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International Civil Aviation Organization

COUNCIL — 215TH SESSION

Montréal, 29 October – 14 November 2018

SUMMARY MINUTES WITH SUBJECT INDEX



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COUNCIL — 215TH SESSION**SUMMARY MINUTES OF THE FIRST MEETING****(THE COUNCIL CHAMBER, MONDAY, 29 OCTOBER 2018, 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	Nigeria	— Mr. M.S. Nuhu
Cabo Verde	— Mr. C. Monteiro	Panama	— Mr. G.S. Oller
Canada	— Mr. M. Pagé	Republic of Korea	— Mr. Y.J. Lee
China	— Mr. Chunyu Ding (Alt.)	Russian Federation	— Mr. S. Gudkov
Colombia	— Mr. M. Ramírez Koppel	Saudi Arabia	— Mr. S.A.R. Hashem
Congo	— Mr. R.M. Ondzotto	Singapore	— Mr. T.C. Ng
Cuba	— Mrs. M. Crespo Frasquiere	Spain	— Mr. V.M. Aguado
Ecuador	— Mr. I. Arellano	Sweden	— Ms. H. Jansson Saxe
Egypt	— Mr. A. Khedr	Turkey	— Mr. A.R. Çolak
France	— Mr. P. Bertoux	United Arab Emirates	— Mr. M. Salem (Alt.)
Germany	— Mr. U. Schwierczinski	United Kingdom	— Mr. D.T. Lloyd
India	— Mr. A. Shekhar	United Republic of Tanzania	— Mr. R.W. Bokango
Ireland	— Mrs. A. Smith Floch	United States	— Mr. T.L. Carter
Italy	— Mr. M.R. Rusconi	Uruguay	— Mr. M. Vidal
Japan	— Mr. S. Matsui		

ALSO PRESENT:

Mr. C. Hurley	— President, ANC
Mrs. M.F. Loguzzo (Alt.)	— Argentina
Mr. C. Fernández (Alt.)	— Argentina
Mr. R.F. Pecoraro (Alt.)	— Brazil
Mr. D. Tavares Taufner (Alt.)	— Brazil
Mr. H. Gonzales (Alt.)	— Brazil
Mr. P. Langlais (Alt.)	— Canada
Mr. Wei Chen (Alt.)	— China
Mr. E. Risse (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. M.A. González (Alt.)	— Uruguay
Mr. F. de Medina (Alt.)	— Uruguay

SECRETARIAT:

Mrs. J. Yan	— D/OSG
Ms. I. Sosina	— SA/PRES
*Mr. B. Djibo	— D/ATB
*Mr. V. Smith	— D/ADB
*Mr. J. Huang	— D/LEB
*Mr. S. Lefoyer	— DD/ASF
*Ms. K. Balram	— C/SEA
*Mr. S. Jossai	— C/RCP
*Mr. Y. Nyampong	— LO
*Mr. M. Vaugeois	— LEB
*Mr. A. Larcos	— C/ACS
Miss S. Black	— Précis-writer

*Part-time

Representatives to ICAO

Cameroon
Chile
Cyprus
Ethiopia
Greece
Indonesia
Lebanon
Peru
Qatar
Sudan

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

Minute of silence – Mr. Kofi A. Annan, a former UN Secretary-General

1. The Council observed a minute of silence to mark the passing, on 18 August 2018, at the age of 80, of Mr. Kofi A. Annan of Ghana, who had served as the seventh UN Secretary-General (1 January 1997 – 31 December 2006).

2. The President of the Council recalled that one of Mr. Annan's main priorities as UN Secretary-General had been a comprehensive programme of reform aimed at revitalizing the UN and making the international UN system more effective. He underscored that Mr. Annan had been a constant advocate for human rights, the rule of law and the UN Millennium Development Goals, and had sought to bring the UN closer to the global public by forging ties with civil society, the private sector and other partners.

Minute of silence – Dr. Shivinder Singh Sidhu, a former ICAO Secretary General

3. The Council also observed a minute of silence to mark the passing, on 25 October 2018, at the age of 89, of Dr. Shivinder Singh Sidhu of India, who had served as the seventh ICAO Secretary General (1 August 1988 – 31 July 1991).

4. It was recalled that, prior to becoming ICAO Secretary General, Dr. Sidhu had, inter alia, occupied a number of high-level government posts in the federal administration of India and in the State of Uttar Pradesh. He had also been the Chief Delegate of the Indian delegation to a number of international conferences and had been elected President of the 26th Session of the ICAO Assembly in 1986.

Condolences – Crash of Lion Air Flight JT610

5. In addition, the Council extended condolences to the Government and people of Indonesia, through the Representative of Indonesia to ICAO, for the tragic loss of life that had occurred when Lion Air Flight JT610, carrying 189 people on board, crashed into the Java Sea near Jakarta, Indonesia on 29 October 2018.

Condolences – Family members of the President and Members of the Council and Secretariat staff

6. The Council also expressed deep sympathy to the President of the Council, certain Council Members and Secretariat staff who had recently lost loved ones.

Welcome to a new Representative on the Council

7. On behalf of the Council, the President extended a warm welcome to Mr. Mauricio Ramírez Koppel, the newly-appointed Representative of Colombia. He also cordially welcomed back Ms. Annemarie Smith Floch, the Representative of Ireland.

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

Schedule for the consideration of items during the 215th Session

8. The Council noted the meeting schedule for the 215th Session set forth in the President's memorandum PRES OBA/2800 Revised dated 13 September 2018, subject to the following changes: the addition of a meeting of the Human Resources Committee (HRC), to be convened on Thursday, 1 November 2018 at 1000 hours; and further to a request by the Implementation Strategy and Planning Group (ISPG), the addition of an informal presentation on the review of the structure of the

Secretariat (C-WP/14786), to be given on Tuesday, 6 November 2018 at 1000 hours. It was recalled that the schedule for the informal exchanges with the Secretariat regarding the draft Business Plan and Regular Programme Budget for the 2020-2021-2022 triennium had been communicated to Representatives by the Chairperson of the Finance Committee (FIC) in an e-mail dated 24 October 2018.

9. The Council also noted the schedule for the consideration of items during the 215th Session set forth in the President's memorandum PRES OBA/2806 dated 17 October 2018, on the understanding that C-WP/14798 Restricted [*Progress report of the Monitoring and Assistance Review Board (MARB)*] and C-WP/14784 (*Response from the Secretary General to the Charter Letter*) would be tabled for discussion on Friday, 2 November 2018 at 1000 hours pursuant to Rule 26 b) ii) of the *Rules of Procedure for the Council* (Doc 7559), according to which working papers shall be distributed to Representatives at least five working days before the meeting in which they are to be considered.

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

**Organization and Agenda for the
Thirtieth Meeting of the Aviation Security Panel (AVSECP/30)**

10. The Council considered this subject on the basis of: C-WP/14781, presented by the Secretary General; and an oral report thereon by the Committee on Unlawful Interference (UIC), which had reviewed the paper during its First Meeting of the current session on 24 September 2018.

UIC oral report

11. In presenting the UIC's oral report, the Chairperson, the Representative of Canada, Mr. M. Pagé, recalled that, in discussing the draft Agenda for AVSECP/30 (cf. Appendix A), the Committee had proposed adjustments to the explanatory notes, such as by introducing a reference to the need to strengthen provisions to address the insider threat as it related to Agenda Item 2: *Annex 17 and other regulatory issues*.

12. With respect to the envisaged completion of the work of the Secretariat Study Group (SSG) on the Universal Security Audit Programme (USAP) in reviewing the scope and methodology of the USAP – to be reviewed under Agenda Item 4 – the Committee had been advised that the SSG had been considering a number of complex matters and was building consensus thereon and would report back at the 217th Session of the Council.

13. The UIC had taken note of, and had been satisfied with, the clarifications provided by the Secretariat on other aspects of the draft Agenda and the proposed timetable for AVSECP/30 (cf. Appendix B). The latter included a plan to have break-out sessions in order to advance the Panel's work, for which interpretation services would not be provided. As the Panel was being convened during an Assembly year, it had also been suggested that the 2020-2021-2022 triennium budget preparation be taken into account.

14. The UIC had recommended that the Council approve: the convening of AVSECP/30 from 13-17 May 2019; the draft Agenda presented in Appendix A to C-WP/14781, including the amendment proposed regarding Agenda Item 2; and the proposed list of observer organizations set forth in the second paragraph of the paper's executive summary.

Discussion

15. Responding to a question by the Representative of Spain regarding the complex matters under consideration by the SSG on the USAP, and a question by the Representative of Saudi Arabia regarding the SSG's expected deliverable, the Chairperson of the UIC indicated that the SSG was, inter alia, comparing the audits conducted under the USAP with those conducted under the Universal Safety Oversight Audit Programme (USOAP) and discussing how the security audits could be advanced in the same way as the safety audits. In particular, the SSG was considering the possibility of joint USAP and USOAP audits in order to achieve even greater synergies. The expected deliverable was a report on the outcome of the SSG's review of the USAP's scope and methodology. The Chairperson of the UIC highlighted, in this regard, that the USAP's goal was not only to quantify States' levels of effective implementation (EI) of Annex 17 Standards but also to provide implementation assistance so as to create a positive atmosphere which was conducive to resolving any identified security-related deficiencies.

