
ICAO

International Civil Aviation Organization

COUNCIL — 212TH SESSION

Montréal, 6 October 2017 and
30 October — 17 November 2017

SUMMARY MINUTES WITH SUBJECT INDEX



2017

Montréal

Canada

Doc 10107-C/1189 • C-Min. 212/1-9 • COUNCIL – 212TH SESSION • Montréal, 6 October 2017 and 30 October — 17 November 2017 • Summary Minutes with Subject Index

TABLE OF CONTENTS

	<i>Page</i>
SUMMARY MINUTES OF THE FIRST MEETING	1
Welcome to new Representative on the Council	3
Response to significant concern to the safety of international civil aviation caused by the DPRK missile launches	3
SUMMARY MINUTES OF THE SECOND MEETING	17
Welcome to new Representative on the Council	19
Schedule for consideration of items during the 212th Session.....	19
Recommendations of the Joint Support Committee Related to Items under the Danish and Icelandic Joint Financing Agreements Reviewed during the 211th Session	19
Proposed concept of the Global Air Transport Plan	20
Recent developments in ICAO and other United Nations bodies and international organizations Results of the Committee on Aviation Environmental Protection (CAEP) Steering Group (SG) ..	21
Report on the work of the Advisory Group on CORSIA/Update on the work on a Global Market-based Measure (GMBM) scheme/Views on emissions unit criteria of the CORSIA package.....	23
Any other business	31
Appointment of a Member and an Alternate on the Air Navigation Commission	31
Appointment of Alternates on the Air Transport Committee (ATC), Finance Committee (FIC), Human Resources Committee (HRC), Joint Support Committee (JSC), Unlawful Interference Committee (UIC) and the Committee on Relations with the Host Country (RHCC).....	31
Appointment of new Members and Observers on the Committee on Aviation Environmental Protection (CAEP)	31
Approval of Amendment 5 to the <i>Procedures for Air Navigation Services – Training</i> (PANS-TRG Doc 9868).....	32
Approval of amendment to the <i>Regional Supplementary Procedures</i> (Doc 7030/5).....	32
Report of the Supervisory Authority of the International Registry to the Contracting States to the Cape Town Convention and Aircraft Protocol for the period 1 January 2014 to 31 December 2016.....	32
Approval of the Report of Supervisory Authority of the International Registry to the Contracting States to the Cape Town Convention and Aircraft Protocol	32
Request from Civil Air Navigation Services Organization (CANSO) to participate as Observer in closed meeting of the Council on aviation security	32
Request from the European Union (EU) to participate as Observer in closed meetings of the Council on aviation security	32
C-WP/14644– <i>Comprehensive review of United Nations system support for small island developing States: Final findings (JIU/REP/2016/7)</i>	33
C-WP/14687– <i>The status of implementation of recommendations of the Joint Support Unit</i>	33
SUMMARY MINUTES OF THE THIRD MEETING	35
Welcome	37
2016-17 Annual Report of the Evaluation and Audit Advisory Committee (EAAC)	37
Update on the work on a Global Market-based Measure (GMBM) scheme/ Report on the work of the Advisory Group on CORSIA (AGC)/ Views on emissions unit criteria of the CORSIA package	42
Report on the evaluation of ICAO partnerships with organizations and agencies of the UN system ...	54

Work Programme of the Evaluation and Internal Audit Office (EAO) for the triennium 2018 through 2020	56
Any other business	60
Contingency arrangements to facilitate the flow of traffic over the high seas airspace in the Gulf region	60
Settlement of Differences: Applications lodged by Qatar under Article 84 of the Chicago Convention	61
SUMMARY MINUTES OF THE FOURTH MEETING	63
Minute of silence and condolences	65
Review of the vacancy notice for the post of D-1 Special Adviser to the President of the Council	65
Budget and operating plan for the Ancillary Revenue Generation Fund (ARGF) for 2018	67
SUMMARY MINUTES OF THE FIFTH MEETING (CLOSED)	75
Progress report on the Monitoring and Assistance Review Board (MARB)	77
SUMMARY MINUTES OF THE FIFTH MEETING (OPEN)	83
Safety Week presentation	85
Need, Agenda, date, organization and site for the Thirteenth Air Navigation Conference (AN-Conf/13) (2018)	89
Progress report on developments pertaining to the mitigation of risks related to the safe transport of lithium batteries by air / Consolidated report on the recommendations of the meetings of the Task Force on Improvised Explosive Devices (TF on IEDs) and the multidisciplinary Cargo Safety Group (CSG)	93
Update on the ICAO web library of risk-based information	100
Any other business	103
Ballistic missile launch	103
SUMMARY MINUTES OF THE SIXTH MEETING (CLOSED)	105
Review of differences to Annex 17 — <i>Security</i> notified by States	107
SUMMARY MINUTES OF THE SIXTH MEETING (OPEN)	109
ANC Work Programme for the 207th Session	111
Expression of appreciation	111
Appointment of Members to the International Explosives Technical Commission (IETC)	111
Organization and Agenda for the Twenty-Ninth Meeting of the Aviation Security Panel (AVSECP/29)	112
Proposal for new <i>Directives for Panels of the Air Transport Committee (ATC) and the Committee on Unlawful Interference (UIC)</i>	112
Council Committee Handover Process	114
Report on the use of term limits at the management level	114
Review of the implementation of the revised <i>ICAO Policy on Consultants</i>	114
Amendment to the <i>ICAO Service Code</i> (Doc 7350) — Alignment with the revised EAO Charter	118
Report on the implementation of the <i>ICAO Civil Aviation Training Policy</i> and Global Aviation Training activities during 2017	118
Update on the ICAO web-library of risk-based information	120
Reservations	122
Progress report on United Nations Security Council Resolution 2309 on countering terrorist threats to civil aviation	122

CORSIA Package / Update on the work on a Global Market-based Measure (GMBM) scheme / Report on the work of the Advisory Group on CORSIA (AGC) / Views on emissions unit criteria of the CORSIA package	123
Any other business	123
Appointment of a Member and an Alternate on the Air Transport Committee (ATC), Finance Committee (FIC), Joint Support (JSC), and Technical Cooperation Committee (TCC)	123
Public Key Directory (PKD) Board Membership.....	124
C-WP/14685 – <i>Financial situation of the Organization and the Level of Working Capital Funds (WCF)</i>	124
SUMMARY MINUTES OF THE SEVENTH MEETING (OPEN)	125
Appointment of the President of the Air Navigation Commission (ANC)	127
Secretary General’s sessional progress report	127
Update on the work on a Global Market-based Measure (GMBM) scheme /Report on the work of the Advisory Group on CORSIA (AGC) / Views on emissions unit criteria of the CORSIA package	132
SUMMARY MINUTES OF THE SEVENTH MEETING (CLOSED)	145
Global Aviation Security Plan (GASeP)	147
SUMMARY MINUTES OF THE EIGHTH MEETING	155
Appointment of the President of the Air Navigation Commission (ANC).....	157
Report of the Council Off-site Strategy Meeting (COSM2017).....	158
Progress achieved by the Committee on Relations with the Host Country (RHCC).....	161
Progress report on the negotiations regarding <i>Settlement of Differences: Brazil and the United States (2016)</i>	163
2018 Technical Cooperation Administrative and Operational Services Cost (AOSC) budget estimates and update of the 2017 AOSC income and expenditures.....	164
Operating Plan for the Technical Cooperation Bureau (TCB) for the period 2018-2020	168
Customer satisfaction survey of technical cooperation activities	169
Proposal for an ICAO Crisis Response Policy and Disaster Risk Reduction Strategy.....	176
SUMMARY MINUTES OF THE NINTH MEETING.....	179
Proposal for an ICAO Crisis Response Policy and Disaster Risk Reduction Strategy (C-WP/14658).....	181
Recommendations for the 40th Session of the Assembly (C-WP/14652 Revision No. 2).....	183
Work programme of the Council and its Committees for the 213th Session	188
Any other business	189
New Member State of ICAO – Tuvalu	189
Biographical information on Council Representatives and ANC Commissioners	189
Second Global Air Navigation Industry Symposium (GANIS/2)/ First Safety and Air Navigation Implementation Symposium (SANIS/1).....	190
Review of the implementation of the revised ICAO Policy on Consultants.....	190
Update on information security.....	190
Activities during the recess	190
Farewell to Council Representative	191
Appointment of a Member and an Alternate on the Relations with Host Country Committee (RHCC) and the Working Group on Governance and Efficiency (WGGE).....	191
Appointment of an Observer on the Committee on Aviation Environment Protection (CAEP) ..	191
C-WP/14686 — <i>Resolutions of the 71st Session of the United Nations General Assembly</i>	191

SUBJECT INDEX TO THE SUMMARY MINUTES OF THE 212TH SESSION..... 193

LIST OF WORKING PAPERS CONSIDERED 197

COUNCIL — 212TH SESSION**SUMMARY MINUTES OF THE FIRST MEETING****(THE COUNCIL CHAMBER, FRIDAY, 6 OCTOBER 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. K.A. Ismail
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. H. Ramirez (Alt.)
Canada	— Mr. M. Pagé	Republic of Korea	— Mr. J. Hur
China	— Mr. Shengjun Yang	Russian Federation	— Mr. A.A. Korsakov (Alt.)
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 Frasquieri	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:

Mr. H. Yoshimura	— President, ANC
Mrs. M.F. Loguzzo (Alt.)	— Argentina
Mr. C.R. Fernández (Alt.)	— Argentina
Mr. J. Bollard (Alt.)	— Australia
Mr. L. Sacchi Guadagnin (Alt.)	— Brazil
Mr. D. Tavares Taufner (Alt.)	— Brazil
Mr. F. Neubauer (Alt.)	— Canada
Mr. Chunyu Ding (Alt.)	— China
Mr. M. Millefert (Alt.)	— France
Mr. N. Naoumi (Alt.)	— Germany
Mr. M. Usami (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
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. Ö. Doğrukol (Alt.)	— Turkey
Mrs. K.L. Riensema (Alt.)	— United Kingdom
Mrs. M.A. González (Alt.)	— Uruguay

SECRETARIAT:

Mrs. J. Yan	— C/OSG
Mr. B. Djibo	— D/ATB
Mr. J. Augustin	— D/LEB
Mr. S. Creamer	— D/ANB
Mr. Y. Nyampong	— LEB
Mr. A. Larcos	— C/ACS

*Part-time

Representatives to ICAO

Bolivia (Plurinational State of)

Cameroon

Chile

Cyprus

Dominican Republic

Ghana

Greece

Honduras

Indonesia

Paraguay

Peru

Venezuela (Bolivarian Republic of)

Civil Air Navigation Services Organization (CANSO)

European Union (EU)

International Air Transport Association (IATA)

Welcome to new Representative on the Council

1. A warm welcome was extended to Mr. Khairul A'amali bin Ismail, the newly-appointed Representative of Malaysia.

Subject No. 14: Subjects relating to air navigation

Subject No. 24.3: Action on Assembly resolutions and decisions

Response to significant concern to the safety of international civil aviation caused by the DPRK missile launches

2. The Council considered this item on the basis of C-WP/14642 (Revised), which was presented by Japan as well as the Republic of Korea, and co-sponsored by Argentina, Australia, Cabo Verde, Canada, Colombia, Dominican Republic, France, Germany, Greece, Ireland, Italy, Peru, Spain, Sweden, United Kingdom, United States and Uruguay.

3. The paper concerned recent incidents of ballistic missiles launches by the Democratic People's Republic of Korea ("the DPRK"). It was noted that these missile launches had occurred over international air routes and without prior notice being given, thus causing significant concerns vis-à-vis the safety of international civil aviation in the region. It was further noted that in response to these incidents, the President of the Council had sent several letters to the Democratic People's Republic of Korea to urge the country to comply with the principles, standards and recommended practices of the *Convention on International Civil Aviation* (Chicago Convention).

4. The President of the Council informed the Council that representatives of the Democratic People's Republic of Korea had been invited to participate in this meeting on the grounds of special interest in accordance with Rule 31 of the *Rules of Procedure for the Council*, but that no accreditation to attend and participate in this meeting was received from the DPRK. The President further noted that on 2 October 2017, a reply was received from the Director General of the General Administration of Civil Aviation of the DPRK, in which it was stated that the launch of ballistic missiles by the DPRK in recent years was part of "self-defensive military exercises to safeguard the sovereignty and the right to live of our country" and "taking into full account in advance the safety of neighbours and international civil aviation." The DPRK had also stated in its correspondence that "the assertion of Japan and South Korea on which our ICBM launches threaten the safety of international civil aviation might be resulted of an extension of hostile policy towards our Republic and a dishonest motive to abuse the ICAO as a stage for the realization of their policies". The President indicated that the Representatives of Japan and the Republic of Korea had both been advised of this reply accordingly.

5. In presenting the paper, the Representative of Japan explained that in doing so the intention was to highlight significant concerns to the safety of international civil aviation caused by the DPRK missile launches. It was important therefore for the ICAO Council to respond to these ongoing serious concerns caused by the continued missile launches that were occurring without prior notice and coordination as required by ICAO standards and recommended practices (SARPs) in relevant Annexes to the Chicago Convention.

6. The Representative recalled that in 1998, ICAO had adopted Assembly Resolution 32-6 "Safety of navigation", in which it was noted that the DPRK conducted a no-notice launch of an object that flew over Japan and fell into the Pacific Ocean. Despite the adoption of this Resolution and subsequent efforts by ICAO, as well as adoption of relevant United Nations Security Council resolutions, the Representative observed that the DPRK had continued with missile launches without issuing NOTAMs. Indeed, over the past two years, the DPRK had conducted missile launches 19 times in 2016 and 14 to-date in 2017, all of which had been without prior notice. Notably, the no-notice test launch of an intercontinental-class ballistic missile was conducted on 28 July 2017, which was estimated to have

impacted near an area referred to as “R211” and known as one of the major international air routes just a few minutes before the passage of a civil aircraft flying from Japan to Europe. More recently on 29 August 2017 and 15 September 2017, the DPRK again launched ballistic missiles that had flown over the islands of Japan and fallen into the Pacific Ocean off the coast of Japan near the trunk route connecting many Asian countries with North and Central America.

7. In these circumstances, the Representative emphasized that there were several reasons why there was an urgent need for the ICAO Council to take action in response. Firstly, this was a matter involving all Member States and relevant operators who justifiably held significant safety concern as a result of the repeated no-notice missile launches by the DPRK, which represented not only a national and regional issue, but also a global threat to the safety of international civil aviation. The Representative drew attention especially to how the ballistic missile launches into the Fukuoka flight information region (FIR) as well as the adjacent Hokkaido FIR had directly impacted the operation of airlines. As a direct result of these incidents, some flights from Japan were now being compelled to alter their air routes leading to increased inefficiencies in terms of both time and cost factors.

8. With all these ballistic missile launches, the Representative of Japan indicated that there had not been any advance knowledge of when a launch would occur, what direction it would take, or into what airspace a missile might fall. Consequently, each time a missile was launched, people in Japan were forced to urgently evacuate their buildings. It is worth asking why the population as well as aviation operators and passengers should be threatened in this way simply because of the conduct of a particular Member State in not adhering to the relevant ICAO SARPs. In this connection, the Representative urged the Council to leave no country behind in fully respecting, following and implementing ICAO SARPs. This was in addition to noting that the missile launches conducted by the DPRK were conducted in violation of United Nations Security Council resolutions.

9. The Representative remarked that an even more fundamental danger was the fact that ICAO and the Member States affected by the missile launches had to-date received no response or signal of intention to comply with the relevant SARPs by the DPRK. On the contrary the DPRK seemed to indicate an intention to conduct even more missile tests. In this way, the Representative observed that the DPRK appeared to remain heedless of ensuring aviation safety, heedless of following the ICAO SARPs despite repeated calls by the President of the Council and heedless of legally binding United Nations Security Council resolutions. In this context, the Delegation of Japan regretted the absence of the DPRK at this meeting since it represented a further failure on their part to respond to the situation. The Representative then drew the analogy of the case of how many times one should ignore traffic signals before one was accused of risking human safety. In the case of the persistent disregard of prior notice flight and no response being given to ICAO, Japan suggested that the Council should condemn the situation that had developed in order to deliver a clear signal and warning while strongly encouraging the DPRK to improve the situation before a tragic incident occurred.

