of the Council: Dr. Olumuyiwa Benard Aliu

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. C. Monteiro	Panama	— Mr. G.S. Oller
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Egypt	— Mr. A. Khedr	Sweden	— Ms. H. Jansson Saxe
France	— Mr. P. Bertoux	Turkey	— Mr. A.R. Çolak
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Mr. L. Sacchi Guadagnin (Alt.)	— Brazil
Mr. Chunyu Ding (Alt.)	— China
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