16. In providing further clarification, the Deputy Director, Aviation Security and Facilitation (DD/ASF) indicated that the SSG was also considering the difficult issues of the nature of Annex 17 Standards and verification of State compliance. In particular, the SSG was discussing whether Annex 17 Standards should be more specific, as some States wished, or broader so as to allow for acceptable alternative means to achieve the Standards' underlying security objectives, as some other States wished. In addition, the SSG was considering whether the numerous and detailed USAP Protocol Questions enabled an open approach to compliance, or whether they tended to constrain States' ability to comply with the Standards by imposing a framework therefor.

17. To a further question by the Representative of Spain, DD/ASF clarified that the AVSECP's proposed work programme was presented in each Panel meeting report and subsequently submitted to the Council, through the UIC, for consideration and approval. Thereafter, the various items were transformed into AVSECP work plan sheets, which were made available on the Council secure website.

18. Replying to a query by the Representative of Mexico, DD/ASF noted that most, if not all, of the AVSECP Members would be participating in the upcoming ICAO Second High-level Conference on Aviation Security (HLCAS/2) (Montréal, 29-30 November 2018) and thus would be aware of the Conference's results. He further indicated that the Secretary General would present a report on the outcome of HLCAS/2 to the Council, through the UIC, during the next (216th) session, at which time the Council would be invited to approve related actions, including the assignment of any relevant tasks to the AVSECP.

19. Referring to the proposed timetable for AVSECP/30 set forth in Appendix B to C-WP/14781, the Representative of Saudi Arabia expressed concern that two break-out sessions would be held in English only on the afternoon of 14 May 2018. Emphasizing that aviation security was an extremely important and strategic issue for States, he averred that not providing interpretation services for those break-out sessions would hinder the achievement of ICAO Strategic Objective *Security & Facilitation*. The Representative of Saudi Arabia thus advocated the provision of interpretation services into all of the Organization's working languages during those break-out sessions.

20. Recalling that he had previously requested the Secretariat to change the proposed dates for AVSECP/30, 13-17 May 2019, as they coincided with the dates of Ramadan, 5 May – 4 June 2019, and would affect many observing Muslims participating in the Panel meeting, the Representative of Saudi Arabia enquired whether it was possible to reschedule it.

21. While acknowledging the importance of providing interpretation services, which he himself benefitted from, both in the Panel and in the Council, DD/ASF underscored that the budgetary allocation for AVSECP/30 only covered interpretation services for seven sittings over five working days.

Additional extra-budgetary resources would thus be required to provide interpretation services during the said two break-out sessions, as well as during the bilateral meetings to be held on the afternoon of 16 May 2019. He stressed that the Panel's work was organized in such a way as to enable it to complete all of the Agenda items within the allotted time and budget. The said break-out sessions and bilateral meetings were intended to enable progress to be made by the Panel on additional subjects.

22. DD/ASF indicated that there were few options to reschedule AVSECP/30 since it was not possible to hold a Panel meeting during the Committee and Council phases of a session and there was little time between sessions. Furthermore, it was necessary to work within the constraints of Conference Room availability. Although AVSECP/30 could be rescheduled to the end of 2019, that would be too late given the need to report to the 40th Session of the Assembly in September/October 2019 on aviation security-related developments.

23. Reiterating that the completion of the SSG's work was essential to strengthening ICAO's work in the field of aviation security, the Representative of France expressed concern that although it had started soon after the last Assembly in September/October 2016, a report thereon would only be presented to the Council for consideration during its 217th Session in May/June 2019, just prior to the next Assembly. He stressed the need to take advantage of HLCAS/2 to accelerate the SSG's work by having political discussions of the complex matters and by giving guidance, thereby ensuring that it would be one of the major priorities at the next Assembly, as it deserved to be.

24. DD/ASF noted that the next SSG meeting would take place on 3-4 December 2018 following the HLCAS/2, and would be the Group's last meeting, at which it would formulate its conclusions and recommendations regarding the scope and methodology of the USAP. However, given the time required to produce the SSG's report and the schedule of meetings for the UIC and the Council, it would not be possible to present that report during the next (216th) session in February/March 2019.

25. The above comments and clarifications were noted.

26. In noting the UIC's oral report, the Council took the action recommended by the Committee, as amended by the President in light of the discussion, and:

- a) approved the convening of AVSECP/30 at ICAO Headquarters in Montréal from 13-17 May 2019;
- b) approved the draft Agenda contained in Appendix A to C-WP/14781, subject to the explanatory note for Agenda Item 2: *Annex 17 and other regulatory issues* being amended to include a reference to the need to strengthen provisions to address the insider threat, and the proposed timetable contained in Appendix B to the paper;
- c) noted that a report on the outcome of the work of the SSG on the USAP would be presented to the Council for consideration, through the UIC, during the 217th Session in May/June 2019;
- d) requested that AVSECP/30 take into account the 2020-2021-2022 triennium budget preparation as the Panel meeting was being convened during an Assembly year; and
- e) approved the proposed list of international organizations to be invited to attend AVSECP/30 as observers as listed in the second paragraph of the executive summary of C-WP/14781, on the understanding that if, at any point, it was deemed necessary

to invite other observers, a request would be submitted to the President for consideration and approval on behalf of the Council.

Report on ICAO cybersecurity activities, including Trust Framework

27. The Council had for consideration: information paper C-WP/14782, in which the Secretary General reported on the discussions and outcomes of the Third Meeting of the Secretariat Study Group on Cybersecurity (SSGC) (Bucharest, Romania, 9-10 May 2018), the issue of a feasibility study for the possible creation of a Cybersecurity Panel requested previously by the Council (214/2), and the development of a global aviation Internet network as part of a Trust Framework for information exchange in a digital environment in support of the evolution of the air navigation system to improve the safety and resilience of air traffic management and aircraft operations; and an oral report thereon by the UIC.

UIC oral report

28. In presenting the UIC's oral report on the outcome of its review of C-WP/14782 during its First Meeting of the current session on 24 September 2018, the Chairperson, the Representative of Canada, Mr. M. Pagé, indicated that the Committee had noted the structure of the SSGC's working groups and that they provided subject matter advice to the SSGC in order to develop a harmonized cybersecurity strategy and appropriate guidance material. It had further noted that the coordination of the SSGC's working groups was shared between the Air Transport Bureau (ATB) and the Air Navigation Bureau (ANB) to ensure a holistic and cross-cutting approach to cybersecurity.

29. With regard to the Trust Framework, the UIC had acknowledged that the Thirteenth Air Navigation Conference (AN-Conf/13) (Montréal, 9-19 October 2018) would provide further inputs that would support the Secretariat in developing an appropriate concept of operations and terms of reference.

30. The Committee had expressed satisfaction with the report presented in C-WP/14782, and had noted that it would be provided with further information on the feasibility study for the possible creation of a Cybersecurity Panel during the 216th Session, as part of the Secretary General's next report on this subject.

Discussion

31. Observing that AN-Conf/13 had concluded ten days ago, the President of the Council enquired as to the Conference's deliberations on the issue of cybersecurity and a Trust Framework.

32. Recalling that the issue had been discussed under AN-Conf/13 Agenda Item 5: *Emerging issues*, the President of the ANC noted that the Conference had acknowledged that it was multi-disciplinary and cross-cutting in nature and thus necessitated collaboration and coordination among all stakeholders in order to move forward. The Conference had also recognized that an appropriate cyber resilience approach in civil aviation should be included in the 2019 edition of the *Global Air Navigation Plan* (Doc 9750) to highlight its urgent need and importance and improve its visibility. Its deliberations had culminated with the adoption of related Recommendation 5/4.1 – *Cyber resilience* (cf. AN-Conf/13 Yellow Cover Report).

33. The President of the Council underscored that the Council would have the opportunity to discuss the issue of cyber resilience further when it considered, during the upcoming 216th Session, the ANC's report on the outcomes of AN-Conf/13 and the results of its review of the Conference's recommendations. Highlighting that the issue might have implications not only for air navigation but also for aviation safety, he emphasized that the Council could, at that time, consider whether it was also

necessary to include an appropriate cyber resilience approach in the next edition (2020-2022) of the *Global Aviation Safety Plan* (Doc 10004).

34. Observing that the SSGC had established several working groups to provide subject matter advice on the various areas to be covered by the envisaged cybersecurity strategy, such as aerodromes, air navigation systems and airworthiness, the Representative of Spain sought clarification regarding the way in which the results of that work would be presented to the ANC for consideration. He noted that if, following the Council's consideration of the said feasibility study, the SSGC was transformed into a Cybersecurity Panel, then it would be possible to establish a clear reporting line with the ANC and the Council for the review of the Panel's work.

35. The President of the ANC indicated that he would be pleased to work collaboratively with D/ANB and D/ATB to establish such a reporting line in the event that the Council decided to transform the SSGC into a Cybersecurity Panel. He stressed the need to ensure full transparency across not only the relevant ICAO Bureaus but also the relevant Council Committees and the ANC in addressing the issue of cybersecurity and a Trust Framework.