10. Finally, the Representative of Japan took the opportunity to explain that in advance of this meeting, his Delegation along with the Delegation of the Republic of Korea had jointly briefed all the regional groups in order to outline the facts of the situation. It was as a result of these briefings that the Representative was appreciative of the wide level of general support that had been indicated and all the countries that had declared their intention to co-sponsor the working paper (paragraph 2 above). In this connection, the Representative noted that IATA was also looking to the ICAO Council to deliver a strong message to the DPRK in order to mitigate the unpredictable safety risk to both the aviation industry and the public. In closing, the Representative asked the Council to consider issuing a statement at the conclusion of the meeting and as a means of enhancing public awareness of the role of ICAO.

11. In acknowledging the valuable leadership displayed by the Delegation of Japan in coordinating the paper, the Representative of the Republic of Korea also expressed his profound appreciation to the President and the Secretary General as well as the Air Navigation Bureau for the

cooperation that had been provided in the lead-up to this meeting. Although the Republic of Korea had a vested interest in the item, it was nevertheless important to the Representative that the collective interest of all Member States be the primary focus of concern to the Council in the consideration of the issue especially given the sensitivities surrounding political developments in the region.

12. The Representative of Turkey indicated his delegation's strong support for the paper that had been presented. He recalled that his Government has condemned in the strongest terms possible the reckless actions of the Democratic People's Republic of Korea ("the DPRK") and the threat this posed to world peace as well as to civil aviation. The Representative called on the DPRK to cease their actions as early as possible and committed his delegation to supporting a strong message being sent from ICAO to the DPRK in this regard.

13. In also supporting the paper that had been presented, the Representative of Mexico stated that risks posed to international civil aviation as a result of the actions of the DPRK undermined the principles enshrined in the Chicago Convention. In this context, it was appropriate for the Council to condemn the missile launches of the DPRK. In relation to the proposed action to be taken by the Council, the Representative stressed the importance of ensuring that whatever action it took, ICAO should keep within its mandate as provided for by the Chicago Convention and existing Assembly Resolutions.

14. The Representative of the United Arab Emirates stated that her delegation fully supported the paper that had been presented. The Representative took the view that the repeated and persistent actions of the DPRK in firing ballistic missiles through Japanese airspace without any prior warning or notice, endangered international civil aviation and represented a violation of the Chicago Convention and its Annexes. In relation to the action to be taken by the ICAO, the Representative stressed that these needed to emphasize the collective view of the Council in expressing a concern for the safety of civil aviation and the lives of passengers. Moreover, since the Democratic People's Republic of Korea chose to continue these actions in complete disregard of international concerns, their actions should be strongly condemned. In the circumstances, the Representative wondered whether it might not be more appropriate for the text to be reflected in the decision taken by the Council to be strengthened. For instance, the opening paragraph should strongly condemn the actions of the DPRK before then stating in subsequent paragraphs the recalling of Assembly Resolution 32-6. The Representative further stated that the second paragraph of the decision should express that the Council considers the repeated firing of ballistic missiles through the airspace of Japan without any prior notice, to be a violation of the Chicago Convention.

15. In emphasising the need for the international community to seek a peaceful resolution of this issue, the Representative of the United States indicated that the belligerent and provocative behaviour of the DPRK suggested that it had no interest in working toward a peaceful solution. Indeed, the unlawful missile launches of the DPRK would not make that country more secure, but rather, the opposite was true. These launches posed an unacceptable risk to civil aviation operating in or transiting the region. In the circumstances, it was perhaps not surprising therefore that there had been unprecedented levels of cooperation from the international community in response to the unlawful and provocative actions of the DPRK.

16. The Representative of the United States further noted that the international community had made clear that the DPRK must be held accountable for its continued violation of United Nations Security Council resolutions. Indeed, the action to be taken by ICAO as a result of this meeting would represent yet another example of the world's commitment to hold the DPRK accountable. ICAO had a mandate to ensure the safe operation of civil aviation in the region and to stress the importance that all steps should be taken to ensure that aircraft in the region were not subject to unsafe conditions due to un-notified and unlawful missile launches. That was why it was necessary for the international community to persuade the DPRK regime that the only way to achieve the stability it sought, would be to abandon the path it was on and instead embrace meaningful dialogue about a different future.

17. Finally, the Representative of the United States emphasized that the international community would never accept the DPRK as a nuclear-armed State. Therefore, the DPRK had a clear choice to make. It could give up its nuclear weapons and join the community of nations or the regime could continue to condemn its people to poverty and isolation. While the priority of the action to be taken by ICAO would be on safeguarding civil aviation, the Representative indicated that for his Government, the priority would by necessity also extend to protecting the homeland, including US territories and allies against the threats posed by the DPRK. In this regard, the United States remained fully committed to the defence of its allies, the Republic of Korea and Japan, and this commitment was backed by a full range of conventional and nuclear capabilities.

18. In noting that the missiles being launched by the DPRK were dangerously close to several air routes, the Representative of Canada emphasized the significant threat that was posed to civil aviation by these actions. Moreover, the DPRK had regularly tested ballistic missiles without advance notification including tests outside of its own borders and notably the two recent alarming overflights of Japan in close proximity to international air routes. The Representative stated that while scant media attention had been focused on the significant threat that the DPRK missile launches posed to civil aviation, the threat nevertheless was very real. In the circumstances, it was important for the ICAO Council to register its grave concerns about the near disasters which had recently taken place. Canada was ready to stand with others in calling on the DPRK to cease these reckless as well as provocative acts and to comply with its international obligations including relevant United Nations Security Council resolutions. The Representative also called on the DPRK as an ICAO Member State to abide by ICAO standards and recommended practices and avoid an unintended civil aviation disaster taking place within what had recently become a highly charged international security environment.

19. The Representative of the United Kingdom expressed his satisfaction that all the Representatives on the Council appeared to be in solid agreement on this item. In this regard, it was important that beyond the decision to be adopted by the Council at this meeting, ICAO should apply some thought to ways in which it can maintain pressure on the DPRK regime as long as these missile launches continue and as long as these actions constitute a breach of the Chicago Convention. Indeed, ICAO should not lose any momentum once the final decision was taken as a result of this meeting but the Council should consider what the next part of the process would look like and how to maintain pressure in this matter.

20. In response to the suggestion that the Council should look at other actions it could take on an ongoing basis on this matter, the President of the Council indicated that he would welcome specific suggestions that could guide the Secretariat in this regard. On the same point, Secretary General indicated that she had asked the Regional Director for the Asia Pacific region to use every opportunity in regional forums to emphasize ICAO concerns when meeting with delegates and representatives from the Democratic People's Republic of Korea. She noted that although the Regional Director had not as yet had the opportunity to visit the DPRK to convey in person these concerns, ICAO would continue to explore opportunities to emphasize the need to ensure the safety of air navigation.

21. The Representative of Saudi Arabia stated that his country was fully aware of the threat posed by the launching of ballistic missiles and which represented a major danger to the safety of civil aviation. In this regard, he noted that in the Arabian peninsula, armed rebels based in the neighbouring country of Yemen had on occasion fired long range ballistic missiles aimed at cities in the Kingdom of Saudi Arabia but that the Saudi air force had been able to intercept the missiles in mid-air by using patriot surface-to-air missiles that are manufactured in the United States as well as shaheen missiles which had been manufactured with the assistance of the Government of France. The Representative asked whether the Secretariat could submit a report to the Council on the measures that could be taken as part an appropriate emergency response plan in the Asia Pacific region aimed at preventing such threats to civil aviation. He noted that there was a need for such a plan given that the DPRK regime did not appear to be cooperating with the international community. In this context, the Representative wondered whether

given its mandate, ICAO should take further measures to protect air safety and do everything possible to ensure that these missile launches did not jeopardize the safety of civil aviation.

22. In response, the Director, Air Navigation Bureau (D/ANB), explained that the Secretariat had been supporting regional efforts to design contingency arrangements or to discuss emergency procedures among the various Member States in the region. He noted however, that the situation in the region represented a contingency for which there was no satisfactory solution and if ICAO were to secure the airspace or to place warnings on the airspace that had experienced missile launches in the recent past, then this would result in a major disruption to air travel in the northern part of the Asia Pacific airspace and to trans-Pacific airspace between North America and Asia. The Director further explained that the difficulty arose in that there was no certainty as to the targeting or the use of how and in which direction any given missile would be launched, which meant that it was impossible to take preventive measures unless the DPRK adhered to its responsibilities under the Chicago Convention and specifically Annex 11 and Annex 15, which obligated the DPRK to provide suitable notification in order to allow contingencies to be put in place.

23. In indicating that his government was extremely concerned at the repeated missile launches by the DPRK, the Representative of Uruguay stressed that these actions represented a clear violation of ICAO standards and recommended practices (SARPs), including in relation to non-notification and furthermore, the actions of the DPRK constituted a violation of numerous United Nations Security Council resolutions. Most importantly, the ballistic missile launches constituted a severe threat to the safety of international civil aviation and international peace and it was for this reason that the Representative supported the proposed action to be taken by the Council. Moreover, as a signatory to the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), Uruguay was strongly committed to peace and welcomed the recent announcement of the 2017 Nobel Peace Prize being awarded to International Campaign to Abolish Nuclear Weapons (ICAN).

24. The Representative of Ireland indicated that she was fully supportive of the paper that had been presented by Japan and the Republic of Korea, given the need to promote the safety of international civil aviation. She informed that she had also consulted with the ABIS rotation group members on this issue and that the following States had asked that their support for the paper be conveyed at the Council meeting – Belgium, Croatia, Luxembourg, Netherlands, Portugal, and Switzerland.

25. The Representative of Egypt stated that he was also fully supportive of the paper presented by Japan and the Republic of Korea. His delegation believed that the actions of the DPRK represented a flagrant violation of the Chicago Convention and the related standards and recommended practices (SARPs), which sought to preserve the safety and security of international civil aviation. In this regard, the Representative stressed the necessity for the Council, in the decision it would take at this meeting, to emphasize the violation of the Chicago Convention and the related SARPs while taking into account relevant United Nations Security Council resolutions.

26. In expressing his full support for the paper presented by Japan and the Republic of Korea, the Representative of Australia noted that the actions taken by the DPRK represented a serious risk to aviation as well as maritime security in the Asia Pacific region. In this context, it was important to consider these actions in light of both the legal obligations within the ICAO framework as well as the resolutions that had been adopted by the United Nations Security Council. As a specialized agency of the United Nations system, it was important therefore for ICAO to state that the DPRK missile launches were a violation of relevant United Nations Security Council resolutions. In this connection, the Representative indicated that his Government was encouraging all members of the international community to fully implement all United Nations Security Council resolutions.

27. The Representative noted that the DPRK missile launches in recent years had occurred in a number of flight information regions and that the launches had been conducted without any

or coordination with neighbouring States as required by Annex 11 and without the issue of NOTAMs or other notifications as required by Annex 15 to the Chicago Convention. In addition, the launches had been conducted into busy airspace used by airlines of many different States, thus making this aviation safety issue one of global importance. This was an unacceptable risk to the safety of international aviation and the continued disregard by the DPRK for the rules-based international aviation system administered by ICAO and to its obligations under the Chicago Convention, represented a threat not just to aviation safety but to the cooperative basis of the ICAO system, which since 1944 had prioritised the safety of aviation and the travelling public. It was for these reasons that the Representative indicated his delegation would be strongly supporting the proposed action of the ICAO Council.

28. The President of the Council took the opportunity to remind Representatives that the action to be taken by the Council at the conclusion of the meeting should focus on promotion of safety and security of international civil aviation in accordance with the Chicago Convention, the standards and recommended practices contained in its Annexes and the applicable procedures. With respect to references to the United Nations Security Council, it certainly would not be inappropriate for the ICAO Council to recall or note those resolutions. However, there remained a question as to the extent to which an entity such as the ICAO Council was in a position to reach a determination on whether a resolution of a separate body, in this case the United Nations Security Council, was being violated or otherwise. The President observed that while the ICAO Council might indeed decide today to do so, this could raise implications for future actions by the Council in terms of making similar determinations on whether or not a country was in compliance with a Security Council resolution. He indicated that whenever he had reason to correspond with the authorities in the Democratic People's Republic of Korea, he had only recalled a particular United Nations Security Council resolution without making a judgement on the country's compliance or otherwise with that resolution. In this connection, the President stressed that the mandate of the ICAO Council rested with making a determination on compliance with the Chicago Convention and he cautioned against ICAO making a determination as to the violation of a Security Council resolution given the implications it raised for future cases.

29. The Representative of Sweden stressed that the missile launches undertaken by the DPRK posed a serious threat to the safety of international civil aviation and that in addition, they violated Assembly Resolution 32-6. She noted that air passengers from Sweden as well as other Nordic countries frequently travel through the region using airlines such as SAS. It was essential therefore that the safety of civil aviation was safeguarded along with the safety of passengers. Sweden had good reason to assume that all countries would act in accordance with international law and in compliance with the resolutions of the United Nations Security Council as well as with the Chicago Convention and its Annexes. In the circumstances, Sweden strongly supported the proposed action to be taken by the ICAO Council and joined others in strongly urging the DPRK to comply with the relevant ICAO SARPs and in particular, Annexes 11 and 15.

30. In regretting the absence of any representative from the Democratic People's Republic of Korea at this meeting of the ICAO Council, the Representative of Spain stated that it might have been helpful to hear an explanation from that country as to its actions. He indicated that in light of the various United Nations Security Council resolutions, Spain had vigorously condemned the actions of the DPRK and that it had also conveyed its concerns through appropriate diplomatic channels. In relation to the proposed action by the Council, the Representative noted that this was one of the mandatory functions of the Council as the guardian of the Chicago Convention and specifically in the context of Article 54, paragraph j), which meant that it was imperative for the Council to urgently communicate to any Contracting State should there be a violation of the Chicago Convention.

31. The Representative also drew attention to Article 54, paragraph k) of the Chicago Convention, in which the Council was obligated to report to the Assembly if there is any infraction of the Convention where a Contracting State had failed to take appropriate action within a reasonable timeframe following the report of the infraction. This was the context that the Council now found itself in and as it

considered what actions it might take. He noted that there were other relevant provisions of the Chicago Convention such as Article 88 and 93 *bis* to take account of, but he did not believe that the Council was at that stage as yet. For the time being it was important for the Council to adopt a strongly worded decision and for the future to monitor developments in the region. The Representative had taken note of the earlier intervention of the Secretary General outlining the actions of the Regional Director, and in this regard he stressed the importance of establishing contact between the Regional Office and the authorities of the DPRK. In doing so it would be necessary to not only convey the concerns of the Council but also to provide the means by which these issues could be settled in the interests of safe international civil aviation.

32. The Representative of Ecuador stated his delegation strongly supported upholding the principles governing international law, including peacekeeping and preserving international safety and friendly relationships based on respect and international cooperation in keeping with the United Nations Charter and the Chicago Convention. Within its own constitution, Ecuador reaffirms that it is a country of peace and that international relations were to be the basis for peace. Therefore, it was a matter of concern that the recent actions of the DPRK threatened these principles of peace among nations and nuclear disarmament. Ecuador also reaffirms the principles of harmonious, peaceful relations among peoples, cooperation, integration, and solidarity. In addition, Ecuador urges the peaceful resolution of differences between countries and it rejects the threat or use of force to settle any differences. Ecuador promotes peace and universal disarmament and is opposed to intervention in national affairs and the use of weapons of mass destruction. Ecuador uses these principles as the basis of its international relations with a view to promoting international peace and cooperation. Ecuador reasserts the importance of complying with the principles of the Chicago Convention and its Annexes to ensure the safety of civil aviation. In the circumstances, the Representative indicated that he supported the paper that had been presented by Japan and the Republic of Korea and noted with concern the impact on international airspace and the threat to aircraft transiting through the airspace that had occurred as a result of the missiles launched by the DPRK since these were a violation of international law and represented a serious threat to international peace. Finally, the Representative indicated that his delegation had called upon all parties to maintain dialogue at the highest political levels and to immediately resume diplomatic talks to find a peaceful lasting solution to ensure peace, nuclear disarmament of the Korean peninsula and to create a nuclear arms-free zone in that region.