36. In highlighting that the harmonized cybersecurity strategy being developed by the SSGC and its working groups would in due course be presented to the Council, through the UIC, for consideration and approval, DD/ASF indicated that it could propose the establishment of a Panel and working groups and a work methodology for the development of related SARPs in which the ANC, the UIC and the Council would each have a role to play. He noted that the ongoing work by the ANB and the ANC to develop a Trust Framework was more operational in nature.

37. The Representative of the United Republic of Tanzania suggested that future progress reports clearly indicate what work had been accomplished and what work remained to be done so that the Council would have a full picture and would be in a better position to follow up thereon. DD/ASF assured the Council that that would be done.

38. The above comments and clarifications were noted.

39. In completing its consideration of this subject, the Council noted the information provided in C-WP/14782, as supplemented during the discussion, as well as the UIC's oral report thereon. It was understood that further information on the feasibility study for the possible creation of a Cybersecurity Panel would be provided to not only the Committee but also the Council during the 216th Session, as part of the Secretary General's next report.

Update on the ICAO Second High-level Conference on Aviation Security (HLCAS/2)

40. The Council considered: information paper C-WP/14821, whereby the Secretary General reported on the status of preparations for HLCAS/2 (Montréal, 29-30 November 2018), including the issuance of Secretariat working papers for each Agenda Item, and presented the draft Programme for the Conference as well as the list of States and international and regional organizations which had registered as of September 2018 (cf. Appendices A and B, respectively); and an oral report thereon by the UIC, which had reviewed the paper during its First Meeting of the current session on 24 September 2018.

UIC oral report

41. In presenting the UIC's oral report, the Chairperson, the Representative of Canada, Mr. M. Pagé, recalled that some Committee Members had considered that in the description of working

papers in paragraph 3 of C-WP/14821 issues such as balancing security and facilitation, aviation security assistance and international cooperation, and the ICAO USAP did not appear to be covered in the draft Programme for the Conference set forth in Appendix A to the paper. In addressing those concerns, the Secretariat had invited UIC Members to review the full Agenda for HLCAS/2 which had been approved by the Council (214/2) as it contained a more detailed description of each Agenda item.

42. The UIC had recognized the importance of having concrete Conference outcomes captured in a Communiqué, given that HLCAS/2 was expected to help frame the security-related discussions at the 40th Session of the Assembly in 2019, possibly with aviation security becoming one of the Assembly's major themes.

43. The President of the Council had reminded the Committee that the outcomes of HLCAS/2 would, in fact, be recommendations to be agreed by the ICAO Council. As such, while it might be useful to work on a draft Communiqué in advance, the exercise should not pre-empt final decisions by the Council. Accordingly, it had been agreed that a draft Communiqué and associated Conference Programme would be circulated to Council Members for comments.

44. It had also been agreed that a discussion between the Chairperson of the UIC and the President of the Council would take place to determine whether there was a need for the Committee to meet again before the HLCAS/2.

Discussion

45. Responding to a query by the President of the Council regarding Appendix B to C-WP/14821, DD/ASF noted that a significant number of registrations for HLCAS/2 had taken place since the issuance of the paper and indicated that updated information thereon would be circulated to Representatives.

46. Referring to the last paragraph of the UIC's oral report, the President of the Council underscored that an additional meeting of the Committee would be convened prior to HLCAS/2 if he and the Chairperson of the UIC deemed it necessary.

47. Drawing attention to the third paragraph of the Committee's oral report, the Representative of France enquired whether there was any updated information regarding the two very important issues of a post-Conference Communiqué and a Conference Programme.

48. The Representative of Spain noted, with pleasure, that the issue of balancing security and facilitation was covered in the full HLCAS/2 Agenda and expressed the hope that the same approach would be taken in future when addressing the issues of the Global Aviation Security Plan (GASeP) and a potential global aviation facilitation plan. He affirmed that the President of the Council had been very wise when he had reminded the UIC that the outcomes of the HLCAS/2 would in fact be recommendations to be agreed by the ICAO Council. In reiterating the need for caution with regard to issuing a post-Conference Communiqué, the Representative of Spain indicated that if such a Communiqué was considered necessary, then it should be couched in general terms. He favoured issuing an ICAO Press Release instead. Noting that seven Secretariat working papers had been posted on the HLCAS/2 website, he enquired whether the UIC or any other authority had cleared them in advance.

49. In offering clarifications, the Director of the Air Transport Bureau (D/ATB) emphasized that, in organizing HLCAS/2, the Secretariat had followed, to the maximum extent possible, the procedure used for the first High-level Conference on Aviation Security in September 2012, which had concluded with the issuance of a Communiqué. It was thus envisaged that a Communiqué would be

issued at the close of HLCAS/2. D/ATB underscored that the Conference would also lead to practical conclusions and recommendations that would facilitate decision-making by the Council and the Assembly on security-related issues.

50. D/ATB highlighted that although the GAsEP was currently focused on aviation security, ICAO's Strategic Objective was *Security & Facilitation*. With respect to the point raised regarding Conference working papers, he underscored that, in line with the procedure followed for the first High-level Conference on Aviation Security and other high-level meetings in the air transport field, the Secretariat's HLCAS/2 working papers had not been validated by the UIC or any other authority prior to posting on the website. There had, however, been consultations since it was a high-level Conference.

51. Noting that it was necessary to take a complementary approach to aviation safety and security, the President of the Council indicated that since the ANC had been consulted regarding the Secretariat's AN-Conf/13 working papers prior to their publication, it was not unreasonable to expect that the UIC would have been consulted regarding the Secretariat's HLCAS/2 working papers before posting. He underscored that although such consultation might not have taken place for the 2012 High-level Conference on Aviation Security or subsequent high-level meetings in the air transport field, it was necessary to share experiences within the Organization and ensure that the same procedure was followed for Secretariat working papers for all high-level Conferences.

52. Reiterating the need to be very careful with regard to a post-HLCAS/2 Communiqué, the President of the Council indicated that if it conveyed the sense of a high-level Press Release and did not address any major policy issues, then it should not conflict with the Conference's conclusions and recommendations. In underscoring that there was no directive requiring the issuance of a Communiqué at the close of a high-level Conference, he recalled that no Communiqué had been issued following AN-Conf/13 or any of the Divisional meetings which had taken place and stressed the need to consistently follow the Organization's existing procedure/practice. The President further emphasized that for all ICAO Category 2 meetings (Divisional Meetings, Regional Air Navigation Meetings and Conferences) the reports setting forth their conclusions and recommendations were presented to the Council for approval and for decision as to what to take forward to the Assembly.

53. In sharing the concerns expressed by the Representative of Spain regarding the issuance of a post-HLCAS/2 Communiqué, the Representative of Turkey fully endorsed the President of the Council's intervention. He emphasized that it was necessary to be very careful as a Communiqué issued after such a high-level Conference could be viewed as a pre-emptive directive or roadmap/guidelines, which the Council would not wish. The Representative of Turkey considered that the Communiqué must be shaped totally in accordance with the outcome of the HLCAS/2 itself. The draft Communiqué referred to in the UIC's oral report could thus only provide a structure, with the contents being added only after the conclusion of the Conference.

54. In the absence of further comments, the Council noted the information provided in C-WP/14821. It also noted the oral report thereon by the UIC, in particular that the Chairperson of the UIC and the President of the Council would determine whether there was a need for the Committee to meet again before HLCAS/2. In so doing, the Council agreed to leave it to the President to decide whether or not to proceed with issuing a Communiqué following the conclusion of HLCAS/2, taking into account what was envisaged by the UIC, the concerns expressed by Council Representatives, and the need to consistently follow ICAO's existing procedure/practice in that regard.

55. It was understood that: as requested, updated information on registration for HLCAS/2 would be circulated to Representatives; and a report on the outcome of the Conference would be

presented to the Council for consideration and approval of proposed related actions during the next session, together with an oral report thereon by the UIC.

Global Aviation Security Plan (GASeP)

56. The Council had for consideration information paper C-WP/14809, in which the Secretary General reported on the implementation status of the GASeP as at 21 August 2018 and presented related conclusions arising from USAP-CMA data, as well as a summary of other issues to be reported to HLCAS/2; and an oral report thereon by the UIC.

UIC oral report

57. In presenting the UIC's oral report on the outcome of its review of C-WP/14809 during its First Meeting of the current session on 24 September 2018, the Chairperson, the Representative of Canada, Mr. M. Pagé, indicated that Committee Members had noted the successful completion of the regional conferences on GASeP implementation convened between 2017 and 2018, and that following those events States needed to deliver on their respective commitments made through each individual regional roadmap.

58. With regard to the GASeP's aspirational global targets – currently measured using the overall USAP “Effective Implementation” (EI) – a regional breakdown of USAP results as found in the Appendix to the paper had been considered. In noting the gap between the situation today and where it should be by 2020, the Committee had invited the Secretariat to consider comparing present and previous EI levels.