33. In expressing his total support for the paper presented by Japan and the Republic of Korea, the Representative of Argentina stressed the implications for international peace and safety that resulted from the missiles launched by the DPRK and in particular, the impact on aircraft. In the circumstances, the Representative indicated that the ICAO Council needed to issue a condemnation in the strongest possible terms of these actions. It was imperative that the Democratic People's Republic of Korea should conform to international principles.

34. The Representative of France noted that the ballistic missiles being launched by the Democratic People's Republic of Korea posed a serious threat to international civil aviation and the situation demanded a strong response from the ICAO Council. The reality was that these missile launches represented illegal actions on the part of the DPRK regime and in clear violation of the resolutions adopted by the United Nations Security Council. This was a fact of which the ICAO Council should take note. Resolution 2375, which was adopted by the Security Council on 11 September 2017, clearly stated that the missile launches represented irresponsible actions, especially given the absence of any notification and which represented a threat to civil aviation. Specifically, the Representative drew attention to Air France flight 293 with more than 300 people on board, which on 28 July 2017 was en route in the area when an intercontinental ballistic missile was launched. These actions by the DPRK regime were irresponsible and an ongoing threat to air traffic in that area. The Representative further observed that this was not just a regional problem but a global issue that needed to be urgently and publicly addressed by the Council.

35. Expressing concern at the perceived violations of the Chicago Convention, the Representative of the Russian Federation stated it was essential to ensure the safety of civil aviation and for Contracting States to fulfil their obligations to deliver on this objective. In this context however, he recalled that ICAO equally had an obligation to monitor the way in which States were implementing their civil aviation activities and therefore it was important to take into account the status of the Memorandum of Understanding that had been reached between ICAO and the DPRK within the framework of the Universal Safety Oversight Programme Audit Continuous Monitoring Approach (USOAP-CMA). The Representative was perturbed that the information on the ICAO website pertaining to the DPRK suggested that the last time an audit had been conducted was 2008, so it was necessary to know what progress, if any, had been made since then.

36. The Representative also stated that ICAO should explore all possible avenues to directly liaise with the DPRK to convey the concerns on this issue. In this regard, both the Regional Office in Bangkok as well as the Regional Sub-office in Beijing, should be utilised to the maximum extent possible. While some contact had been made with the DPRK, it was a matter of regret to the Representative that unfortunately, the desired results had not been achieved in terms of outcome. Nevertheless, it was essential that ICAO seek to address this issue on the basis of dialogue and negotiation while avoiding actions that could cause an exacerbation of the situation and have an adverse impact in the area.

37. Finally, the Representative cited the preamble to the Chicago Convention in which it is stated that it is desirable to avoid tension and to promote cooperation among countries. The ICAO Council would do well, he noted, to heed these words especially in relation to the decision it intended to adopt at the conclusion of this meeting. In this connection, the Representative expressed concern that in recalling Assembly Resolution 32-6, it might be perceived that ICAO was referring specifically to the DPRK, and yet when one read the clauses of the resolution, there was no specific reference to any country at all. Also, in relation to the United Nations Security Council resolutions, the Representative expressed the view that it was not within the ICAO mandate to reach any determination on whether these had been violated or not. The only entity that should make this determination was the Security Council itself.

38. The Representative of India stated that the indiscriminate missile launches without prior notice by the DPRK regime posed a significant threat to the safety and security of international civil aviation and international peace. In this connection, his delegation strongly condemned these actions and requested further investigation be made of the DPRK regime's nuclear proliferation linkages, with the aim of holding those involved accountable by the international community. The Representative fully supported the proposed actions to be taken by the Council especially as these were in keeping with the obligations the governing body had within the Chicago Convention framework.

39. In expressing his support for the paper that had been presented by Japan and the Republic of Korea, the Representative of Colombia indicated that it was important for the ICAO Council to send a strong message of condemnation and for the need to comply with the ICAO SARPs. The Democratic People's Republic of Korea should be urged to comply with international law and to recognise that these missile launches represented a violation of United Nations Security Council resolutions.

40. The Representative of Algeria indicated that his delegation strongly supported the paper presented by Japan and the Republic of Korea. Although civil aviation was threatened by the irresponsible actions of the DPRK regime, it should not prevent the ICAO Council from continuing to strive for peace in the world.

41. In expressing her delegation's appreciation for the paper that had been presented by Japan and the Republic of Korea, the Representative of Cuba stated that it was important for the Council to stand ready to address all issues that impact international civil aviation since these matters fell within the governing body's obligations under the Chicago Convention. In relation to the recent developments in

the Korean peninsula, the Representative stressed that only through dialogue and negotiation could the international community hope to reach a lasting political solution, one that should take into account the legitimate concerns of all parties involved. Cuba reiterated the priority of ensuring the safety of civil aviation and upholding relevant Assembly resolutions, the Chicago Convention, its Annexes and the SARPs. The Representative also placed a high priority on the role that ICAO had to play in constantly supporting and improving cooperation and coordination among all aviation stakeholders in this regard.

42. The Representative of Italy indicated that his country had condemned the launching of missiles by the DPRK and had urged the regime to abandon its nuclear programme and refrain from further provoking the international community. As one of the current non-permanent members of the United Nations Security Council, Italy was fully committed to promoting collective security and non-proliferation and strongly condemned all violations of the United Nations resolutions. In this context, the Representative fully supported the paper presented by Japan and the Republic of Korea and joined with other Representatives in declaring that the launching of missiles with no prior notification constituted an unacceptable violation of the Chicago Convention and its Annexes and posed a serious threat to the safety of international civil aviation.

43. The Representative of Cabo Verde stated the principle of aviation safety should take precedence over any other matter relating to air navigation. The achievement of humanity in bringing the peoples of world together through aviation should be upheld by safety and this was something enshrined in the Chicago Convention. In particular, Article 44 of the Convention stated that the aims and objectives of the Organization were to develop international air navigation, promote safety around the world and meet the needs of people in terms of safe, regular, and affordable air transport. The Representative recalled that all Contracting States were called upon to cooperate in this regard and in achieving the highest possible level of uniformity in regulatory standards and procedures regarding personnel, aircraft, auxiliary services and all things that contribute to civil aviation with a view to facilitating and improving air navigation by means of SARPs and supporting documentation. In this respect, the Representative further recalled that any unilateral and un-notified action that could undermine the safety of civil aviation was incompatible with the principles enshrined in the Chicago Convention to which all Member States were committed. It was for these reasons that Cabo Verde gave its unconditional support to the paper that had been presented by Japan and the Republic of Korea.

44. The Representative of Singapore indicated that the Singapore Ministry of Foreign Affairs had issued statements stating clearly the country's position on the launching of ballistic missiles over north-east Asia. Specifically in relation to aviation, Singapore had emphasized the obligation of Contracting States to the Chicago Convention to uphold the safety, efficiency and regularity of international civil aviation. The launching of ballistic missiles over busy airspaces posed a clear danger to aircraft operations and threatened human lives. The Representative noted that this was a serious concern given the long range of the ballistic missiles, for which the development of contingency plans was impossible. In the circumstances, it was crucial that there be an end to the launching of ballistic missiles. Accordingly, the Representative would support the proposed action by the Council on this matter and especially the call for Member States to strictly comply with the relevant ICAO SARPs and to mitigate risks to international civil aviation. Any aerial activities that posed a safety risk to aviation must be notified in advance and coordinated with all relevant and affected parties.

45. In the interests of saving time, the Representative of Brazil did not wish to read a prepared statement on this item but nevertheless wished to associate her delegation with previous interventions in this discussion and emphasize that guaranteeing airline security was paramount and civil airlines needed assurance that they could fly scheduled routes without any threats to them. The Representative was especially concerned to learn of the recent incident near the Sea of Japan where a scheduled Air France flight had been flying through an area in which a ballistic missile had just been launched. In the circumstances, Brazil would be supporting the proposed action as outlined in the paper presented by Japan and the Republic of Korea.

46. The Representative of Germany fully concurred with the paper that had been presented by Japan and the Republic of Korea as well as the action that was proposed for the Council to take. Continued and blatant disregard of membership obligations under the Chicago Convention by a Member State which threatened and endangered the safety of international civil aviation could not be accepted or tolerated by the ICAO community. The Representative remarked that it was important to send a strong message of condemnation to the DPRK regime.

47. In associating himself with the earlier intervention of the Russian Federation, the Representative of China stated that his delegation was opposed to the repeated launch of missiles without advance notice, which was clearly in violation of the Chicago Convention and its Annexes and in so doing, endangered the safety of civil aviation. China urged all Member States to take earnest and effective measures to comply with the relevant ICAO SARPs and ensure the safety of civil aviation. At the same time, the Representative urged that the President of the Council and the Secretary General continue their efforts through various channels to maintain contact with the Democratic People's Republic of Korea and remind the authorities there of their obligations in this regard.

48. In fully supporting the paper that had been presented by Japan and the Republic of Korea, the Representative of Congo observed that perhaps one of the issues for ICAO was that the Organization was not communicating its concerns effectively with the Democratic People's Republic of Korea. He acknowledged that letters may have been sent to the DPRK regime, but he noted that there had not been an ICAO mission to the country. Such direct contact was necessary in this matter because Assembly Resolution 32-6 dated to as far back as 1998, and in spite of the importance of this issue, not much progress appeared to have been made. The Representative noted that in the recent period there had been some 32 missile launches, which struck him as an enormous number. He was especially concerned to learn of the recent incident whereby an Air France flight was involved in a near-miss with one of the ballistic missiles that had been launched.

49. The Representative had taken careful note of the earlier intervention by the Director, Air Navigation Bureau, wherein an explanation had been provided as to the difficulties involved in developing regional contingency plans for these scenarios, but nonetheless it seemed to him that ICAO needed to make some advance planning to deal with the problem. He acknowledged that ICAO could not stop the missiles from being launched but wondered whether the Organization could not at least try to make sure that NOTAMs were issued by the DPRK regime. The Representative reiterated the need for ICAO to establish physical contact with the DPRK regime. Adopting decisions by the Council and issuing media releases did not appear to him to be an adequate response in the circumstances.

50. The President of the Council agreed that it was important for ICAO to consider all possible options in responding to this issue but at the same time stressed the need to look at what was realistically and technically feasible for an Organization such as ICAO to do in such a situation.

51. In response to the intervention from Congo, the Director, Air Navigation Bureau (D/ANB), explained that he fully understood the need to be as proactive as possible in designing contingency options in the event that a missile launch was detected and he was aware that some of the States in the immediate region were already trying to do something along these lines but the problem was that the length of the missile flight path was very short, while all commercial aircraft were already in mid-air and already on a flight path when the missile was being launched. The challenge therefore was to try and quickly discern the trajectory of the missile and then to begin re-routing aircraft in real-time. Unfortunately, the technological capability of doing this did not yet exist for responding in this manner once a missile had been launched.

52. The Representative of the United Republic of Tanzania referred to the preamble of the Chicago Convention, which was very clear in that international civil aviation needed to be developed in a safe and orderly manner. Therefore, it was important that all Member States complied with the

requirements of the Chicago Convention and its Annexes. In this regard, his delegation believed that it was entirely appropriate for the Council to take action on this matter in order to safeguard the safe operation of international civil aviation. The Representative was fully in agreement with the proposed action to be taken by the Council as these would be consistent with the Chicago Convention and Assembly resolutions. In relation to the proposed action recalling United Nations Security Council resolutions, the Representative observed that this seemed appropriate although it was understood that ICAO did not hold the specific mandate on those resolutions.

53. In response to the Representative of Nigeria who had understood that the Democratic People's Republic of Korea maintained a Permanent Mission to the United Nations in New York and that therefore, one option might be for ICAO to contact directly that mission, the President of the Council explained that the correspondence that he had issued to the Democratic People's Republic of Korea had been copied to that country's Permanent Mission at the United Nations in New York.

54. The Representative of Kenya observed that the situation in the region had apparently deteriorated in the recent period and represented a clear breach of the Chicago Convention. Her delegation fully supported the paper presented by Japan and the Republic of Korea and agreed with the actions proposed for the Council to take and in particular for the need to urgently inform all Contracting States accordingly.

55. In making his first intervention in a formal meeting of the ICAO Council since joining the governing body, the Representative of Malaysia recalled the recent tragedy involving Malaysia Airlines flight 17, which was a scheduled flight en route from Amsterdam to Kuala Lumpur and which was shot down by a missile over Eastern Ukraine on 17 July 2014, killing all 283 passengers and 15 crew on board. In this context, the Representative emphasized that the safety of civil aviation should not be jeopardized in any circumstances. His delegation was fully supportive of the paper presented by Japan and the Republic of Korea but he remained concerned that based on the information provided by the Secretariat, there did not appear to be a suitable contingency plan that would help to mitigate the risk posed by the missile launches without notification. The Representative was hopeful nonetheless, that the ICAO Asia Pacific Regional Office in Bangkok might be able to facilitate a solution.

56. The Representative of South Africa wondered whether ICAO could not initiate direct contact with the Democratic People's Republic of Korea in order to convey the Organization's concerns in this matter especially vis-à-vis compliance with the SARPs.

57. In expressing his appreciation to all Representatives for their interventions on this issue, the Representative of the Republic of Korea stated that the Council in taking the actions that had been proposed in the paper presented, would be sending a strong message to the international community of its firm commitment and united resolve in responding to the developments in the region.

58. The Secretary General thanked all Representatives for their interventions on this item. In relation to the specific question of contact with the Democratic People's Republic of Korea, she indicated that there had been numerous attempts by ICAO to do so in recent years but unfortunately, there had not been any response from that country thus far. One of the issues appeared to be the extent to which the civil aviation authorities in the DPRK were able to adequately respond to ICAO concerns. The Secretary General nevertheless assured the Council that she would continue to explore all opportunities to engage with the DPRK, including via the Regional Office in Bangkok, in order to convey ICAO's concerns as well as to urge the DPRK regime to comply with all aspects of the Chicago Convention and its Annexes.

59. The Representative of Greece (Observer State) took the opportunity to associate her country with the paper presented by Japan and the Republic of Korea as well as with the proposed action to be taken by the Council on this issue. She indicated that it was essential for ICAO to defend its

standards and recommended practices, and to do so in unity and determination when the safety of civil aviation was threatened.

60. The Representative of Venezuela (Observer State) expressed his country's full support for the paper presented by Japan and the Republic of Korea, especially as it was well within the mandate of the Chicago Convention and the aims of the Organization, which were to preserve the safety and security of international civil aviation as elaborated in the SARPs. The launch of missiles without due coordination represented a violation of the principles of civil aviation and therefore it was important for the Council to take action in keeping with existing Assembly Resolutions and to do everything possible to ensure any unsafe activities were avoided.

61. The Representative of Panama expressed his support for the paper presented by Japan and the Republic of Korea and stressed it was important for the Council to take action to ensure the safety of civil aviation and compliance with all standards and recommended practices.

62. The Representative of the Dominican Republic (Observer State) also expressed his full support for the paper that had been presented by Japan and the Republic of Korea and was in agreement with the proposed action to be adopted by the Council.

63. In turning to the proposed action by the Council, the Representative of Mexico suggested it might be necessary to re-order the sequence of the proposed clauses so that the recalling of the Assembly Resolutions preceded the condemnation of the actions of the Democratic People's Republic of Korea. He also expressed the view that in relation to the United Nations Security Council resolutions, it should be sufficient for ICAO to merely recall these because to go beyond this might have implications in the future. While the issuance of a media release at the conclusion of this meeting would be important, the Representative also stressed the importance of communicating with all Member States to alert them of the action that ICAO had taken on this matter, which would be in keeping with the Council's obligations under Article 54 of the Chicago Convention. Finally, the Representative foreshadowed that depending on developments, it might also be necessary for the Council to give further consideration to taking action in accordance with Article 88 in the future.

64. The Representative of Turkey emphasized that it was important for the Council to concentrate on the technical aspects of this problem. This meant that political messages should be avoided since they fell beyond the ICAO jurisdiction but would also likely result in the decision of the Council not being taken into consideration by the DPRK regime. If the Council maintained a focus on technical facts in the decision it took while strongly condemning the actions of the DPRK, then it would be more likely that the regime would not see the ICAO decision as just more politically motivated pressure. Therefore, the Representative urged caution and for the Council to refrain from using expressions that could be perceived as a sanction because the imposition of sanctions was the prerogative of the United Nations Security Council, which was working intensely on this matter.

65. In relation to the proposed wording of the Council decision, the Representative of Spain stressed the need to separate the reference to recalling Assembly Resolution 32-6 from the phrase of condemnation of the actions of the DPRK. As for the United Nations Security Council resolutions, he observed that the Security Council itself had already noted and condemned the violation of its resolutions so this would not be new for ICAO to note as well. What was important however for the ICAO Council to do was to make a clear reference to violations or infractions of the Chicago Convention since the Council as the governing body had a responsibility to ensure compliance with the Chicago Convention. Finally, with regards to contact with the DPRK regime, the Representative stated the importance of ICAO utilising all possible avenues to communicate with and convey its concerns to the regime vis-à-vis the need to comply with the ICAO SARPs. In this connection, the Council should be open to the possibility of pursuing such contact with the DPRK via diplomatic missions in individual Member States.

66. The Representative of Ecuador stated that while it was important for the Council decision to recall the relevant United Nations Security Council resolutions, the focus should be on the need to ensure compliance with the Chicago Convention. As for the issue of developing contingency plans for the region, he recognised the difficulties that were being faced in doing so but would rely on the Secretariat's technical expertise in offering options for consideration.

67. In relation to the wording of the decision to be taken by the Council, the Representative of France stressed the need for ICAO to note the violation of the resolutions of the United Nations Security Council. This was important since although ICAO was not in a position to determine whether a violation of Security Council resolutions had occurred, ICAO could certainly note that the Security Council itself had declared the DPRK in violation of its resolutions. In this manner, it would not be ICAO that was referring to the DPRK as being in violation of the Security Council resolutions but rather ICAO was merely noting that the Security Council had already declared the DPRK to be in violation of its resolutions. The Representative drew the Council's attention to the fact that the United Nations Security Council had already done so in its resolution 2371.

68. Given that all the interventions in the discussion thus far had suggested the Council was united in its view on this issue, the Representative of the United States stated that it would be important to ensure the wording of the decision was as clear and as strong as possible. This was an opportunity for ICAO to speak with one clear voice and in which the Organization would be aligned with statements that had been made by the United Nations Security Council and elsewhere.

69. Agreeing that while it was not the role of the ICAO Council to make a determination as to whether or not a country was in compliance or otherwise with the resolutions of the United Nations Security Council, the Representative of Australia noted that nevertheless, the Security Council itself had already made this determination and therefore, ICAO could legitimately refer to this in the decision it was about to take. Indeed, it was important to do so since ICAO should avoid giving the impression that if the DPRK was to comply with ICAO SARPs, then all of its other actions would be acceptable to the international community.

70. In relation to a decision of the ICAO Council containing a reference to the resolutions of the United Nations Security Council, the President of the Council stated that while it was possible to incorporate the reference, it was also necessary for the ICAO Council to be aware of the implications of doing so in that a precedent would be set for similar discussions in the future.

71. The Representative of Japan thanked all delegations for their encouraging statements and for the unanimous expression of support that had been conveyed in the preceding interventions. He stressed that it was important for the text of the decision about to be adopted by the Council to contain all the various elements that had been referred to in the debate and for the Council to continue to monitor the developments on this issue.

72. In concluding its consideration of this item, the Council:

- a) recalled Assembly Resolution A33-6, *Safety of Navigation*;
- b) expressed its strong condemnation of the continued launching of ballistic missiles by the Democratic People's Republic of Korea over or near international air routes without advance notification, which seriously threatens the safety of international civil aviation;
- c) strongly urged the Democratic People's Republic of Korea to comply with the provisions of the *Convention on International Civil Aviation*, its Annexes, related

procedures, and relevant ICAO Standards and Recommended Practices (SARPs) in order to prevent the recurrence of such potentially hazardous activities;

d) noted that the United Nations Security Council had determined that the launching of ballistic missiles by the Democratic People's Republic of Korea was in violation of its resolutions; and

e) requested:

- i) the President of the Council to promptly inform the relevant authorities of the Democratic People's Republic of Korea in writing of this decision of the ICAO Council;
- ii) the Secretary General to inform all Contracting States through the issuance of an Electronic Bulletin of this decision of the ICAO Council;
- iii) that a media release be issued to inform the public of the outcome of the Council's meeting on this issue; and
- iv) the Secretary General to continue to monitor developments and the level of compliance with the *Convention on International Civil Aviation* and its Annexes by the Democratic People's Republic of Korea, as well as to consider other measures by which this situation could be addressed and to inform the Council accordingly.

73. The meeting adjourned at 1245 hours.

COUNCIL — 212TH SESSION**SUMMARY MINUTES OF THE SECOND MEETING****(THE COUNCIL CHAMBER, MONDAY, 30 OCTOBER 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. K.A. Ismail
Australia	— Mr. S. Lucas	Mexico	— Mr. D. Méndez Mayora
Brazil	— Mrs. M.G. Valente da Costa	Republic of Korea	— Mr. J. Hur
Cabo Verde	— Mr. C. Monteiro	Russian Federation	— Mr. A.A. Korsakov (Alt.)
Canada	— Mr. M. Pagé	Saudi Arabia	— Mr. S.A.R. Hashem
China	— Mr. Shengjun Yang	Singapore	— Mr. T.C. Ng
Colombia	— Mr. A. Muñoz Gómez	Spain	— Mr. V.M. Aguado
Congo	— Mr. E. Anguesomo (Alt.)	Sweden	— Ms. H. Jansson Saxe
Cuba	— Mrs. M. Crespo Frasquiere	Turkey	— Mr. A.R. Çolak
Ecuador	— Mr. I. Arellano	United Arab Emirates	— Miss A. Alhameli
Egypt	— Mr. A. Khedr	United Kingdom	— Mr. M. Rodmell
France	— Mr. P. Bertoux	United Republic of Tanzania	— Mr. R.W. Bokango
Germany	— Mr. U. Schwierczinski	United States	— Mr. S. Kotis (Alt.)
India	— Mr. A. Shekhar	Uruguay	— Mrs. A. Torres (Alt.)
Ireland	— Ms. N. O'Brien		
Italy	— Mr. M.R. Rusconi		
Japan	— Mr. S. Matsui		

ALSO PRESENT:

Mr. H. Yoshimura	— President, ANC
Mrs. M.F. Loguzzo (Alt.)	— Argentina
Mr. C.R. Fernández (Alt.)	— Argentina
Mr. H. Gonzales (Alt.)	— Brazil
Mr. G. do Prado Lima (Alt.)	— Brazil
Mr. D. Tavares Taufner (Alt.)	— Brazil
Mr. F. Neubauer (Alt.)	— Canada
Mr. Chunyu Ding (Alt.)	— China
Mr. M. Millefert (Alt.)	— France
Mr. N. Naoumi (Alt.)	— Germany
Mr. M. Usami (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
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. Ö. Doğrukol (Alt.)	— Turkey
Mrs. K.L. Riensema (Alt.)	— United Kingdom
Ms. M. Peters-Stanley (Alt.)	— United States
Mrs. M.A. González (Alt.)	— Uruguay

SECRETARIAT:

Mrs. J. Yan	— C/OSG
Mr. B. Djibo	— D/ATB
Mr. B. Verhaegen	— A/D/LEB
Mr. S. Creamer	— D/ANB
Mrs. J. Hupe	— DD/ENV
Mr. T. Hasegawa	— DD/EC
Mr. T. Tanaka	— C/CC
Mr. A. Opolot	— LO
Mrs. J. Zorbas	— JF
Mr. A. Larcos	— C/ACS
Miss V. Muraca	— Précis-writer

*Part-time

Representatives to ICAO

Bolivia (Plurinational State of)
Cameroon
Chile
Cyprus
Greece
Indonesia
Lebanon
Libya
Paraguay
Peru
Venezuela (Bolivarian Republic of)

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

Welcome to new Representative on the Council

1. The President of the Council extended a warm welcome to Ms. Niamh O’Brien as the newly-appointed Representative of Ireland on the Council.

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

Schedule for consideration of items during the 212th session

2. The Council noted the meeting schedule for the 212th Session presented in the President’s memorandum PRES OBA/2659 (Revision No. 2), dated 20 September 2017, on the understanding that an additional possible informal briefing on remote or digitized control towers would be organized, and that further details regarding the precise date and location would be confirmed at a later time during the Session. The Council also noted the schedule for consideration of items during the 212th Session as set forth in the President’s memorandum PRES OBA/2700, dated 6 October 2017.

3. In also noting the schedule for the consideration of items during the 212th Session as set forth in the President’s memorandum PRES OBA/2700, the Council agreed to the following changes:

- as requested by the Chairperson of the Human Resources Committee (HRC) following its consideration of the item *Position of D-1 Special Adviser to the President of the Council*, on 5 October 2017, the item was added to the Work Programme for the current Session, to be presented by means of an Oral Report by the Chair of the HRC;
- further to the request from the Representatives of the United Arab Emirates, Egypt, Kenya and Saudi Arabia, as well as Colombia, it was decided that C-WP/14689 “Council Committee Handover Process,” and C-WP/14688 “Views on Emissions Unit Criteria of the CORSIA Package”, would both be tabled for discussion during the current Session; and
- the items C-WP/14643, “Modification to the Draft Generic Memorandum of Understanding between ICAO and Member States Regarding the Universal Security Audit Programme Continuous Monitoring Approach”, presented by the Russian Federation, the Report of the Twentieth Meeting of the AFI Plan Steering Committee (Oral Report), and the Report of the Sixth Meeting of the AFI SECFAL Plan Steering Committee (Oral Report), would be deferred to the next (213th) Session.

4. With respect to the Work Programme for the 213th Session circulated by email earlier that day, the President of the Council informed that additional amendments would be made to the Work Programme, following its consideration by the Working Group on to be made to the document to come to you after consideration by the Working Group on Governance and Efficiency (WGGE).

Subject No. 17.1: Joint Financing Agreement with Iceland

Subject No. 17.5: Joint Financing Agreement with Denmark

Recommendations of the Joint Support Committee Related to Items under the Danish and Icelandic Joint Financing Agreements Reviewed during the 211th Session

5. The Council considered this item on the basis of C-WP/14670, which provided an overview of the items under the Danish and Icelandic Joint Financing Agreements (JFAs) that were considered by the Joint Support Committee (JSC) during the 212th Session.

6. The working paper was presented by the Chairperson of the Joint Support Committee, (Representative of Spain). He noted that working papers JS-WP/2048, JS-WP/2049, JS-WP/2050, JS-WP/2051, JS-WP/2052, JS-WP/2053, JS-WP/2054, and JS-WP/2057 had been reviewed at the first

meeting of the JSC. The Chairperson recalled that the responsibilities of the Council are established by Articles 5, 6, and 10 of the JFAs with Iceland and Denmark, and include approval of the actual costs for the air navigation system in the North Atlantic, the cost estimate for the following year, and new capital expenditures under the JFAs with Iceland and Denmark.

7. The Chairperson highlighted that the Committee considered proposals for five investment projects related to the implementation of SATCOM services in the voice communications control system (VCCS), an upgrade to the air traffic control training simulator, meteorological equipment and improved monitoring of volcanic activity, and a flight data processing system, all of which had been reviewed and supported by the Air Navigation Bureau (ANB), and presented to the users at the annual User Consultation Meeting, held in September 2017, in Copenhagen, Denmark.

8. With respect to the User Consultation Meeting, the Committee had shown an interest in obtaining more timely and structured feedback on the deliberations that take place during such meetings, in order to enhance transparency and facilitate reporting to the JSC and the Council. A proposal to improve reporting of the outcome of User Consultation Meetings was being developed by the Provider States, group of users and the Secretariat, for consideration by the JSC at its next meeting.

9. It was noted by the Chairperson that the Committee had raised a number of questions on the Aireon space-based Automatic Surveillance – Broadcast (ADS-B), relating to the timelines, services, costs, technical specifications, and Standards and Recommended Practices. In particular, the JSC paid special attention to the governance of a single, global operating system. The Chairperson informed that Aireon was expected to clarify these issues in 2018, and that the Committee recommended that these matters be addressed by the Air Navigation Conference next year.

10. In concluding its consideration of this item, the Council noted that, subsequent to the meeting of the JSC, a copy of the briefing that Aireon had made to the ANC in June 2017, was circulated to members of the JSC. It was requested that this briefing be circulated to all Representatives on the Council, that an updated briefing on the project be planned for the 2018, to which the Council would be invited.

Subject No. 15: Subjects relating to air transport

Proposed concept of the Global Air Transport Plan

11. The Council had for its consideration C-WP/14671, in which the Secretary General reported on the consultations that had taken place with the panels of the Air Transport Committee (ATC), on a proposed concept for a Global Air Transport Plan (GATP). The Council also had for consideration an oral report thereon from the ATC.

12. The Oral Report was presented by the Chairperson of the Air Transport Committee (Representative of Saudi Arabia). He noted that during its deliberations on the GATP, Committee members had expressed caution over the development of such a plan, in light of the difference between the GATP on one hand, and the Global Air Navigation Plan (GANP), the Global Aviation Safety Plan (GASP) and the Global Aviation Security Plan (GASeP), on the other. In particular, the Committee had raised concerns as to the purpose and objective of the GATP, and questioned the interdependencies between the GATP, and the Standards and Recommended practices included in the other plans.

13. While divergent views were expressed on the need for the GATP, the Committee members supported the development of an intermediary document for strategic planning in the field of international air transport, without necessarily using the term “Global Air Transport Plan” at this time.

14. The Chairperson informed that the Committee had concluded that a more mature document should be developed by the Secretariat and reviewed by the Council before any consultations were undertaken with Member States.

15. In concluding its consideration on this item, the Council requested the Secretariat to prepare a draft a strategic planning document to elaborate on the proposed concept of the GATP, and that this should be presented to the Council for consideration during its 213th Session. It was further requested that this document take into consideration the comments made during the ATC discussion, have a clear objective and seek to complement the other ICAO Global Plans. Following review by the Council, it was understood that this draft strategic planning document would then be circulated to Member States as part of a consultation process.

Subject No. 50: Questions relating to the environment

Recent developments in ICAO and other United Nations bodies and international organizations Results of the Committee on Aviation Environmental Protection (CAEP) Steering Group (SG)

16. The Council agreed to consider these two items together on the basis of C-WP/14672 (Recent developments in ICAO and other United Nations bodies and international organizations) and C-WP/14675 (Results of the Committee on Aviation Environmental Protection (CAEP) Steering Group (SG) Meeting).

17. The Secretary General presented information paper C-WP/14672, which reported on recent developments within ICAO in the field of aviation and the environment, including the progress on the ICAO State Action Plan and assistance initiative. In addition, the paper detailed ICAO's cooperation with other UN bodies, including the results of the forty-sixth Session of the Intergovernmental Panel on Climate Change (IPCC) and the twenty-third Senior Official Meeting of the United Nations Environment Management Group (EMG).

18. The Council was also informed of the outcome of the second ICAO Conference on Aviation and Alternative Fuels (CAAF/2), held in Mexico City, Mexico, from 11 to 13 October 2017. The Secretary General expressed her gratitude for the support provided by the Government of Mexico, and commended the outcome of the CAAF/2, which consists of a Declaration adopted by the Conference, including the 2050 ICAO Vision on Sustainable Aviation Fuels. The Vision is an inspirational pathway towards a “significant proportion” of conventional aviation fuels to be substituted with sustainable aviation fuels by 2050, to be periodically reviewed through a stocktaking process and elaborated at the next such Conference, to be held no later than 2025. Accordingly, the Council reiterated its gratitude to Mexico for having hosted the CAAF/2, and to the Secretariat for the support that was provided in ensuring the success of the event. It was understood that the results of CAAF/2 would be presented at the 213th Session of the Council, and that in the interim, the additional remarks of the Secretary General on CAAF/2 would be circulated to the Council for their record.