59. The President of the Council had expressed concern, which had been shared by some UIC Members, over the wording of paragraph 3.2 of the paper and had advised against pre-empting the deliberations of the Council and its Committees on the issue of a separate global aviation facilitation plan.
Discussion

60. The Representative of Saudi Arabia highlighted that his Government had recently offered to host the Cooperative Aviation Security Programme – Middle East (CASP-MID), and that it would work with the Secretary General and the Regional Director, MID Office to encourage all MID States to participate therein. In addition, the Government of Saudi Arabia had offered to host a Global Ministerial Aviation Conference in Riyadh from 31 March to 2 April 2019 to consider, inter alia, progress made in the development of a regional Aviation Security and Facilitation Plan (MID SECFAL Plan) pursuant to the 2016 Riyadh Declaration.

61. On behalf of the Council, the President expressed appreciation to the Government of Saudi Arabia for its offers to host the CASP-MID and a Global Ministerial Aviation Conference, both of which would serve to advance the Organization's Strategic Objective *Security & Facilitation*.

62. Referring to paragraph 3.2 of the paper, the Representative of the United States reiterated the importance of the Advance Passenger Information (API) and Passenger Name Records (PNR) data, underscoring that they enabled not only the identification of both known criminals and possible perpetrators through risk assessment but also their arrest. Drawing attention to paragraph 2.3, he expressed concern that although global aviation security was one of ICAO's top priorities, only 116 States out of 192 (64 per cent) had reached or exceeded the 65 per cent EI goal. The Representative of the United States highlighted, in that context, the last sentence of that paragraph, which stated that “increased contributions will be required from States in the next triennium's Regular Budget, as well as voluntary

contributions, both financial and in-kind, to augment the existing budget, which is insufficient to cover the related costs.”. He stressed the need to prioritize the funding of security-related items and the capacity of States to meet the Annex 17 Standards.

63. In voicing the same concern, the Representative of Malaysia underscored that less than two years remained to achieve the GAsEP’s aspirational global target of 80 per cent of States reaching above 65 per cent EI, and enquired as to what action could be taken to assist States.

64. The President of the Council highlighted that the implementation assistance could be provided under ICAO’s *No Country Left Behind* (NCLB) initiative.

65. The above comments and clarifications were noted.

66. Having completed its consideration of this subject, the Council noted the information provided in C-WP/14809. In also noting the UIC’s oral report thereon, the Council underscored the need for the Secretariat to consider including in future reports on GAsEP implementation a trend analysis of the level of USAP EI by region, in order to enable the Council to determine what progress had been made over time as a result of the implementation assistance provided by ICAO to States.

Subject No. 7: Organization and personnel

Subject No. 7.4: Conditions of service

Progress report on enhancing succession planning in ICAO

67. The Council next considered: information paper C-WP/14818, in which the Secretary General reported on the ongoing progress made to date on initiatives designed to enhance succession planning under ICAO’s wider workforce planning as part of its overall integrated approach to talent management; and an oral report thereon by the HRC, which had reviewed the paper during its First Meeting of the current session on 25 September 2018.

HRC oral report

68. In presenting the HRC’s oral report the Chairperson, the Representative of Kenya, Ms. M.B. Awori, indicated that the Committee had taken note of the ongoing progress and had highlighted the need for an action plan to further work on issues related to workforce trends analysis and staff mobility.

69. In relation to workforce trends analysis, reference had been made to the ongoing work of the ISPG in overseeing the development of Corporate Key Performance Indicators (CKPIs) to be included in the Corporate Management and Reporting Tool (CMRT) and the need to further refine and expand the indicators used to reflect workforce trends by integrating the work already being done thereon in the Secretariat. In particular, the indicator in the CMRT for equitable geographical representation (EGR) could be adjusted so as to report trends at the region/State level, and the indicator for gender could be adjusted by making a distinction between Professional and General Service levels, and highlighting the representation of women at senior levels. The need to include in the CMRT workforce indicators to reflect trends for secondments and consultants, including the overall number, as well as age demographics, and country had also been highlighted.

70. In terms of staff mobility, the HRC had emphasized the importance of providing mobility opportunities to staff, particularly opportunities which would enable Technical Officers to move between

Headquarters and the Regional Offices, and vice versa. It had been explained by the Secretariat that the lack of a specific budget allocation for the relocation of staff was preventing the Organization from implementing geographic mobility. The Committee had proposed that consideration be given to costing geographic mobility and to including that in the ongoing triennial budget discussions. It had also suggested that there should be discussion on establishing a separate centralized budget to allow temporary coverage of staff absences in relation to maternity, paternity and sick leave.

Discussion

71. Referring to the second paragraph of the HRC's above oral report, the Representative of Spain affirmed that it would be very useful for the preparation of the draft Regular Programme Budget for the next (2020-2021-2022) triennium to know the trends for secondments and consultants in order to identify an adequate and reasonable number thereof for the performance of ICAO's work.

72. Responding to questions then raised by the Representative, the Chief, Recruitment, Classification and Post Management Section (C/RCP) confirmed that the reference made in the last paragraph of the oral report to staff mobility opportunities applied to Technical Officers. He also clarified, with regard to paragraph 2.5 of C-WP/14818, that the standardization of job descriptions for technical positions at ICAO Headquarters and the Regional Offices would be completed in 2019.

73. The Representative of the United Kingdom enquired as to how temporary staff absences relating to maternity, paternity and sick leave were currently covered under *The ICAO Service Code* (Doc 7350). Recalling that a number of recruitment issues had arisen during the past two Council sessions relating to EGR, qualifications and long-standing vacancies, he reiterated that it would be very useful to have an overall human resources strategy to aid the Secretariat in recruiting and to avoid the prevalence of gaps. The Representative of the United Kingdom noted that it could also result in less discussion in the HRC of individual job descriptions as they would all be considered in the context of such a human resources strategy.

74. The Director, Bureau of Administration and Services (D/ADB) clarified that, in line with the common practice in the United Nations (UN) system, when a staff member went on maternity, paternity or sick leave, her/his work was re-distributed through the Office concerned and carried out by the other existing staff members. He underscored that it would otherwise be necessary to have a separate centralized budget to enable the immediate recruitment of personnel on a temporary basis to perform that work.

75. Responding to a query by the President of the Council, D/ADB indicated that such a separate budget was necessary to cover not only the recruitment of personnel due to the said entitlements of maternity, paternity and sick leave but also the recruitment of personnel due to the increasing workload within the Organization.

76. D/ADB highlighted that, during the next (216th) session, an update would be presented to the HRC on the current development, in consultation with all Bureaus/Offices and Regional Offices, of a holistic *ICAO People Strategy* as part of the ongoing initiatives to enhance the strategic management of ICAO's human resources. The strategy was based on the best practices in the UN system, as adapted to ICAO's specific environment, and used the same nomenclature.

77. Supplementing D/ADB's clarifications, the Secretary General emphasized that most organizations in the UN system had a Contingency Fund. However, ICAO had neither a Contingency Fund nor any budget to provide temporary coverage of staff absences due to the entitlements of maternity, paternity and sick leave, which posed a substantial risk to ICAO. In therefore agreeing with the HRC that there should be discussion on the establishment of a separate centralized budget to allow temporary

coverage of such staff absences, she stressed the need for ICAO to be able to meet the challenge arising from such absences. The Secretary General also highlighted the need to ensure gender equality in terms of maternity and paternity leave. In addition, she expressed the hope that a Contingency Fund would be built into the draft Regular Programme Budget for the next triennium.

78. In underscoring that the necessary action should be taken by the Secretariat to implement the HRC's recommendations to enhance the CMRT's CKPIs used to reflect workforce trends, the Representative of Mexico emphasized that those CKPIs should cover not only Regular Programme personnel but also Technical Cooperation Programme (TCP) personnel and personnel carrying out activities funded under the Ancillary Revenue Generation Fund (ARGF). He also stressed the need to be very cautious in considering the establishment of a separate centralized budget to allow temporary coverage of staff absences in relation to maternity, paternity and sick leave, underscoring that a gap analysis should first be undertaken to identify any problems and to determine what action could be taken to resolve them. The Representative of Mexico considered that as ICAO's practice to re-distribute the work of staff members when they went on maternity, paternity or sick leave was in line with the common practice in the UN system, the issue of establishing a separate centralized budget to temporarily cover their absences was of less priority than funding the work arising from AN-Conf/13 and HLCAS/2.

79. While not wishing to pre-empt the formal and informal discussions of the draft Regular Programme Budget for the next triennium, the Representative of Germany indicated that he did not agree to the establishment of such a separate centralized budget as, in his view, the temporary staff absences due to maternity, paternity and sick leave should be covered by the Organization's established vacancy rate. He also did not agree to a specific budget allocation for the relocation of staff from Headquarters to the Regional Offices and vice versa as he considered that it should be covered under generic staff costs in the Regular Programme Budget.

80. In speaking in favour of the development of an *ICAO People Strategy*, the Chairperson of the HRC highlighted that she had requested the Secretariat to provide the HRC with a compendium of all ICAO human resources-related policies so that the Committee and its newly-created sub-groups could verify their alignment with the associated Administrative Instructions and thus ensure their harmonization. She indicated that the HRC's review should be completed by the time the envisaged *ICAO People Strategy* was presented to the Council for consideration.