19. The Council welcomed the fact that as at 19 September 2017, a total of 104 Member States, representing more than 90.1 per cent of international aviation revenue tonne kilometres (RTK) had submitted Action Plans to ICAO. The Council also expressed appreciation to those States and organizations that had supported the ICAO capacity building activities that had been undertaken, as outlined in paragraphs 1.2, 1.3 and 1.4 of the working paper.

20. The Representative of India congratulated Mexico on the success of CAAF/2, and emphasized that it had been an important event, with positive results achieved. Turning to the working paper, the Representative noted that the progress under the United Nations Framework Convention on Climate Change (UNFCCC) had not been included. Particularly given the potential impact of the discussions under the UNFCCC regarding eligible emissions units and registries on ICAO deliberations

related to the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA), the Representative expressed interest in receiving an update on the UNFCCC.

21. In responding to the Representative of India, the Deputy Director, Environment (DD/ENV) informed that the 23rd Session of the Conference of the Parties (COP23) to the UNFCCC would be held from 6 to 17 November 2017, in Bonn, Germany. She highlighted that COP23 would serve as an opportunity for the Secretariat to follow up the deliberations of the UNFCCC, including on the subjects raised by the Representative of India. DD/ENV also noted that ICAO would deliver a statement to the Subsidiary Body on Scientific and Technological Advice (SBSTA), and participate in a joint briefing with the International Maritime Organization (IMO) to update the UNFCCC on the work of the Organization on aviation environmental protection. The Secretariat had also been invited to participate in various side events to showcase the work being undertaken with respect to the joint ICAO-European Union assistance project, and CORSIA. It was understood that the outcome of the UNFCCC COP23 would be reported to Council at the 213th Session, and that more generally, for future sessions of the Council at which the item “Recent developments in ICAO and other United Nations bodies and international organizations” is presented, consideration be given to providing more information on developments in the UNFCCC process, where appropriate.

22. There being no other comments, the Council noted information provided in C-WP/14672.

23. The working paper C-WP/14675 was presented by the Secretary General and reported on the results of the Committee on Aviation Environmental Protection (CAEP) Steering Group (SG) meeting held in Montreal, Canada, from 11 to 15 September 2017. It was noted that the discussions that had occurred at the CAEP SG meeting concerned aircraft emissions issues, including the latest developments on a non-volatile Particulate matter (nvPM) Standard, aircraft noise, sustainable aviation fuels, airports and operations, impacts and science, the Integrated Independent Expert Technology Goals Assessment and Review for Engines and Aircraft, and issues associated with the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA). The President of the Council recalled that the outcome of the latter subject was outlined in C-WP/14674, which would be considered by the Council during the next item.

24. Echoing the sentiments of the Representative of India, the Representative of France thanked Mexico for organizing the CAAF/2. In relation to paragraph 2.1 on the ICAO aircraft engine nvPM Standard stringency options, the Representative of France noted that the description of stringency options for in-production engines and new engine types was unclear. To clarify, on the basis of the summary of discussions from the CAEP SG meeting, the Representative proposed to revise the wording to read “1 for mass and 1 for number for In Production (InP) engines”, and that this same revision was also be proposed for new engine types. In addition, with respect to paragraph 2.5 on supersonic aircraft standards, the Representative of France highlighted that the date of 2022 indicated for the finalization of the first Landing and Take-off (LTO) and en-route noise standard for supersonic aeroplanes was in reality 2025, as per the CAEP work programme. Lastly, the Representative underscored the importance of the CAEP decision to undertake an investigation public acceptability of aircraft noise around airports at night.

25. In relation to the progress of the CAEP work programme presented in section 2 of C-WP/14675, the Representative of Spain commended the Secretariat for providing a concise and comprehensive summary of the work that has been undertaken by CAEP to date. Speaking generally, he suggested that the Secretariat develop a graphical presentation of the items under consideration by the CAEP and the proposed timelines for the progress and deliverables to be achieved thereon, consistent with the figure produced to reflect the timeline of work on CORSIA. Raising a specific point with respect to paragraph 2.6 on airports and operations, the Representative of Spain requested additional clarification regarding the CAEP task on global ATM efficiency and the environmental impact of uncompensated traffic growth.

26. In providing clarifications to the various points raised by the Representative of France, DD/ENV informed that not all the stringency options for nvPM considered and agreed by the CAEP SG had been included in the working paper, as the intent of the paper was to provide a high-level overview of the CAEP SG results. She acknowledged that the intervention from the Representative of France provided additional precision arising from the summaries of discussion of the CAEP SG meeting. DD/ENV also noted that the CAEP SG meeting agreed that for the development of a supersonic noise standard, additional data is required on the public perception of noise, including public acceptability while not only during the day, but at night. With respect to the date for the first en-route noise standards for supersonic aeroplanes, DD/ENV confirmed that the CAEP SG meeting had maintained the completion date of 2025.

27. Turning to the points raised by the Representative of Spain, DD/ENV noted that the Secretariat will develop the graphical presentations of the progress of the CAEP work programme, for circulation to the Council. Regarding the issue of global ATM efficiency, DD/ENV informed the Secretariat was carrying out a top-down analysis to identify the level of ATM inefficiencies that need to be addressed and in which areas the ASBU module implementation should be focussed. This analysis is a continuation of the work that was completed during the previous CAEP cycle, and is being undertaken in coordination with ANB.

Report on the work of the Advisory Group on CORSIA
Update on the work on a Global Market-based Measure (GMBM) scheme
Views on emissions unit criteria of the CORSIA package

28. The Council agreed to consider these three items together on the basis of C-WP/14673 (Report on the work of the Advisory Group on CORSIA), C-WP/14674 (Update on the work on a Global Market-based Measure (GMBM) scheme) and C-WP/14688 (Views on emissions unit criteria of the CORSIA package).

29. The working paper C-WP/14674 provided an update on ICAO preparatory activities for the implementation of the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA), in particular, the results of the CAEP SG meeting held in Montréal, Canada from 11 to 15 September 2017, which successfully delivered its recommendation on a package of CORSIA-related draft Standards and Recommended Practices (SARPs) and guidance material.

30. The working paper C-WP/14673, was presented by the Chairperson of the Advisory Group on CORSIA (AGC) (Representative of Mexico), and contained the report on the work of the Advisory Group on CORSIA (AGC), which outlined the results of the sixth and seventh meetings of the AGC, held on 26 and 29 September 2017, respectively. He noted that the AGC had discussed the results of the CAEP SG meeting with respect to the developments related to CORSIA, as well as the draft of C-WP/14674, “Update on work on a Global Market-based Measure scheme”. In particular, the main subjects discussed by the AGC included the clarification of the status of the various components of the CORSIA package, the placement of the emissions units criteria (EUC), issues related to sustainable aviation fuels, CAEP future work, next steps for the review and approval of the CORSIA Package, and additional outreach and capacity building activities.

31. With reference to the informal consultation process that had been on-going amongst the Council Representatives, the Chairperson of the AGC underscored that in his view, a common understanding had emerged on several issues pertaining to the CORSIA Package, namely: on the material that comprises the CORSIA Package; on the need for a specific definition of the responsible authority for each part of the CORSIA Package; agreement on the essential nature of the CORSIA Supporting Information; the need for preliminary approval of the emission units criteria, as part of the CORSIA package; recognition that the emission units emanating from the UNFCCC and the Paris Agreement in the future will be considered in accordance with the relevant provisions of the Resolution A39-3; the preliminary nature of the sustainability criteria for alternative fuels, recognizing the need to consult States on these fuels and the additional work to be carried out by the CAEP, for Council’s consideration and

approval; the requirement for robust 2018 RTK data as soon as possible, and by no later than May 2019; agreement that States should be able to comment on all elements of the CORSIA Package during the State letter consultation process; and agreement to establish a deadline for receiving replies to the State letter prior to the regional seminars, with a view to respecting the timeline for the adoption of the amendment to Annex 16, to include the First Edition of Volume IV – *CORSIA*.

32. Recognizing the work of CAEP on CORSIA, the Representative of Colombia presented working paper C-WP/14688, which contained recommendations for refining the definitions of additionality and double counting in the emissions unit criteria (EUC) of the CORSIA Package, as recommended by the CAEP SG meeting. Cautioning against the exclusion of valuable reforestation projects as possible sources of emissions reductions units under CORSIA, the Representative highlighted that the current definition of legal additionality would allow only those activities beyond a specified legal or regulatory mandate to be eligible to generate emissions units under CORSIA. To illustrate, he informed that in many developing States, although deforestation is an illegal activity and a significant source of emissions, the practice continues. Under the current definition of legal additionality, reforestation of these deforested areas would not be applicable for emissions units under CORSIA. Regarding double-counting, the Representative highlighted the need to clarify rules of accounting to ensure that emissions units used by airline operators under CORSIA cannot then be reused under the National Determined Contributions under the UNFCCC.

33. Thanking the Chairperson of the AGC for his efforts to try to reach a consensus through the informal consultation process, the Representative of India acknowledged that a number of concerns remained to be addressed. While it was clarified that the CORSIA Supporting Information was mandatory by means of its reference in the SARPs contained in the proposed Annex 16, Volume IV, it was not clear whether the CORSIA Supporting Information would need to be adopted as part of the SARPs, or if it would follow a separate approval process. In particular, the Representative noted that aspects of the Supporting Information, such as the sustainability criteria and the EUC, were not simply information, and rather, mandated action by States; as such, the term “Supporting Information” was not sufficiently accurate to capture the significance of the material contained within the document. Turning to the issue of EUC, although the criteria had been developed by CAEP, further examination of the current inventory of emissions units under the UNFCCC, and specifically, the Clean Development Mechanism (CDM), would need to be undertaken to ensure the eligibility of those units under CORSIA, before the Council can move forward with its approval. At the same time, the issue of double-counting of emissions units as presented in paragraph 7 c) of the CORSIA Supporting Information, along with the issue of sectoral caps, is currently under consideration by the UNFCCC, and as such, he suggested that the Council might wish to exercise caution before taking a decision that could pre-empt the outcomes of those deliberations, without further consultation with States on EUC.

34. Turning to the sustainability criteria presented under paragraph 2.3.2.2 of the CORSIA Supporting Information, the Representative of India expressed concern that the sustainability certification scheme for the twelve themes and associated criteria identified were potentially inconsistent with respect for national sovereignty, as a number of the sustainability criteria fall under national, and in some instance, even more localized jurisdictions. To provide States with flexibility in the application of the criteria, it was proposed that the requirement that all the sustainability criteria be met for use in CORSIA, be turned into a recommendation with a “should” statement, rather than “shall”. Furthermore, it was proposed to delete paragraph 2.3.2.2.1, Guidance on the application of sustainability criteria, to be replaced with a national attestation of compliance, which would be considered as sufficient to ensure compliance with the sustainability criteria, and would preclude further assessment under any sustainability certification scheme. In addition, it was recommended to state thereunder that the sustainability criteria were applicable only to those fuels which were to be assessed under CORSIA.

35. On the subject of the SARPs in the proposed Annex 16, Volume IV, recalling Assembly Resolution A39-3, and more specifically, the need to take into account developments under the UNFCCC and the Paris Agreement for various aspects of CORSIA, the Representative of India underscored the

SARP currently does not make sufficient reference to the UNFCCC process and the Paris agreement. To better reflect the linkages between Resolution A39-3 and the UNFCCC and Paris Agreement, a proposal was tabled to revise the Note in Chapter 4, paragraph 4.2.1 of the proposed Annex 16, Volume IV, as follows: “The CORSIA Emissions Units Eligibility Criteria are approved by the Council, and may be amended by it to take into account relevant developments under the UNFCCC and the Paris Agreement. The CORSIA Eligible Emissions units are determined by the Council, upon recommendation of a technical advisory group established by the Council, and meet the CORSIA Emissions Unit Eligibility Criteria. The CORSIA emission units generated from mechanisms established under the UNFCCC and the Paris Agreement are eligible for use in CORSIA, provided they align with the decision of the Council.”

36. The President of the Council clarified the status of components of Annex-related material, reiterating that the Council is responsible for adopting Standards, recommended practice, appendices, provisions, and definitions under Rule 90 a). Materials such as the Foreword, Introduction, Notes, and Attachments are approved by the Council through a majority rule.

37. On the status of the CORSIA Supporting Information, the Deputy Director, Environment (DD/ENV), informed that the response of the Legal Affairs and External Relations Bureau (LEB) on this issue was provided as Appendix C to C-WP/14674. Most importantly, LEB had reiterated that where action is required on the part of a State, it must be contained in the SARPs, and be referred to with a “shall” statement. On the other hand, where States are being provided information to facilitate implementation of the SARP and does not necessitate action, this has been included in the guidance material, such as CORSIA Supporting Information.

38. Reminding the Council that the CORSIA Package consisted of the three components, namely, the proposed Annex 16, Volume IV, Doc 9501, *Environmental Technical Manual* (ETM), Volume IV, and the CORSIA Supporting Information, the President of the Council noted that as a guidance manual, the ETM would be issued under the authority of the Secretary General, and did not require Council approval. Therefore, he invited the Council to focus attention on the proposed Annex 16, Volume IV, and the CORSIA Supporting Information.

39. The Representative of the United States echoed the sentiments of the Representative of India in expressing his appreciation to the Chairperson of the AGC for the informal consultations that had taken place following the AGC meeting. Recognizing that such informal consultations can benefit the discussions of the Council and yield better results, the Representative of the United States suggested to postpone further discussions on this item to allow for additional informal discussions, and to re-open the consideration of the items at the next meeting. He expressed some concern that a number of substantive issues remained outstanding, and might not be resolved while in session.

40. The President of the Council thanked the United States for the proposal, but noted the time constraints to complete the work programme for the current Session. He advised that the discussions should move forward as planned and any decisions be taken where possible. He also observed that there would be an opportunity to continue the informal consultation process on unresolved issues.

41. The Representative of Sweden welcomed the timely delivery of recommendations by CAEP on the CORSIA Package, and voiced her support for the recommendations set forth in C-WP/14673. She cautioned that the decision on CORSIA represents an important compromise, and as such, previous decisions should not be re-opened. The Representative of Sweden agreed that further clarification is needed on the different elements of the CORSIA Package, and expressed her support to the proposal to refer to the UNFCCC and Paris Agreement, but advised to make a direct reference to the relevant operational clauses of A39-3, rather than attempt to re-interpret the Resolution.

42. While supporting the views expressed by the Representative of India, and the proposal of the Representative of the United States, the Representative of Saudi Arabia stressed that the Council

Package as a whole should be sent to all States for comments, as there were elements of the Package that would require further input. In this regard, he noted that the definition of alternative fuel as contained in the proposed Annex 16, Volume IV was incomplete. As currently defined, the term, as fuel that is not extracted from oil, was not relevant to any environmental or emissions-related goals. Providing an example, the Representative highlighted the inaccuracy of the definition in that alternative aviation fuels produced, such as hydrogen, are considered to have zero emissions. In reaffirming the support of Saudi Arabia for the on-going work to develop and deploy sustainable aviation fuels, the Representative of Saudi Arabia recommended that the current definition of alternative fuel be deleted.

43. Reiterating the perspective shared by Sweden, the Representative of the United Kingdom recognized that the CORSIA Package tabled for consideration reflected a compromise across a broad range of views, and that re-opening discussions on items that had already been agreed would be ill-advised, especially in light of the maturity of the proposed CORSIA Package. He was pleased to note the update provided by the Chairperson of the AGC that common ground had already emerged during the informal consultations on several issues, but was concerned with the number of new proposals being raised thus far, such as those raised by the Representatives of Colombia, India and Saudi Arabia, that go beyond the way forward presented by the Chairperson of the AGC. In conclusion, he suggested that in the absence of agreement across all the issues raised, to proceed with the original proposal put forward by the Secretariat, or with the limited changes that can be agreed, on the understanding that States would be able to raise any particular concerns or proposals during the State consultation process.