81. In noting this supplementary information, the Council requested that the Chairperson of the HRC present a report on the outcomes of the Committee's said review in due course.

82. Note was also taken of the comments made and the clarifications provided. It was understood that the points raised regarding costing geographic mobility, the establishment of a separate centralized budget to allow temporary coverage of staff absences in relation to maternity, paternity and sick leave and the establishment of a Contingency Fund would be considered during the ongoing discussions of the draft Regular Programme Budget for the 2020-2021-2022 triennium.

83. In completing its consideration of this subject, the Council noted the information provided in C-WP/14818. In addition, the Council noted the HRC's oral report thereon, and requested that the Secretariat take the necessary action to implement the HRC's recommended enhancements of the CMRT's CKPIs used to reflect workforce trends.

Subject No. 7: **Organization and personnel**
Subject No. 7.2: **Recruitment policy**
Subject No. 7.4: **Conditions of service**

Review of the impact of the age limit for secondees

84. The Council had for consideration: information paper C-WP/14820, in which the Secretary General reported on the outcome of the Secretariat's review of the implications of applying the age limit of 65 to the selection of secondees to ICAO, undertaken pursuant to its earlier request (214/12); and an oral report thereon by the HRC, which had reviewed the paper during its First Meeting of the current session on 25 September 2018.

HRC oral report

85. In presenting the HRC's oral report, the Chairperson, the Representative of Kenya, Ms. M.B. Awori, indicated that in order to maintain consistency and uniformity of treatment for secondees, and to avoid any possible adverse impact on the official status of secondees and their current eligibility for privileges and immunities, the Committee had agreed to recommend to the Council that the age limit of 65 continue to be applied to all secondees, with the understanding: that the reference to the age limit of 65 would be removed from ICAO announcements for secondment opportunities; and that should cases arise where a highly experienced aviation expert over the age of 65 was identified for secondment to ICAO to meet a specialized technical need of the Organization, the cases would be submitted to the Council for exceptional consideration to waive the 65 age limit.

86. The option of securing the services of secondees over age 65 as consultants presented in paragraph 2.12 b) of C-WP/14820 had not been seen as a viable alternative by the HRC.

Discussion

87. The Representative of the United Kingdom highlighted that an analogous situation had arisen with his State, which would like to offer a gratis secondee to ICAO to meet a specialized technical need of the Organization but unfortunately, due to the differing educational requirements within the United Kingdom's system, the aviation expert concerned did not meet the educational criteria required to perform that specific function, despite many years of practical experience. He enquired whether the compromise solution recommended by the HRC regarding the secondment of aviation experts over the age of 65 could be applicable to other similar situations, such as the one currently being experienced by the United Kingdom.

88. The President of the Council suggested that the matter be referred to the HRC for consideration and subsequent report to the Council.

89. Responding to points then raised by the Representative of Brazil, D/ADB noted that, in considering the potential application of the 65 age limit to seconded individuals, the HRC had wished to avoid creating two categories of secondees, resulting in different treatment which could be interpreted as discrimination: a) a secondee engaged under a trust fund arrangement (whereby the sponsoring Government deposited funds with ICAO in advance so as to finance the contractual period of the assignment) who had the status of an ICAO official and who consequently was eligible for privileges and immunities and was subject to ICAO's 65 age limit; and b) a secondee engaged under a gratis arrangement (whereby the sponsoring Government took full responsibility for the remuneration) who had the status of an expert and not of an ICAO official and who consequently was not eligible for privileges

and immunities and was not subject to ICAO's 65 age limit. He reiterated that applying ICAO's 65 age limit to secondees engaged under both trust fund arrangements and gratis arrangements would ensure uniformity of treatment and of status of the seconded individuals.

90. Recalling that the HRC had had a very lengthy debate on that issue, the President of the Council suggested that the Representative of Brazil, and the Council as a whole, accept the Committee's compromise solution.

91. The above comments and clarifications were noted.

92. In noting the HRC's oral report, the Council took the action recommended by the Committee and decided that, in order to maintain consistency and uniformity of treatment for secondees to ICAO, and to avoid any possible adverse impact on the official status of secondees and their current eligibility for privileges and immunities, the age limit of 65 would continue to be applied to all secondees, with the understanding: that the reference to the age limit of 65 would be removed from ICAO announcements for secondment opportunities; and that should cases arise where a highly experienced aviation expert over the age of 65 was identified for secondment to ICAO to meet a specialized technical need of the Organization, the cases would be submitted to the Council for exceptional consideration to waive the 65 age limit. The Council took note that the HRC did not view the option of securing the services of secondees over age 65 as consultants presented in paragraph 2.12 b) of C-WP/14820 as a viable alternative.

93. In addition, the Council requested the HRC to consider whether cases where a highly experienced aviation expert who was offered for secondment to ICAO to meet a specialized technical need of the Organization did not meet the educational criteria required to perform that specific function could similarly be submitted to the Council for exceptional consideration to waive the educational requirement, and to report thereon to the Council.

Subject No. 24.2: Assembly Agenda and documentation

Draft Assembly working paper – Supporting documentation for Assembly Agenda Item P5: Election of Member States to be represented on the Council

94. The Council considered this subject on the basis of C-WP/14783 presented by the Secretary General.

95. With regard to the distribution of the thirty-six seats to be filled during the election of the Council at the 40th Session of the Assembly in 2019, the Council agreed to recommend to the Assembly that the maximum number of Member States to be elected in the three parts of the election should be eleven, twelve and thirteen, respectively.

96. The Council approved the draft Assembly working paper attached to C-WP/14783, subject to Section 4 thereof being expanded, as suggested by the Representative of Mexico, to include a paragraph highlighting that, in accordance with Operative Clause 11 of Assembly Resolution A39-31, "Only those States which have no outstanding annual assessed contributions except for the current year's assessment will be eligible for election to the Council, Committees, and bodies;". It was agreed that the President would review and approve the new text on behalf of the Council prior to the publication of the Assembly working paper.

Subject No. 24.3: Action on Assembly resolutions and decisions

Report of the WGGE – Review of the role and status of rotation groups

97. The current Chairperson of the Working Group on Governance and Efficiency (WGGE), the Representative of Argentina, Mr. G.E. Ainchil, presented an oral report on the outcome of the Working Group's review, during its Third Meeting of the 214th Session on 12 June 2018 under the chairmanship of the Representative of South Africa, Mr. M.D.T. Peege, of the role and status of rotation groups. The review had been undertaken at the request of the Council (210/6) in response to a decision by the 39th Session of the Assembly (cf. A39-WP/526, paragraph 27.14).

98. The WGGE had recalled that during its 39th Session, the Assembly had been invited by interested States to request the Council to consider the adoption of written procedures that would formally recognize rotation groups and the function they serve for the purposes of electing Member States to the Council (cf. A39-WP/325 Revised). The Assembly had decided instead to refer to the Council for further study the role and status of rotation groups in the work of the Organization, taking into account the comments made. The comments made by Delegates had included the right of each Member State to submit its candidature for election to the Council, the need for coordination with regional groupings bearing in mind the arrangements established by them, and the absence of rotation groups in some regions, as factors to be taken into account while considering the role and status of rotation groups. The Council, during its 210th Session, had confirmed the proposed actions arising from the Assembly Resolutions and decisions related to policy and administrative subjects, including to examine, through the WGGE, the role and status of rotation groups (C-DEC 210/6 refers).

99. The WGGE, while acknowledging the beneficial role played by rotation groups in coordinating the engagement of interested States in ICAO's work, had not found it necessary for the Council to consider the adoption of written procedures that would formally recognize the rotation groups and the function they serve for the purpose of electing Member States to the Council. It had been considered that prescribing rules or procedures in that regard might contravene the principle of State sovereignty and fall outside ICAO's purview. Moreover, some States did not participate in rotation groups.

100. The WGGE had noted, however, that there was little publicly available information on the rotation groups. Such information could be of use to States wishing to establish or participate in rotation groups and be informative to external stakeholders on the role, structure and composition of such groups.

101. The WGGE had therefore recommended that the Council request the Secretariat to collect appropriate information from the rotation groups for publication on the ICAO public website.

Discussion

102. In thanking the previous and current Chairpersons of the WGGE for the work done on this issue, the Representative of Ireland emphasized that rotation groups were very important to her State and to all of the other Member States of the ABIS Group (Austria, Belgium, Croatia, Luxembourg, the Netherlands, Portugal and Switzerland). She recalled that the WGGE's review of the role and status of rotation groups had largely arisen from the presentation, at the last Assembly, of A39-WP/325 Revised (*Representation of States on the ICAO Council by Members of a Rotation Group*) by the ABIS Group, CERG (Bulgaria, Cyprus, Czechia, Greece, Hungary, Lithuania, Poland, Romania, Slovakia and Slovenia), Chile, and NORDICAO (Denmark, Estonia, Finland, Iceland, Latvia, Norway and Sweden).

The Representative of Ireland underscored that while the ABIS Group would have liked to achieve a solution which brought more formal recognition to rotation groups at ICAO, it accepted that it was not possible at the present time, and viewed very positively the WGGE's proposed solution to promote rotation groups by providing appropriate information relating thereto on the ICAO public website. The Representative of Ireland supplemented that compromise solution by offering to meet with any State officials interested in learning more about rotation groups and how they operated as it was the ABIS Group's experience that they brought benefits, both to the members of the rotation groups and to ICAO, and made the Council a more democratic and more participative forum.

103. The President of the Council underscored that rotation groups played a key role in ensuring that the work of the Council, and of the Organization as a whole reached many more Member States than were represented on the governing body, which was of particular importance at a time when there was a growing demand for Council seats and an increasing need for outreach to Member States to engage them in ICAO's work, including by responding to State letters. He emphasized that it would be beneficial to share the positive experiences of the various rotation groups with all other States wishing to either participate in an existing rotation group or establish an additional one. The President of the Council noted that although the last Assembly in 2016 had adopted a Protocol of Amendment to the Chicago Convention [Article 50 (a)] to increase the size of the Council from 36 to 40 seats, the latter would only enter into force upon ratification by 128 States, and the projected growth in air traffic seemed to suggest that it would not completely address the need that States felt to be represented on the Council. In highlighting that membership in a rotation group could serve as a proxy for direct participation in the Council's work, he affirmed that the WGGE's proposed compromise solution would assist those States wishing to either join an existing rotation group or establish a new one for that purpose.

104. The above comments were noted.

105. In then noting the WGGE's oral report, the Council took the action recommended by the Working Group and requested the Secretariat to collect appropriate information from the existing rotation groups for publication on the ICAO public website.

Subject No. 18.7: Appointment of External Auditor

Selection of the External Auditor of ICAO for the financial years 2020, 2021 and 2022

106. The Council considered this subject on the basis of: C-WP/14814 presented by the Secretary General, which contained a draft State letter inviting Member States to nominate the Supreme Audit Institution of their country to be considered for appointment as the External Auditor of ICAO for the financial years 2020, 2021 and 2022 (*cf.* Appendix A), as well as the terms of reference for the proposed Working Group of Council Representatives which would review all nominations received by the Secretary General and make recommendations to the Council through the Finance Committee (FIC) (*cf.* Appendix B); and an oral report thereon by the FIC, which had reviewed the paper during its Third Meeting of the current session on 1 October 2018.

FIC oral report

107. In presenting the FIC's oral report, the Chairperson, the Representative of Spain, Mr. V.M. Aguado, recalled that the Secretariat had explained the process for the selection of the External Auditors and had highlighted the lessons learned from the last selection, mainly on the role of the Finance Branch (FIN) and the early and active participation of audit experts, including the Evaluation and Audit Advisory Committee (EAAC) and the Evaluation and Internal Audit Office (EAO).

108. In addition, the timeline for the process, including the due date for the submission of nominations of 15 March 2019, had been emphasized as it impacted on the time available for the envisaged Working Group of Council Representatives to review and evaluate the nominations and submit its report to Council in the 217th Session.

109. During the preceding presentation to the FIC of the Annual Report of EAAC (C-WP/14815 refers), the Chairperson of the EAAC had raised the differences of opinion between EAAC and the current External Auditor on two International Standards on Auditing [ISA 300: *Planning an Audit of Financial Statements* and ISA 260: *Communication with those Charged with Governance*]. The FIC, at its request, had been assured that the requirements from nominations presented in the Attachment to the State letter (cf. Appendix A to the paper), adequately reflected those ISAs and would avoid any potential conflicting views with the future External Auditor.

110. At a request for clarification on whether the appointment of the External Auditor referred to the appointment of an individual or an institution, the Secretariat had confirmed that, in accordance with *The ICAO Financial Regulations* (Doc 7515), the Council shall appoint the Auditor General of a Member State.

111. Following the explanation and clarifications given by the Secretariat, the FIC had recommended that the Council approve the draft State letter in Appendix A to C-WP/14814 and establish a Working Group of Council Representatives for the review of the nominations as outlined in Appendix B thereto, recognizing the importance of adhering to the timeline for the selection process as outlined in paragraph 2.2 of the paper.

Discussion

112. It was noted that the External Auditor selection process and the draft version of C-WP/14814 had been discussed in detail with the EAAC Members at their July 2018 meeting and that their comprehensive comments and suggestions had been incorporated in the final version now before the Council.

113. In the absence of comments, the Council noted the FIC's oral report, in particular that the requirements from nominations set forth in the Attachment to the said draft State letter (cf. Appendix A) adequately reflected ISA 300 and ISA 260 and would thus avoid any potential misunderstandings between the EAAC and the future External Auditor. The President of the Council recalled, in this regard, the Council's earlier decision (214/3) that to ensure effective communication and governance a copy of any information that was circulated between the External Auditor and the EAAC, an external advisory body to the Council, should be circulated to the Council, in particular with regard to any suggestions by EAAC for the inclusion of additional elements in the External Auditor's audit plan.

114. In then taking the action indicated in the executive summary of C-WP/14814, as amended by the President of the Council in light of the discussion, the Council:

- a) as recommended by the FIC, approved the draft State letter inviting nominations from Member States for the position of External Auditor of ICAO for the financial years 2020, 2021 and 2022 set forth in Appendix A to the paper;
- b) as recommended by the FIC, agreed that a Working Group of Council Representatives comprised of up to five Members be established for the review of nominations as outlined in the terms of reference set forth in Appendix B to the paper;

- c) delegated the responsibility of establishing the said Working Group to the President of the Council, who, in consultation with the Chairperson of the FIC and others as appropriate, would determine its composition after the deadline of 15 March 2019 for the submission and receipt of nominations, taking into account the need to exclude Council Representatives from Member States that had submitted nominations, as well as the need to respect the principle of equitable geographical representation, and would inform Council Representatives thereof by e-mail;
- d) in light of the lessons learned from the last selection of the External Auditor of ICAO, underscored the need to avoid the direct involvement of FIN in the said evaluation process and to ensure the early and active participation therein by audit experts, including the EAAC and EAO;
- e) requested the EAAC, in accordance with paragraph 5.2 of its Terms of Reference, to provide advice to the Council on the proposed appointment, fees, terms and budget of the External Auditor; and
- f) requested the said Working Group of Council Representatives to present its recommendation for the appointment of a new External Auditor of ICAO for the financial years 2020, 2021 and 2022 to the Council, through the FIC, during the 217th Session in May/June 2019 in a paper by the Secretary General which would also contain a draft Assembly working paper on the appointment in which the Assembly's confirmation of the Council's decision would be sought.

Subject No. 16: Legal work of the Organization
Subject No. 26: Settlement of disputes between Contracting States

**Progress report on negotiations regarding the
*Settlement of Differences: Brazil and the United States (2016)***

115. Pursuant to the Council's earlier decisions (211/9 and /10, 212/8, 213/8 and 214/10), the Secretary General presented the following oral progress report on the status of negotiations regarding the *Settlement of Differences: Brazil and the United States (2016)*:

116. "At the Tenth Meeting of its 214th Session held on 27 June 2018, the Council noted, following its consideration of the Secretary General's oral report on the status of negotiations regarding the *Settlement of Differences: Brazil and United States (2016)*, that a substantive meeting held between representatives from the United States and Brazil in March 2018 in Brasilia, Brazil, had been productive, and that a third substantive meeting had been scheduled to take place in Washington, DC, United States.

117. "The Parties recently informed the President of the Council that this third substantive meeting took place on 19 and 20 September 2018 in Washington, DC and was very productive. The Parties further informed the President that they made good progress toward resolving the dispute, and that they will continue discussions in the coming months, with a view to concluding negotiations as soon as possible.

118. "Given that both Parties are prepared to continue the negotiation process with the good offices of the President of the Council as Conciliator, it is suggested that the Council be further updated on the status of the negotiations during the 216th Session."

Discussion

119. In the absence of comments, the Council noted the above oral progress report. Given that both Parties were prepared to continue the negotiation process with the good offices of the President of the Council as Conciliator, it agreed to the Secretary General's suggestion that the Council be further updated on the status of the negotiations during the next (216th) session. It was understood that the Council's previous decision subsisted regarding the suspension of the filing of a reply by the Applicant (Brazil) to the Counter-memorial filed by the Respondent (United States) on 31 August 2017, which had been agreed to by both Parties and endorsed by the Council to allow for further consultations (cf. C-DEC 212/8, paragraphs 17 and 18). In expressing pleasure that good progress continued to be made, the Council encouraged the Parties to pursue their negotiations with a view to quickly achieving a satisfactory resolution of their disagreement.

**Settlement of Differences: the State of Qatar and the Arab Republic of Egypt, the Kingdom of Bahrain, the Kingdom of Saudi Arabia and the United Arab Emirates (2017) – Application (A);
and
Settlement of Differences: the State of Qatar and the Arab Republic of Egypt, the Kingdom of Bahrain and the United Arab Emirates (2017) – Application (B)**

120. The Secretary General presented the following oral report relating to the Council's two decisions on the preliminary objections filed by the respective Respondents in the above-mentioned matters [Application (A) and Application (B)] (cf. C-DEC 214/11):

121. “At the Eleventh Meeting of its 214th Session held on 29 June 2018, the Council rendered two decisions on the preliminary objections filed by the Respondents in the matters Settlement of Differences – *the State of Qatar and the Arab Republic of Egypt, the Kingdom of Bahrain, the Kingdom of Saudi Arabia and the United Arab Emirates (2017) – Application (A)* and *the State of Qatar and the Arab Republic of Egypt, the Kingdom of Bahrain and the United Arab Emirates (2017) – Application (B)*.