44. The Representative of Germany thanked the Chairperson for the accurate reporting of the discussions of the AGC. While acknowledging that it was the prerogative of the Council to discuss the recommendations arising from the CAEP as a technical committee of the Council, and provide guidance as required, the Representative recommended that the Council refrain from making on-the-spot revisions to Annex-related material, as it could result in unintended ramifications, and impact the work of the technical committee. He voiced his support to accept the original CORSIA Package, as this would be the best way forward to maintain the environmental integrity of the material. He also underscored the mandatory nature of the CORSIA Supporting information, and that the Package would need to maintain the sustainability criteria for aviation alternative fuels, to ensure that such fuels could be considered under CORSIA. In terms of optics, the Representative highlighted that any changes to the CORSIA Package that could result in the degradation of the environmental impact of CORSIA could send a negative message to the UNFCCC and the upcoming COP23. He concluded by supporting the inclusion of a reference to the UNFCCC and Paris Agreement to paragraph 4.2.1, by directly citing Resolution A39-3, and that ICAO move forward with the State letter consultation on the understanding that the Supporting Information is provided to States for information only, to ensure transparency in the process.

45. With respect to the mandatory nature of the CORSIA Supporting Information, the President of the Council explained that a decision would need to be taken whether the Supporting Information should be provided to States during the consultation process simply for information, or for comment. He reiterated the request that the debate should not be re-opened on items that had already been agreed upon, and recalled that the Council had decided to consider the CORSIA Package directly emanating from the CAEP SG meeting, rather than the full CAEP meeting, as is the usual procedure. This decision had been made in an effort to expedite the early implementation of the proposed Annex 16, Volume IV on CORSIA. Keeping this in mind, he noted that proposal to improve the document prior to being circulated to States was potentially an option.

46. The Representative of China supported the views expressed by the Representative of India, and enumerated his delegation's concerns with respect to the CORSIA Package. He maintained that the implementation of CORSIA by ICAO should not impact individual States' national policies and regulations to address global climate change and implement the Paris Agreement. He also reiterated his delegation's opposition to the development of mandatory Standards by ICAO for the implementation of CORSIA. The Representative then recalled the reservations filed by China to Assembly Resolution A39-2, operative clause 6, regarding carbon neutral growth from 2020, and the request that ICAO

out further study on the feasibility of this goal, as well as its impact on the international civil aviation of developing States. In this regard, he noted his delegation's dissatisfaction with the results of the studies conducted to date, and informed that not resolving this issue would have a direct impact on the determination and confidence of relevant countries to participate in the Organization's activities to address global climate change.

47. On the development of mandatory EUC by ICAO, the Representative of China expressed his delegation's reservations in this regard, insisting that any emissions units generated and documented under the UNFCCC and Paris Agreement processes, should be eligible for use in CORSIA. The current arrangements on early action to use the emissions reductions projects designed under the Kyoto Protocol, 2020 emissions targets or to offset emissions reduction obligations after 2020, were noted, in terms of how to ensure the additionality of such projects and avoid double-counting.

48. The Representative also voiced concern that ICAO was potentially not the most appropriate United Nations agency to develop either sustainability criteria, or a sustainability certification scheme. Such criteria could be burdensome to a still fledgling aviation alternative fuel industry, and could result in reducing the availability of such fuels and increasing their cost, which could go against the aims of ICAO to promote the development and deployment of alternative fuels for aviation. In particular, he underscored that the development of the CORSIA Package was not a purely technical exercise, but entailed political issues well beyond the mandate and expertise of ICAO. As such, he proposed that an independent review and endorsement of the SARPs and CORSIA Supporting Information by a third-party UN agency, such as the UN Economic and Social Council (ECOSOC), or the UNFCCC, be undertaken, in particular with respect to vetting the sustainability criteria, and the EUC registry system.

49. While asserting that his delegation was ready to participate in international aviation climate governance initiatives, consistent with the principle of common but differentiated responsibilities, the Representative reaffirmed the serious concerns that his delegation had with various aspects of the CORSIA package that appeared to go beyond the mandate of ICAO, and that if these were not settled, could prevent China from accepting and implementing CORSIA, as per the anticipated timeline. He concluded in requesting that it be specified that Member States must inform ICAO by means of official correspondence, whether and when, they will participate in CORSIA.

50. Expressing the support of his delegation for the statements made by the Representatives of India and Saudi Arabia, the Representative of Egypt recalled that Assembly Resolution A39-3 indicated that the EUC would be developed on the basis of the Council's decisions, and taking into consideration the developments under the UNFCCC and Paris Agreement. He emphasized that the sovereignty of States should be preserved, in particular with respect to the sustainability criteria and the sustainability certification schemes, and that if CORSIA was to succeed, Member States would need to be given the opportunity for their views to be addressed, rather than have to accept a *fait accompli*.

51. The Representative of Brazil endorsed the comments made by the Representative of India with regard to the modifications proposed to the CORSIA Package, in particular in relation to the inclusion of the UNFCCC and Paris Agreement, as well as on the sustainability criteria. She also voiced her agreement that the State letter include the CORSIA Supporting Information, as given their mandatory status, Member States should have the opportunity to review and understand the material. In this regard, it was recommended that the State letter underline that the CORSIA Supporting Information addressed subject matter beyond civil aviation, and that States may wish to coordinate their reply to the State letter amongst the different agencies that may be affected. The Representative of Brazil also noted that her delegation echoed the sentiments made by the Representative of China. Prefacing her comments by offering thanks to the Representative of Colombia for raising a number of important issues in C-WP/14688, the Representative of Brazil regretted that there had not been sufficient time to thoroughly consider the working paper, given the lateness in which it had been circulated.

52. On the subject of the potential compromise raised by the Chairperson of the AGC, in responding to a request for clarification from the Representative of Brazil, the President of the Council suggested that the additional information provided by the Chairperson on the progress of the informal consultations be circulated to the Council.

53. Regarding the impact of climate change on Small Island Developing States (SIDS), the Representative of Cuba emphasized the need to undertake action to mitigate global climate change, consistent with the principles of the UNFCCC and the Paris Agreement. She welcomed the work of CAEP on CORSIA, and with regard to the Council providing provisional approval of EUC while awaiting comments from States, the Representative agreed to this approach, insofar as any new developments under the UNFCCC and the Paris Agreement were considered. On the sustainability criteria for aviation alternative fuels, the Representative communicated her delegation's reservations on the mandatory certification process as set out in the proposed Annex 16, Volume IV, as this would appear to fall outside the competence of civil aviation authorities, and would therefore need to be addressed by other appropriate national agencies. With respect to the State letter, the Representative expressed her support for sharing all mandatory material of the CORSIA Package with Member States, and proposed that the State letter refer to all elements of the CORSIA package, highlighting their interdependent nature.

54. The Representative of Kenya echoed the points raised by the Representative of India, in particular with respect to the need to provide States with the opportunity to comment on the Supporting Information, given it is an integral part of the SARPs in Annex 16, Volume IV; the need to include reference to the text of Resolution A39-3 regarding the UNFCCC and Paris Agreement in paragraph 4.2.1 of the proposed Annex 16, Volume IV; and on the sustainability criteria, noting that it could be acceptable for the Council to provide provisional approval, pending further work of CAEP on this issue. She also agreed with the Representative of China that it would be important to ensure that CORSIA does not interfere each Member State's national policies to address climate change.

55. Supporting the statements made by the Representatives of India, China, Saudi Arabia, Egypt, and Brazil, amongst others, the Representative of the Russian Federation recalled the concerns of his delegation with respect to the feasibility of carbon neutral growth by 2020, and whether CORSIA will be successful in facilitating the environmentally sustainable growth of the industry. He suggested that the State letter include an implementation task list, which would consist of those actions that are required on the part of States. He also favoured the title of the CORSIA Supporting Information, as the term "information" did not place any sense of obligation to States to implement. On this point, the Representative noted that in general, a State can file a difference to any Standard to inform of its non-compliance to the provisions contained therein, and thus, absolve the government from having to implement it. Moreover, referring to paragraph 10.5 of the CAEP Directives, the Representative added that following initial review by the Council, all States are consulted on CAEP's recommendations for amendment of Annexes, Procedures for Air Navigation Services and other substantive ICAO documents before they are submitted to the Council for final action. Hence, the CORSIA Supporting Information would need to be circulated to States for comments. Lastly, given the lengthy deliberations by the CAEP SG meeting on paragraph 4.2.1 and whether to include the term "only", the Representative advised that to ensure transparency in the process, this would need to be reflected in the State letter to provide a clear understanding of how this debate was resolved.

56. The Representative of Japan drew attention to the definition of international flight, as contained in the proposed Annex 16, Volume IV, and the method for determining whether a flight was considered international or domestic. Noting that this issue had not been raised in the AGC, but had been a matter of discussion during the CAEP SG meeting, as a means to provide clarity to the definition, the Representative proposed to include a Note in the proposed Annex 16, Volume IV to the effect that identifying international and domestic flights in the context of CORSIA is based on the list of aerodromes and their location indicators as contained in Doc 7910, and would not affect any State's territorial sovereignty. This Note could provide technical clarity and ensure that the definition is not used to support any legal or political position.

57. The Representative of the Republic of Korea agreed with the positions stated by the Representatives of Germany, Sweden and the United Kingdom. He acknowledged that a compromise had indeed been reached to move forward with CORSIA, and although it was important not to renege on this agreement, as the scheme was still under development, he emphasized that it was the opportune moment to consider the slight modifications being proposed, and improve aspects of the scheme where necessary.

58. Articulating his support to the comments made by the Representative of India, and in echoing the comments made by the Representative of Kenya on EUC, the Representative of the United Republic of Tanzania supported the proposal to move forward in providing provisional Council approval for the EUC, which would then be finalized following the State consultation process. He also agreed with the comments raised to amend paragraph 4.2.1 to include reference to the UNFCCC and Paris Agreement by directly citing the relevant paragraphs of A39-3. With respect to the CORSIA Supporting Information, and in particular the sustainability criteria identified therein, the Representative reiterated that these appeared to go beyond just aviation alone. As the CORSIA Supporting Information contained elements that were key to the understanding of Annex 16, Volume IV, he concluded in agreeing that the Supporting Information be circulated to States for comment.

59. From the preceding discussions, the President of the Council summarized the elements on which consensus had emerged. It was agreed that the relevant documentation of the CORSIA Package, namely, the proposed First Edition of Annex 16, Volume, IV would be submitted to the Air Navigation Commission (ANC) for review. In terms of process, following requests for clarification from the Representatives of the United States and India, the President confirmed that the ANC consideration would focus on the SARPs, and that insofar as a compromise was reached by the Council prior to the review by the ANC, this would be communicated accordingly to the Commission during its review.

60. The Representative of Colombia emphasized the importance of taking into account the views and needs of small and medium-sized States, and developing States to the successful implementation of CORSIA. In this regard, he supported the pragmatism reflected by the comments of the Representatives of the United Kingdom and the Republic of Korea, to consider the proposals made to modify the CORSIA Package, as they did not go against the spirit of CORSIA or affect the technical integrity of the Package as a whole. He also requested that these proposals be included in the proposal of Colombia, as his delegation represented the interests of a number of States that were not involved in the CAEP work.

61. In response to the perceived uncertainty on the process of coordination with the ANC on the CORSIA package, as expressed by the Representatives of Brazil and the Russian Federation, the President of the Council clarified that the ANC would simply review the technical aspects of the proposed Annex 16, Volume IV, but would not be discussing any political issues related to the CORSIA Package. He also underscored that should there be any additional agreement by the Council on other elements of the Package, the ANC would be provided with an update, and vice versa, should the ANC wish to propose any amendments to the material. He assured Representatives that any amendments proposed by the ANC would be provided to Council for approval, prior to the State letter being circulated to Member States for consultation.

62. In taking into account the comments raised during the deliberations, and the recommendations presented by the AGC in C-WP/14673, the Council:

- a) welcomed the timely delivery of the recommendations by CAEP on the CORSIA package, noting that this consisted of a proposed Annex 16 – Environmental Protection, Volume IV – CORSIA; a proposed Environmental Technical Manual (ETM), Volume IV (Doc 9501); and proposed “ICAO CORSIA Supporting Information” and “Supporting Documents”;

- b) agreed to forward the proposed Annex 16, Volume IV to the Air Navigation Commission (ANC) for its consideration and comments, if any, especially pertaining to the technical aspects of the proposal;
- c) affirmed that the Council would be the body to adopt the final version of Annex 16, Volume IV;
- d) agreed that the proposed Environmental Technical Manual (ETM), Volume IV (Doc 9501), was an ongoing “work-in-progress” and would be issued under the authority of the Secretary General once finalized;
- e) agreed that all “ICAO CORSIA Supporting Information” referred to in a) above, would be subject to approval by the Council, once finalized;
- f) agreed that the “Supporting Information” to be issued represented an essential component of the CORSIA package but that its relationship with the proposed Annex 16, Volume IV required further clarification and in this connection, requested the Secretariat to review the terminology for this component of the package;
- g) endorsed the recommendation by the AGC that ICAO should ensure that there would be reliable data on revenue tonne kilometres (RTKs) by Member States for the year 2018, and that this be made available as early as practicable in 2019;
- h) agreed that the State letter to be issued would refer to the entire CORSIA package in order to ensure that Member States understood how the package was structured and that the deadline for comments to be submitted by States thereon would be set prior to the holding of the regional seminars on CORSIA;
- i) requested the Secretariat to continue developing an implementation task list to be available when the State letter that would be issued on the CORSIA package, by way of providing clear assistance to participating and other States on what was expected of them in terms of implementation, as well as in relation to their monitoring, reporting and verification (MRV) responsibilities;
- j) agreed that Member States would be encouraged to actively support the organization of regional seminars on CORSIA to take place from March to April 2018; and
- k) noted the necessity for effective communication with Member States at all times and requested the Secretariat to ensure that the outreach material on CORSIA being developed would be drafted in a plain English language and reader-friendly style.

63. The Council further agreed that the following main points remained outstanding and would continue to be subject to ongoing informal consultations among Representatives:

- a) the wording to be reflected in paragraph 4.2.1 and its accompanying note of the draft Annex 16, Volume IV;
- b) whether it was possible at this stage to achieve definitive or provisional consensus with regard to the emissions unit criteria (EUC);
- c) the sustainability criteria of alternative fuels and how to address the nature and differentiation among these criteria with the aim of achieving consensus thereon;
- d) that Member States would have the ability to comment on the “Supporting Information”; and

- e) the definition of “aviation alternative fuels”.

64. The President of the Council requested that the informal consultations focus on resolving the points that remained open, and that the outcome of the consultations would be reported on at the next meeting of the Council to take place on Wednesday, 1 November 2017.

Any other business

Appointment of a Member and an Alternate on the Air Navigation Commission

65. In the absence of comments by 28 July 2017 to the email from the President of the Council dated 25 July 2017, Mr. Dong Cheol Jang, nominated by the Republic of Korea, was appointed as a new Member of the ANC, replacing Mr. Kyung-soo Yu, with effect from 1 August 2017.

66. Also, in the absence of comments by 6 October 2017 to the email from the President of the Council dated 25 September 2017, Mr. Michael Brown, nominated by the United States, was appointed as Alternate to Mr. Mark Reeves on the ANC, with effect from 19 September 2017.

Appointment of Alternates on the Air Transport Committee (ATC), Finance Committee (FIC), Human Resources Committee (HRC), Joint Support Committee (JSC), Unlawful Interference Committee (UIC) and the Committee on Relations with the Host Country (RHCC)

67. In the absence of comments by 2 October 2017 to his email dated 29 September 2017, and 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 in the *Rules of Procedure for Standing Committees of the Council* (Doc 8146), the President of the Council appointed Mr. Aleksandr A. Korsakov, Representative of the Russian Federation, to serve as member of the ATC, FIC, JSC, UIC and RHCC, and appointed Mr. Dmitry V. Subbotin as Alternate to on the ATC, FIC and the JSC, effective immediately.

68. Pursuant to his email dated 30 August 2017, the President of the Council appointed Mr. Ömer Numan Doğrukol to replace Mr. Yildirim Kemal Yillikç as Alternate to Mr. Ali Rıza Çolak, Representative of Turkey, on the ATC, JSC and HRC, effective immediately.