122. “By letters dated 6 July 2018, reference GCAA/C/45-18 and GCAA/C/46-18, signed by the Agent for the United Arab Emirates, the respective Respondents in Application (A) and Application (B) notified the Council that they had filed Applications instituting Appeals with the International Court of Justice (ICJ) against the two decisions of the Council dated 29 June 2018 in the above-mentioned Application (A) and Application (B). The said letters, dated 6 July 2018, were forwarded to Council Members by SG Memorandum 2430/18, dated 18 July 2018.

123. “By letter dated 26 July 2018, received by the Organization on 24 September 2018, the Registrar of the ICJ, acting pursuant to Article 34 (3) of the Statute of the ICJ and Article 69 (3) of the Rules of Court of the ICJ, notified ICAO that ‘[o]n 4 July 2018, the Kingdom of Bahrain, the Arab Republic of Egypt, the Kingdom of Saudi Arabia and the United Arab Emirates filed an Application instituting proceedings in the case concerning the Appeal Relating to the Jurisdiction of the ICAO Council under Article 84 of the Convention on International Civil Aviation (Bahrain, Egypt, Saudi Arabia and United Arab Emirates v. Qatar)’. The Registrar of the ICJ further notified ICAO that ‘[a]lso on 4 July 2018, the Kingdom of Bahrain, the Arab Republic of Egypt and the United Arab Emirates filed an Application instituting proceedings in the case concerning the Appeal Relating to the Jurisdiction of the ICAO Council under Article II, Section 2, of the 1944 International Air Services Transit Agreement (Bahrain, Egypt and United Arab Emirates v. Qatar)’. The Registrar of the ICJ further advised that the written pleadings in both Appeals shall be communicated to ICAO once they have been filed.

124. “Under Article 86 of the Chicago Convention, ‘decisions of the Council shall, if appealed from, be suspended until the appeal is decided’.

125. “It is suggested that the Council be further updated on the status of the two Appeals at the ICJ during the 216th and subsequent sessions.”.

Discussion

126. The Secretary General clarified that pursuant to Article 86 of the Chicago Convention, the Council’s two decisions of 29 June 2018 on the preliminary objections filed by the respective Respondents in the above-mentioned matters [Application (A) and Application (B)] were suspended with effect from 6 July 2018 until the Appeals were decided by the ICJ.

127. The Representative of Nigeria enquired whether there was a role for the Council to observe the said ICJ proceedings, or for any person to whom the Council delegated authority to act on its behalf.

128. The Director, Legal Affairs and External Relations Bureau (D/LEB) clarified that ICAO, in acting under Article 84 of the Chicago Convention, was exercising a judicial function. He underscored that normally when an appeal court such as the ICJ heard an appeal against a decision rendered by a lower court, in this instance, the ICAO Council, the lower court would not participate in the appeal process since it was not a party to those proceedings. Nevertheless, if the ICJ requested that ICAO furnish information relevant to the said two Appeals, then ICAO would be obliged to provide it. D/LEB further indicated that in principle the ICJ proceedings were open to the public, unless the Court decided otherwise. Consequently, interested individual Council Member States were free to attend, as observers, the ICJ proceedings relating to the said two Appeals against the Council’s decisions of 29 June 2018.

129. Responding to a query by the President of the Council, D/LEB clarified that if the ICJ requested to obtain factual information, or pertinent documentation, such as copies of the relevant Council decisions, then the Secretariat itself would take the necessary action. If, on the other hand, the ICJ raised questions that required a decision by the Council, then the Secretariat would accordingly bring the matter to the Council’s attention.

130. Note was taken of the above comments and clarifications.

131. In then noting the Secretary General’s oral report relating to the Council’s two decisions on the preliminary objections filed by the respective Respondents in the above-mentioned matters [Application (A) and Application (B)] (cf. C-DEC 214/11), the Council agreed to her suggestion that it be further updated on the status of the two Appeals at the ICJ during the next (216th) session and subsequent sessions.

Any other business

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

Appointment of Members and Alternates on the Air Transport (ATC), Joint Support (JSC), Finance (FIC), Unlawful Interference (UIC) and Technical Co-operation (TCC) Committees; Appointment of Members on the Implementation Strategy and Planning Group (ISPG) and the Committee on Cooperation with External Parties (CCEP)

132. It was noted that pursuant to the President of the Council’s cited e-mails, and in accordance with paragraph 3 of the Special Provisions applicable to the ATC and paragraphs 6 and 7 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 following appointments were made:

- Ms. Annemarie Smith Floch, Representative of Ireland on the Council, was appointed as Member of the ATC, JSC, FIC and TCC, and Ms. Niamh O'Brien as her Alternate on those Committees, with effect from 7 September 2018 (cf. President's e-mail dated 26 September 2018);
- Mr. Patricio Arancibia Riquelme and Mr. Alberto Mena Padilla were appointed as Alternates to the Representative of Uruguay on the ATC and TCC, with effect from 1 August 2018 and 1 October 2018, respectively (cf. President's e-mails dated 5 September 2018 and 11 October 2018);
- Mr. Padhraic Kelleher was appointed as Alternate to the Representative of the United Kingdom on the ATC, JSC, FIC and UIC, replacing Ms. Kirsten Riesenma with effect from 13 September 2018 (cf. President's e-mail dated 13 September 2018); and
- Mr. Eric Risse was appointed as Alternate to the Representative of France on the ATC, JSC, FIC and UIC, replacing Mr. Maxime Millefert with effect from 1 September 2018 (cf. President's e-mail dated 10 September 2018).

133. In addition, the President appointed Ms. Annemarie Smith Floch, Representative of Ireland on the Council, as Member on the ISPG and the CCEP with effect from 7 September 2018 (cf. President's e-mail dated 26 September 2018).

Appointment of a new Member and an Alternate on the Air Navigation Commission (ANC)

134. It was noted that, in the absence of comments by 11 September 2018 to the President of the Council's e-mail dated 6 September 2018, Mr. Junrong Liang, nominated by the Government of China, was appointed as a new Member on the ANC, succeeding Mr. Feng Tai with effect from 10 September 2018.

135. It was further noted that, in the absence of comments by 15 October 2018 to the President of the Council's e-mail dated 11 October 2018, Mr. Subash S, nominated by the Government of Singapore, was appointed to serve as Alternate to Mr. Mervyn Gerard Fernando on the ANC with effect from 8 October 2018.

136. Subject No. 50: Questions relating to the environment

Appointment of a new Member on the Committee on Aviation Environmental Protection (CAEP)

It was noted that, in the absence of comments by 22 October 2018 to his e-mail dated 11 October 2018, the President, on behalf of the Council, approved the nomination of Ms. Jennifer Raynor as the new CAEP Member from the United Kingdom, replacing Mr. Michael Clark with effect from 23 October 2018.

Subject No. 52: Unlawful interference with international civil aviation and its facilities**Appointment of a new Member on the International Explosives Technical Commission (IETC)**

137. It was noted that, in the absence of comments by 2 October 2018 to the President of the Council's e-mail dated 25 September 2018, Ms. Christine Fuche, nominated by France, was appointed as a new Member on the IETC, replacing Ms. Lynda Ferez with immediate effect.

Subject No. 16: Legal work of the Organization**Appointment of additional Members to the Commission of Experts of the Supervisory Authority of the International Registry (CESAIR)**

138. It was noted that, in the absence of comments by 7 August 2018 to his memorandum PRES OBA/2812 dated 24 July 2018, and pursuant to Rule 2 d) of the *Rules of Procedure for the Commission of Experts of the Supervisory Authority of the International Registry* (Doc 9893), the President, on behalf of the Council, appointed the three additional nominees to the CESAIR proposed by Kuwait, Mexico and South Africa as listed therein for a three-year term, with immediate effect.

Subject No. 10: ICAO relations with the United Nations, the Specialized Agencies and other international organizations**Request from the European Union (EU) to participate as Observer in closed meetings of the Council**

139. It was noted that, in the absence of comments by 31 July 2018 to the President of the Council's e-mail dated 17 July 2018, 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* (Doc 7559), to participate as Observer on behalf of the EU during the 215th Session of the Council's consideration, in closed session, of all items related to aviation security.

Request from the Civil Air Navigation Services Organisation (CANSO) to participate as Observer in closed meetings of the Council

140. It was noted that, in the absence of comments by 26 July 2018 to the President of the Council's e-mail dated 5 July 2018, Mr. Nico Voorbach, CANSO Director, ICAO and Industry Affairs, was invited, in accordance with Rule 32 a) of the *Rules of Procedure for the Council* (Doc 7559) to participate as Observer on behalf of CANSO during the 215th Session of the Council's consideration, in closed session, of items related to air traffic management (ATM)-, safety- and security-related matters, as appropriate.