69. Pursuant to his email dated 8 September 2017, the President of the Council appointed Mr. Dong-soo Ha to replace Mr. Sangdo Kim as Alternate to Mr. Jin Hur, Representative of Korea, on the ATC, FIC, UIC and RHCC, effective immediately.

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

70. In the absence of comments by 28 July 2017 to the email from the President of the Council dated 6 July 2017, Mr. Gabriel Hendrik Bestbier was appointed as the new CAEP member from the South Africa, to replace Mr. Kenton, with effect from 27 June 2017.

71. In the absence of comments by 1 September 2017 to the email from the President of the Council dated 11 August 2017, Mr. Ross Adams was appointed as the new CAEP member from Australia, to replace Ms. Kerry Macaulay, with effect from 2 September 2017.

72. In the absence of comments by 26 September 2017 to the email from the President of the Council dated 8 September 2017, Ms. Aline Pillan was appointed as the new CAEP member from France, to replace Mr. Jonathan Gilad, with effect from 21 September 2017.

73. In the absence of comments by 26 June 2017 to the email from the President of the Council dated 19 June 2017, Mr. Peter Vis was appointed as the new CAEP observer from the European Union, to replace Mr. Klaus Winkler, with effect from 27 June 2017.

74. In the absence of comments by 10 October 2017 to the email from the President of the Council dated 2 October 2017, Mr. Artur Sousa was appointed as the new CAEP observer from Portugal, with effect from 11 October 2017.

Approval by the Air Navigation Commission acting under delegated authority, of Amendment 5 to the Procedures for Air Navigation Services – Training (PANS-TRG Doc 9868)

75. Pursuant to the President of the Council's Memorandum PRES OBA/2639 dated 22 June 2017, the Amendment 5 to the PANS-TRG, Doc 9868 was approved by the President on behalf of the Council.

Approval by the Air Navigation Commission, acting under delegated authority, of amendment to the Regional Supplementary Procedures (Doc 7030/5)

76. In the absence of comments by 15 September 2017 to the President of the Council's Memoranda PRES OBA/2673 and PRES OBA/2682 dated 18 August 2017, the amendments EUR/NAT-S13/14 and EUR/NAT-S16/15 to Doc 7030/5 were approved by the President on behalf of the Council.

Report of the Supervisory Authority of the International Registry to the Contracting States to the Cape Town Convention and Aircraft Protocol for the period 1 January 2014 to 31 December 2016

77. Pursuant to the President of the Council's Memoranda PRES OBA/2664 dated 27 July 2017, the Report of the Supervisory Authority of the International Registry to the Contracting States to the Cape Town Convention and Aircraft Protocol for the Period 1 January 2014 to 31 December 2016 was approved by the President on behalf of the Council.

Approval of the Report of Supervisory Authority of the International Registry to the Contracting States to the Cape Town Convention and Aircraft Protocol

78. In the absence of comments by 21 July 2017 to the President of the Council's Memorandum PRES OBA/2664 dated 7 July 2017, the Report of the Supervisory Authority of the International Registry to the Contracting States to the Cape Town Convention and Aircraft Protocol for the Period 1 January 2014 to 31 December 2016 was approved by the President on behalf of the Council.

Request from Civil Air Navigation Services Organization (CANSO) to participate as Observer in closed meeting of the Council on aviation security

79. In the absence of comments by 22 September 2017 to the President of the Council's email dated 15 September 2017, Mr. Nico Voorbach, CANSO Director, ICAO and Industry Affairs, may be invited, in accordance with Rule 32 a) of the *Rules of Procedure for the Council*, to participate as Observer on behalf of CANSO, during the 212th Session of the Council's consideration, in closed session, of items related to aviation security.

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

80. In the absence of comments by 13 October 2017 to the President of the Council's email dated 6 October 2017, Mr. Klaus Winkler, Head of Office, Office of the European Union in Montréal, was invited, in accordance with Rule 32 a) of the *Rules of Procedure for the Council*, to participate

Observer on behalf of the EU, during the 212th Session of the Council's consideration, in closed session, of items related to aviation security.

Council working papers presented for information

81. As the President of the Council had not received any requests to have the following information papers tabled for consideration, it was considered that the Council had noted the information provided therein:

- **C-WP/14644** – *Comprehensive review of United Nations system support for small island developing States: Final findings (JIU/REP/2016/7)*
- **C-WP/14687** – *The status of implementation of recommendations of the Joint Support Unit (JIU)*

82. The meeting adjourned at 1730 hours.

COUNCIL — 212TH SESSION

SUMMARY MINUTES OF THE THIRD MEETING

(THE COUNCIL CHAMBER, WEDNESDAY, 1 NOVEMBER 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. K.A. Ismail
Australia	— Mr. S. Lucas	Mexico	— Mr. D. Méndez Mayora
Brazil	— Mrs. M.G. Valente da Costa	Nigeria	— Mr. M.S. Nuhu
Cabo Verde	— Mr. C. Monteiro	Panama	— Mr. G.S. Oller
Canada	— Mr. M. Pagé	Republic of Korea	— Mr. J. Hur
China	— Mr. Shengjun Yang	Russian Federation	— Mr. A.A. Korsakov (Alt.)
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	— Ms. N. O'Brien	United Republic of Tanzania	— Mr. R.W. Bokango
Italy	— Mr. M.R. Rusconi	United States	— Mr. S. Kotis (Alt.)
Japan	— Mr. S. Matsui	Uruguay	— Mrs. M.A. González (Alt.)

ALSO PRESENT:

Mrs. M.F. Loguzzo (Alt.)	— Argentina
Mr. C.R. Fernández (Alt.)	— Argentina
Mr. N. Castro da Silva (Alt.)	— Brazil
Mr. H. Gonzales (Alt.)	— Brazil
Mr. G. do Prado Lima (Alt.)	— Brazil
Mr. D. Tavares Taufner (Alt.)	— Brazil
Mr. Chunyu Ding (Alt.)	— China
Mr. M. Millefert (Alt.)	— France
Mr. N. Naoumi (Alt.)	— Germany
Mr. M. Usami (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mr. K. Lee (Alt.)	— Republic of Korea
Mr. D. Subbotin (Alt.)	— Russian Federation
Mr. M.S. Habib (Alt.)	— Saudi Arabia
Dr. A.B. Saleh (Alt.)	— Saudi Arabia
Mr. S. Vuokila (Alt.)	— Sweden
Mr. Ö. Doğrukol (Alt.)	— Turkey
Mrs. K.L. Riensema (Alt.)	— United Kingdom
<i>Mr. K. Grüter, Chairperson, EAAC</i>	
<i>Ms. J. Potter, Member, EAAC</i>	

SECRETARIAT:

Mrs. J. Yan	— C/OSG
*Mr. I. Galán	— D/TCB
*Mr. B. Djibo	— D/ATB
*Mr. S. Creamer	— D/ANB
*Mr. V. Smith	— D/ADB
*Mr. B. Verhaegen	— A/D/LEB
*Mr. R. Bhalla	— C/FIN
*Mrs. J. Hupe	— DD/ENV
Mr. T. Efendioglu	— C/EAO
*Mr. M. Fox	— C/PRC
*Mr. Y. Nyampong	— LO
Miss S. Black	— Précis-writer

Representatives to ICAO

Bolivia (Plurinational State of)
Chile
Cyprus
Greece
Indonesia
Lebanon
Libya
Paraguay
Peru
Qatar
Venezuela (Bolivarian Republic of)

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

Welcome

1. On behalf of the Council, the President welcomed the Chairperson of the Evaluation and Audit Advisory Committee (EAAC), Mr. K. Grüter, as well as the EAAC Member nominated by Australia, Ms. J. Potter, who were present during the Council's discussion of the first item on its order of business.

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

2016-17 Annual Report of the Evaluation and Audit Advisory Committee (EAAC)

2. This subject was considered on the basis of: information paper C-WP/14679, in which the Chairperson of the EAAC summarized developments over the last three years, outlined the main issues in the reporting period 2016-17 and presented the Committee's key findings and conclusions, as well as set forth the list of internal audit, external audit and evaluation reports reviewed by the Committee in that period (Appendix A) and EAAC's proposed annual work plan for 2017-18 (Appendix B); an oral report thereon by the Finance Committee (FIC); and complementary information provided by the Chairperson of the EAAC regarding the outcomes of the first meeting of the newly-appointed Committee (211/3) which had taken place at ICAO Headquarters the previous day, 31 October 2017.

Oral report by the FIC

3. In presenting the Committee's oral report on its review of C-WP/14679 during its First Meeting of the current session on 2 October 2017, the Chairperson of the FIC, the Representative of Brazil, Mrs. M.G. Valente da Costa, indicated that the Chairperson of the EAAC had been present to introduce the paper and to respond to questions raised by FIC Members.

4. FIC Members had welcomed the EAAC report and, in particular, had been supportive of the following points:

- the independence of the Ethics Office should be strengthened by extending the oversight role of the EAAC to cover the *ICAO Framework on Ethics* in line with the best practice in the UN system (cf. C-WP/14679, paragraphs 7.1, 7.2 and 9.3);
- the resources of the Evaluation and Internal Audit Office (EAO) need further consideration (cf. C-WP/14679, paragraph 8.4);
- the planned EAO audit of cybersecurity is very important, and appropriate action needs to be taken by the Secretariat to strengthen IT controls in order to minimize the possibility of further attacks (cf. C-WP/14679, paragraph 3.2.5);
- the recruitment process at ICAO takes too long, based on the results of the External Auditor's 2016 performance audit thereof. It was understood, in this regard, that EAO is planning to carry out an audit of the recruitment process in 2018 and that the audit report will include that aspect and make recommendations on how the recruitment process can be improved (cf. C-WP/14679, paragraph 3.5.3); and
- the time taken to finalize internal audit and evaluation reports needs to be improved (cf. C-WP/14679, paragraph 3.2.6);

5. FIC Members had also welcomed the EAAC's proposal to organize an informal briefing or workshop on governance and the Three Lines of Defense model for the Council and senior managers as a follow-up to the March 2016 workshop on risk management which had been facilitated by the previous Chairperson of the EAAC, Mr. J. Moor (cf. C-WP/14679, paragraph 6.6) and consequently the

FIC recommended that the Council endorse the EAAC's proposal in order to be more actively engaged in risk management activities, *inter alia*.

6. Some FIC Members had asked whether, in future, the EAAC Annual Report should be an action paper rather than an information paper, with a clear indication of those areas where Council action or decisions are required. In response, the Chairperson of the EAAC had agreed to consult with the new Members of the EAAC to see how the FIC's suggestion could be taken forward; however, since the EAAC is an advisory committee to the Council, the Council is free to decide what action to take in response to issues raised by the EAAC.

7. In concluding her oral report, the Chairperson of the FIC noted that she had had the pleasure of meeting with the newly-appointed (211/3) EAAC Members the previous day, 31 October 2017, during the latter's First Meeting, and that they had had a fruitful and eventful discussion.

Complementary information provided by Chairperson of the EAAC

8. In elaborating on the EAAC's said First Meeting, the Chairperson of the EAAC recalled that one of the important issues discussed had been the changes to the EAO Charter and to the EAAC's Terms of Reference (ToR) approved by the Council in March 2017 (210/9). The amendments had initially been developed by the Working Group on Governance and Efficiency's (WGGE's) reconstituted Sub-group on Supporting the EAO Mission (SEM) during a holistic review of EAO's Charter alongside the EAAC's ToR. Recalling that the Council, in approving the EAAC's revised ToR, had referred proposals for further amendments thereto to the WGGE for consideration, in consultation with the EAAC, the Chairperson of the EAAC underscored that the new EAAC Members hoped to be involved from the outset in the future discussions of those proposals. He confirmed that the new EAAC Members welcomed the proposed amendments to their ToR and approved them in principle (cf. paragraph 7.1), in particular, the proposed extension of the EAAC's oversight role to cover the ethics function, which they expected would correspond to the UN system best practice. The Chairperson of the EAAC emphasized that at the said meeting all EAAC Members had confirmed that they would fulfill their mandate and comply with the revised ToR. They had reviewed their duties listed therein and would request the information and documents they needed to give advice to the Council and the Secretary General.

9. Highlighting that another ongoing concern of the EAAC was its relationship with the External Auditor, Corte dei Conti, the Chairperson of the EAAC indicated that it was hoped that there would be better communication with the latter as a result of one new EAAC Member being also a member of the UN Panel of External Auditors and of the Chairperson's attendance at meetings of the UN oversight committees' representatives in New York.

10. The Chairperson of the EAAC noted that the Committee had been briefed on risk management in ICAO, which was very important as it would enable it to review EAO's audit reports on a risk-oriented basis; and to facilitate that work had requested information on the key risks facing the Organization, the *ICAO Framework on Ethics* and the *ICAO Anti-fraud and Anti-corruption Policy*, as well as on accountability for the mitigation of identified risks i.e. the Secretary General, the Council or Member States.

11. Noting that the Three Lines of Defense model constituted an important framework for enhancing the communication and management of risks as it clarified the essential roles and duties, the Chairperson of the EAAC reiterated the Committee's proposal to organize, together with the Secretary General and EAO, an informal briefing or workshop on governance and the Three Lines of Defense model for the Council and senior managers (cf. C-WP/14679, paragraph 6.6).

12. In then drawing attention to Appendix B to the paper, which set for the Annual Work Plan of the EAAC for the period 2017-18 pursuant to the Committee's revised ToR, the Chairperson of the EAAC stressed that it was highly dependent on the progress of work of EAO and the External Auditor

and would therefore need to be reviewed at every EAAC Meeting. He emphasized that it nevertheless provided a good indication of the EAAC's activities and priorities for its next two meetings in March and July 2018.

Discussion

13. During the ensuing discussion, Representatives welcomed the new Chief, EAO (C/EAO), Mr. T. Efendioglu, who had assumed his new post at the beginning of July 2017.

14. In enquiring as to what action would be taken to address the EAAC's ongoing concern over the lack of resources for the evaluation of Technical Cooperation Bureau (TCB) projects (cf. C-WP/14679, executive summary, third bullet), the Representative of South Africa recalled that many Directors General of Civil Aviation (DGCAs) had brought project-related problems to the attention of the President of the Council and various Representatives during the 6th World Civil Aviation Chief Executives Forum (Singapore, 11-13 July 2017).

15. The Chairperson of the EAAC noted that the Committee did not expect that every TCB project would be evaluated or audited; rather, it considered that a risk-oriented approach would be appropriate, whereby TCB would define which of its projects needed an independent evaluation or audit. The Committee had highlighted this issue in its discussion with D/TCB during its said meeting. It had been informed that of the 110 to 120 TCB projects that were implemented per year, only 10 were evaluated or audited. The EAAC thus recommended that the required resources and associated costs for an independent evaluation or audit be included in a TCB project's budget (cf. paragraphs 4.3 and 4.4 of the paper).

16. Observing that the EAAC's report raised many important issues that were of concern to the Council, the Representative of the United Arab Emirates queried whether the Secretary General would be preparing a comprehensive plan of action to address them. In noting that a number of those issues of concern related to efficiency, she highlighted three: the gap in information technology (IT) audit (cf. paragraph 3.2.5); the slowing down of the process for clearing internal audit and evaluation reports (cf. paragraph 3.2.6); and the evaluation or audit of TCB projects (cf. paragraphs 4.3 and 4.4). With regard to the gap in IT audit, the Representative of the United Arab Emirates underscored that cybersecurity was one of the Council's main concerns. With respect to the second issue, she enquired as to what action would be taken to accelerate the clearance of EAO reports. With reference to the third issue, the Representative of the United Arab Emirates emphasized the need to link the enhancement of the implementation of TCB projects with the customer satisfaction surveys of ICAO technical cooperation activities carried out by an independent party in alternate years. The Representatives of Saudi Arabia and Colombia supported this intervention.

17. In offering clarifications, C/EAO highlighted that a cybersecurity audit would commence shortly, once the engaged consultant reported for duty in Montréal. In noting that planning for the audit had already started, he indicated that it was expected that the draft audit report would be completed before the end of the year, and that it would be finalized following discussion with the Secretary General and the responsible ICT team.

18. Responding to a related query by the Representative of Canada, the Secretary General noted that she planned to present an oral report on the major mitigation measures taken following the November 2016 IT cybersecurity incident later in the current session.

19. Referring to the second issue raised by the Representative of the United Arab Emirates, C/EAO clarified that he had discussed the clearance of internal audit and evaluation reports with the Secretary General and they had agreed to work together to reduce the amount of time taken to finalize them. With regard to the third issue raised, C/EAO underscored that, in view of concerns previously expressed by the Council, his Office had already included in its triennial work plan for 2018 to 2020 the

evaluation of a large TCB project in 2018 (cf. C-WP/14681, paragraph 9.1). However, given the multitude of TCB projects and the substantial sums of money involved, he fully supported EAAC's recommendation that the required resources and associated costs for an independent evaluation or audit be included in a TCB project's budget in order to provide the Council on a regular basis with quality assurance of major TCB projects. In averring that such an evaluation or audit might not be necessary for all TCB projects, C/EAO emphasized that the decision to conduct one should be based on certain criteria, such as the project's strategic importance or the magnitude of its budget.

20. The President indicated that the Council would have the opportunity to discuss the quality of TCB's services in greater detail when it considered, later in the current session, C-WP/14656 on the results of the customer satisfaction survey of ICAO technical cooperation activities. Agreeing with the Representative of South Africa that many complaints regarding TCB projects had been received during the said 6th World Civil Aviation Chief Executives Forum, he underscored the need to correlate them to the survey's results and to find ways and means to resolve any perceived inconsistencies, given the importance of ensuring that the services provided to Member States met their expectations.

21. Highlighting that comparable UN organizations involved in the delivery of projects already included an evaluation/audit element in the projects' total cost, the Representative of the United Kingdom suggested that the Council request the Secretary General to present to the Technical Cooperation Committee (TCC) for consideration during the next (213th) session a proposal(s) for adding such an element to the total cost of TCB projects. He underscored that if States were to have the private sector execute comparable technical cooperation projects then they would certainly be paying the cost of an independent evaluation or audit as part of the projects' total cost. The Representative of the United Kingdom further emphasized that if there was dissatisfaction with TCB's projects, then adding the required resources and associated costs for an independent evaluation or audit in a TCB project's budget as a means of providing quality assurance would be a very useful investment. He advocated dealing with this issue separately rather than in any comprehensive action plan to address the important issues of concern raised by the EAAC.

22. While supporting the suggestion that the Secretary General prepare a paper setting forth the costs associated with the conduct of an independent evaluation or audit and how they could be factored into the administrative overheads for TCB projects, the Representative of Australia was of the view that it should be presented not only to the TCC but also to the Council for consideration.

23. In underscoring the need for caution, the President of the Council emphasized that while TCB's procurement projects could easily be evaluated or audited as they related to the purchase of equipment, its capacity building projects might require a different type of assessment as they related to the enhancement of States' implementation of ICAO SARPs. While welcoming a more comprehensive approach by the Secretariat to this matter, to determine where an independent evaluation or audit of a TCB project would be useful and what the associated cost would be, he stressed the need to be careful that ICAO did not give States the impression that the only way to ensure that they received better services was through the payment of additional funds. In underscoring that the EAAC's recommendations did not relate solely to TCB, the President advocated requesting the Secretary General to present a comprehensive plan of action to address the important issues of concern raised by the EAAC in its annual report.

24. The Representative of Saudi Arabia shared the concerns expressed by the Representative of the United Arab Emirates regarding the important issues raised by the EAAC. Underscoring that he also had serious concerns regarding TCB's project implementation methodology, he suggested that the EAAC review it. The Representative of Saudi Arabia noted that although the private sector could assist in the implementation of States' projects, States always preferred to receive such assistance from ICAO as they trusted the Organization. However, TCB's methodology was different from that followed by the private sector: TCB only recruited consultants to oversee the implementation of States' projects, whereas for projects implemented by the private sector, the companies involved were often headquartered in the

States concerned and had key officials located in the State capitals who dealt directly with the projects in the field. In expressing doubts regarding TCB's project implementation methodology, the Representative of Saudi Arabia highlighted that numerous complaints had been received, both directly and indirectly, that some projects implemented by TCB did not meet the expectations of the recipient States.

25. The Chairperson of the EAAC indicated that, in view of the substantial expenditures on technical cooperation projects, which was expected to amount to some USD 134.3 million in 2017, TCB should decide, on the basis of a risk analysis and risk assessment, which projects required an independent evaluation or audit in order to provide quality assurance to the Council. In emphasizing that it was not the intention to create more bureaucracy, he agreed with C/EAO that not every TCB project would need such an independent evaluation or audit. The Chairperson considered that only major projects and regional projects might require such oversight.

26. In affirming that TCB's technical cooperation projects were very worthwhile, the Representative of Colombia underscored that over the past five years there had been considerable improvement in the way in which they were implemented, with only a few problems having arisen. He noted that the main evaluations or audits of TCB projects were the ones done by ICAO itself, in order to certify that the services provided by the States concerned as a result of the projects' implementation were in compliance with all relevant ICAO SARPs. In speaking in favour of TCB conducting a risk analysis to determine which projects required an independent evaluation or audit, the Representative of Colombia emphasized the need to consider not only large costly projects but also small, less costly projects which could also have a big impact in terms of building capacity and enhancing States' compliance with ICAO SARPs. He recalled that, in his previous employment with the Government of Colombia, he had selected TCB to implement its technical cooperation projects as TCB recruited the best consultants and applied the best project implementation methodology. The Representative of Colombia observed, in this regard, that private suppliers often performed better when they were working with ICAO than when they were working directly with the States concerned. While he understood the criticisms made regarding TCB projects and agreed that there were improvements to be made in the way in which they were implemented, he stressed the need to recognize that most of the time TCB's projects were well-implemented.

27. The Representative of South Africa recommended that the first sentence of paragraph 3.2.2 of the paper ("A strong internal audit and evaluation function is one of the prerequisites for good governance of an organization") be included in the executive summary of future EAAC annual reports.

28. Note was taken of the above comments and suggestions, and the clarifications provided in response.

29. In then taking the action proposed by the President in light of the discussion, the Council:

- a) noted information paper C-WP/14679, as well as the complementary information provided by the Chairperson of the EAAC;
- b) noted the FIC's related oral report and in so doing, agreed with the FIC that:
 - i) the independence of the Ethics Office should be strengthened by extending the oversight role of the EAAC to cover the *ICAO Framework on Ethics* in line with the best practice in the UN system (cf. C-WP/14679, paragraphs 7.1, 7.2 and 9.3);
 - ii) the resources of EAO need further consideration (cf. C-WP/14679, paragraph 8.4);
 - iii) the planned EAO audit of cybersecurity is very important, and appropriate action needs to be taken by the Secretariat to strengthen IT controls in order to minimize the possibility of further attacks (cf. C-WP/14679, paragraph 3.2.5);

- iv) the recruitment process at ICAO takes too long, based on the results of the External Auditor's 2016 performance audit thereof. It was understood, in this regard, that EAO is planning to carry out an audit of the recruitment process in 2018 and that the audit report will include that aspect and make recommendations on how the recruitment process can be improved (cf. C-WP/14679, paragraph 3.5.3); and
- v) the time taken to finalize internal audit and evaluation reports needs to be improved (cf. C-WP/14679, paragraph 3.2.6);
- c) as recommended by the FIC, endorsed the EAAC's proposal to organize, together with the Secretary General and EAO, an informal briefing or workshop on governance and the Three Lines of Defense model for the Council and senior managers as a follow-up to the March 2016 workshop on risk management which had been facilitated by the previous Chairperson of the EAAC, Mr. J. Moor (cf. C-WP/14679, paragraph 6.6); and
- d) requested that the Secretary General present for its consideration, during the next (213th) session, a comprehensive plan of action to address the important issues of concern raised by the EAAC in its annual report (C-WP/14679).

30. It was noted, with regard to paragraph 29 c) above, that the Secretary General would present an oral report later in the current session on the major mitigation measures taken following the November 2016 information technology (IT) cybersecurity incident. It was further noted, with respect to paragraph 4 d), that if the Secretary General so wished, she could present, during the upcoming session, a separate paper proposing comprehensive measures to enhance TCB's performance, including the conduct of independent evaluations and audits of the more significant TCB projects through the addition of the required resources and associated costs in the TCB projects' budget as recommended by the EAAC (cf. C-WP/14679, paragraphs 4.3 and 4.4).

31. The President of the Council expressed appreciation to the Chairperson and Members of the EAAC for the good work they were doing on ICAO's behalf.

Subject No. 50: Questions relating to the environment

**Update on the work on a Global Market-based Measure (GMBM) scheme
Report on the work of the Advisory Group on CORSIA (AGC)
Views on emissions unit criteria of the CORSIA package**

32. The Council resumed (212/2) discussion of these three items on the basis of the following working papers relating to the implementation of the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA): C-WP/14674, in which the Secretary General provided an update on ICAO's related work and planned activities; C-WP/14673, in which the Chairperson of the AGC, the Representative of Mexico, Mr. D. Méndez Mayora, reported on the outcomes of the Group's recent Sixth and Seventh Meetings on 26 and 29 September 2017 and presented its recommendations for the Council's decision on C-WP/14674; and C-WP/14688, in which Colombia presented its recommendations to refine the proposed definitions of additionality and double counting in the proposed CORSIA emissions unit criteria (EUC) (cf. Appendix B to C-WP/14674).

Proposal by the Representative of China

33. The following proposal for action by the Council on CORSIA circulated by the Representative of China by e-mail just prior to the start of the present meeting was noted for the records: that the action set forth in the executive summary of C-WP/14674 be expanded to read as follows:

“In addition, the Council is invited to: 1) recognize that the national sovereignty and national circumstances of States is taken into full consideration in CORSIA implementation; 2) recognize that the implementation of CORSIA does not unduly impact States’ relevant policies, arrangements, and efforts to address climate change and/or to implement the Paris Agreement; and 3) take note of the fact that many States support that the emission units generated under the UNFCCC and Paris Agreement, and credits issued/generated/filed by Member States and/or internationally accepted standards, are eligible automatically for the CORSIA.”.

34. It was recalled that an informal consultation process had been conducted among Representatives pursuant to the decision taken by the Council at its previous meeting (212/2) on the four outstanding CORSIA-related issues and on the recommendations made by Colombia in C-WP/14688.

Oral progress report by the President of the Council

35. In presenting an oral progress report regarding the said informal consultations, the President of the Council highlighted that significant consensus had been reached on the following:

- a) that the Council provisionally approve the proposed EUC as part of the CORSIA package (cf. C-WP/14674, Appendix B), pending the receipt of States’ comments thereon during the State letter consultation process, so that the CAEP can make further progress in its related work as outlined in Section 1.2 of C-WP/14674;
- b) that those Member States which so wished may comment on the ICAO CORSIA “Supporting Information” during the State letter consultation process, provided that this was a one-time procedure for the latter’s preliminary consideration and that it did not set a precedent for the review of future iterations of that document by the Council. It was understood, in this regard, that all comments received in response to the State letter would be collated and reviewed by the Secretariat for consideration by the AGC and the Council; and
- c) that the definition of the term “Aviation alternative fuel” in draft Annex 16, Volume IV, be noted by the Council and be subject to future review by the CAEP.

36. The President underscored that compromise had not yet been reached regarding the wording to be reflected in paragraph 4.2.1 and its accompanying Note of draft Annex 16, Volume IV, which related to CORSIA Eligible Emissions Units, and the CORSIA Sustainability Criteria for Sustainable Aviation Fuels contained in the ICAO CORSIA “Supporting Information”, and that additional time was thus needed for further consultations thereon.

37. The President recalled, in this context, that in a bid to find compromise he had, in his capacity as President, proposed a text for the Note to paragraph 4.2.1 to the two groups of Representatives taking part in the informal consultations which he considered could bridge the divide. However, some Representatives had indicated to him prior to the start of the present meeting that they still needed time to consider it. With respect to the said Sustainability Criteria, the President further recalled that he had proposed to the said two groups a compromise solution, whereby Criteria 1 and 2 would retain the word “shall” in the last column of the table while for Criteria 3-12 “shall” would be replaced with the word “should”, and Criteria 1 and 2 would require independent attestation while Criteria 3-12 would require national attestation. A few Representatives had, however, informed him before the meeting got underway that they needed time for further consultations thereon.

38. Emphasizing that the Council was working against the June 2018 deadline set for the adoption of the CORSIA-related SARPs to enable them to become applicable from 1 January 2019 (as requested in Assembly Resolution A39-3, paragraph 20), the President underscored the need to

differentiate between what was important – and he considered that all CORSIA issues were important to every Representative – and what was urgent in finding a compromise solution. He highlighted that what was urgent was to ensure the transmission of the proposed SARPs, as contained in draft Volume IV of Annex 16, as some three months was required for consultation with States, in a manner that it would not be necessary to repeat that consultation. In therefore encouraging Representatives not to review the proposed SARPs, the President indicated that they should concentrate their efforts on those areas that did not require adoption by the Council, such as the Notes to SARPs and the supporting documentation, which only required approval by the Council. He stressed the need for Representatives to be very careful in the way they addressed those areas as if they entailed consequential substantive amendments to the proposed CORSIA-related SARPs they could cause procedural problems in terms of not meeting the June 2018 deadline set for the SARPs' adoption and thus the 1 January 2019 envisaged applicability date. The President emphasized that although there was a possibility to drop some of the outstanding issues and indicate that they were each a “work in progress”, that would necessitate substantive amendments to the related SARPs. Furthermore, while the SARPs would become “cleaner”, they would be incomplete, and it would be necessary to undertake another three-month round of consultations with States, which could result in substantive amendments to the SARPs which had already been adopted. The President requested that Representative bear those procedural challenges in mind and to consult with their national administrations the potential implications of some of the decisions the Council was taking with regard to the CORSIA package. In reiterating that the CORSIA-related SARPs were more important and more urgent in nature than the other components of that package, he stressed that they should not be manipulated in order to solve lesser issues.

Discussion

39. The Council noted the President's oral progress report, in particular, those areas where significant consensus had been reached and those areas where compromise had not yet been achieved, and that additional time was needed for further consultations on the latter.

40. The Representative of Algeria indicated that he had had informal consultations with several Representatives regarding the CORSIA package and that he, like them, saw how the situation was evolving. Nevertheless, he still shared the concerns expressed at the previous meeting (212/2) by the Representative of India with regard to the CORSIA Sustainability Criteria for Sustainable Aviation Fuels and the principles for certification, inter alia, and supported the related recommendations made by the Representatives of India, Saudi Arabia, China, Egypt, Kenya and Brazil. The Representative of Algeria also considered relevant the concerns raised by Colombia in C-WP/14688 regarding the EUC. While emphasizing that all desired consensus on the CORSIA package, in line with ICAO's *No Country Left Behind* (NCLB) initiative, the Representative of Algeria cautioned that if the Council continued to not take into account the legitimate claims of developing countries, then it would not be in a position to comply with the NCLB initiative and would risk leaving behind a majority of Member States.

41. In expressing appreciation for the CAEP's CORSIA-related work, the Representative of Argentina affirmed that it was very valuable. He nevertheless endorsed the statement made previously by the Representative of India, which had been supported by, inter alia, the Representatives of China, Brazil, Egypt, Saudi Arabia, Cuba, the United Republic of Tanzania and Kenya and the Alternate Representative of the Russian Federation. The Representative of Argentina was particularly concerned about the section of the ICAO CORSIA “Supporting Information” relating to the CORSIA Sustainability Criteria for Sustainable Aviation Fuels, which, to his understanding, contained definitions of a political nature and created obligations for States which he considered must be assessed at the political level i.e. by States, rather than at the technical level i.e. by the CAEP. Although he valued the CAEP's work, he considered that the Committee had produced a text that was less refined than might otherwise have been possible, due to time constraints, and expressed the hope that it could be enhanced.

42. The Representative of Argentina averred that while the ICAO CORSIA “Supporting Information” contained some key politically-sensitive elements, it also contained many elements that