Council working papers presented for information

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

- C-WP/14812 – *Status of implementation of recommendations of the Joint Inspection Unit (JIU)* and
- C-WP/14813 – *Report of the JIU entitled “Outcome of the review of the follow-up to the Joint Inspection Unit reports and recommendations by the United Nations system organizations” (JIU/REP/2017/5)* – both circulated under cover of PRES OBA/2831 dated 19 October 2018 with a deadline of 26 October 2018 for comments.

142. The meeting adjourned at 1710 hours.

COUNCIL — 215TH SESSION**SUMMARY MINUTES OF THE SECOND MEETING****(THE COUNCIL CHAMBER, WEDNESDAY, 31 OCTOBER 2018, 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. Y.J. Lee
China	— Mr. Shengjun Yang	Russian Federation	— Mr. S. Gudkov
Colombia	— Mr. M. Ramírez Koppel	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. E. Risse (Alt.)	Turkey	— Mr. Ö. Doğrukol (Alt.)
Germany	— Mr. U. Schwierczinski	United Arab Emirates	— Mr. M. Salem (Alt.)
India	— Mr. A. Shekhar	United Kingdom	— Mr. D.T. Lloyd
Ireland	— Mrs. A. Smith Floch	United Republic of Tanzania	— Mr. R.W. Bokango
Italy	— Mr. F. Nicolai (Alt.)	United States	— Mr. T.L. Carter
Japan	— Mr. S. Matsui	Uruguay	— Mr. M. Vidal

ALSO PRESENT:

Mr. C. Hurley	— President, ANC
Mrs. M.F. Loguzzo (Alt.)	— Argentina
Mr. C. Fernández (Alt.)	— Argentina
Mr. D. Tavares Taufner (Alt.)	— Brazil
Mr. M. Correia Pontes (Alt.)	— Brazil
Mr. P. Langlais (Alt.)	— Canada
Mr. F. Neubauer (Alt.)	— Canada
Mr. Chunyu Ding (Alt.)	— China
Mr. Wei Chen (Alt.)	— China
Mr. E. Risse (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. C.H. Ashley III (Alt.)	— United States
Ms. L. Browne (Alt.)	— United States
Mr. K.E. Moley (Alt.)	— United States
Mrs. M.A. González (Alt.)	— Uruguay
Mr. F. de Medina (Alt.)	— Uruguay

SECRETARIAT:

Mrs. J. Yan	— D/OSG
Ms. I. Sosina	— SA/PRES
Mr. B. Djibo	— D/ATB
Mr. S. Creamer	— D/ANB
Mr. J. Vargas	— D/TCB
Mr. M. Belayneh	— DD/TCB
Mr. T. Hasegawa	— DD/ECD
Mr. S. Lefoyer	— DD/ASF
Mr. T. Efendioglu	— C/EAO
Miss L. Lim	— A/C/FIN
Mr. A. Larcos	— C/ACS
Ms. D. Lane	— Précis-writer

Representatives to ICAO

Bolivia (Plurinational State of)
Cameroon
Chile
Cyprus
Dominican Republic
Equatorial Guinea
Ethiopia
Greece
Indonesia
Lebanon
Paraguay
Peru
Qatar
Sudan
Ukraine
Uganda

Airports Council International (ACI)
European Union (EU)

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

Work Programme of the Evaluation and Internal Audit Office (EAO) for the year 2019

1. The Council considered this item on the basis of Information Paper C-WP/14816, which presented the work programme of the Evaluation and Internal Audit Office (EAO) for the year 2019.
2. The Chief of the Evaluation and Internal Audit Office (C/EAO) provided a brief summary of the roles and responsibilities of EAO, the difference between the audit and evaluation functions, and the methodology used to develop the triennial and annual work programmes. He noted that the work programmes had been aligned with the strategic objectives and the business plan. He further indicated that they had been prepared based on risk assessment, on input from the Council, the Secretary General, senior management, and the Evaluation and Audit Advisory Committee, and on comments provided by the external auditors. Referring to the triennial workplan, C/EAO pointed out that two of the eight audits originally scheduled for 2018 had been carried forward and completed in 2019.
3. Responding to a query by the Representative of the United Republic of Tanzania regarding other changes made to the triennial workplan, C/EAO explained that the Audit of the Reclassification Process had been brought forward, in place of the Audit of Staff Benefits/Entitlements, as a matter of priority at the request of the Secretary General. He also clarified that the Audit of the Budget Preparation Process would be undertaken as part of the Evaluation of Results-Based Management as this latter activity encompasses budget preparation. He indicated his intention to share with the Secretariat the key results of this evaluation so that these would be taken into account during the budget preparation process.
4. The Representative of Spain acknowledged the previous query and its response, and followed up with a question as to whether the planned Audits of Outsourced IT Services, Travel Management and Revenue Generating Activities (RGA) would be completed in time for the Council's preparation of the budget to take place in the second quarter of 2019, emphasizing that this information would be useful for the budget process. In response, C/EAO confirmed that the audits of IT Services and RGA would be completed in the first quarter of 2019 as planned; however, due to resource constraints, specifically the auditor vacancy which is unlikely to be filled before March 2019, it would not be possible to begin the Audit of Travel Management before the second quarter of 2019. He proposed scheduling the Audit of Travel Management ahead of the Audit of the Reclassification Process as a solution.
5. Addressing the follow-up point raised by the Representative of Mexico that the outcome the Audit of Recruitment Process may also become significant during the budget process, particularly with regard to the overall work of non-staff personnel, C/EAO indicated that, as this audit was in the final stages, the report would be made available before the end of the current session.
6. Additional information was requested by the Representative of Mexico regarding the order in which audit and evaluation activities are undertaken, suggesting that a high-risk issue such as Audit of IT Security should be given precedence over, for example, the Audit of Secretarial Support of the Council in light of the previously mentioned resource limitations of EAO. He noted that the evaluations of the GASP and the GANP had already been carried out.
7. With respect to the evaluation of the GASP and the evaluation of the GANP, C/EAO revealed that field work was currently being carried out and, depending on the timing of responses from

stakeholders, a report would be made available to the Council during the first quarter or, at the latest, the second quarter, of 2019.

8. Returning to the concern raised with respect to the Audit of IT Security, the Council was informed that eighteen recommendations of a previous IT audit were currently open and being followed up regularly with the Secretariat. For this reason, an Audit of IT Governance was undertaken by EAO and an Audit of Outsourced IT Services planned. With respect to the latter, C/EAO pointed out that there were open recommendations from previous audits concerning the use of consultants in various administrative areas of the Organization, and that the issue of outsourcing had been taken up by the Council in previous sessions during discussions about restructuring. C/EAO offered to verify the implementation of recommendations concerning consultants and report to the Council during the following session.

9. As for the timing, relative to other audits, of the Audit of Secretarial Support of the Council, the Council was advised that it was brought forward at the request of the President and the Secretary General and that in that context EAO had included an evaluation of Secretariat Support to the ANC.

10. In thanking C/EAO for these clarifications, the Representative of Mexico suggested that audits and evaluations might best be scheduled on the basis of a risk matrix. Furthermore, he believed that any evaluation of non-staff personnel should include not only consultants but also secondees and interns.

11. In response to this suggestion, C/EAO offered additional information on the risk management assessment associated with items being considered for audit or evaluation, recalling that the Organization was not yet employing enterprise risk management, but rather a corporate risk register. The Council was informed that all audits are subject to a risk assessment by EAO, taking into account the need to effectively mitigate key risks facing the Organization, and others are drawn from recommendations from the Council. Evaluations, on the other hand, generally focus on issues of topical or strategic importance to the Organization.

12. The President of the Council offered his perspective on the necessity to ensure that the Secretarial support of the Council is effective and recalled that, in addition to the audit mentioned by the Representative of Mexico, there was the possibility that a subgroup of the ISPG could be set up to examine this issue.

13. In concluding its consideration of this item, the Council noted that in relation to the proposed audit of travel management, the workplan currently foreshadowed that this would be undertaken during the second or third quarter of 2019. In this regard, the Council requested the Secretariat to consider advancing the timeframe for this audit so that it would be undertaken during the first quarter of 2019 instead, with a view to the outcome of the audit being made available to the Council and taken into account as part of the deliberations on the next triennium budget, which was scheduled for the 216th and 217th Sessions of the Council. It was recommended that in order to accommodate this re-prioritization, the proposed audit of the reclassification process, which was currently foreshadowed for the first or second quarter of 2019, could be deferred to a later timeframe.

14. Subject to the amendments reflected in the preceding paragraph, the Council endorsed the EAO workplan presented.

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 215th Session

15. The Council considered this item on the basis of C-WP/14805, which presented the recommendations reviewed by the Joint Support Committee (JSC) during the 215th Session concerning items under the Danish and Icelandic Joint Financing Agreements (JFAs).

16. On an exceptional basis and without setting a precedent for future meetings, the Council agreed that given the absence of both the Chairperson and Vice-Chairperson of the JSC (Representatives of Turkey and the Russian Federation respectively), the Alternate to the Representative of Turkey would be invited to present the oral report of the Committee.

17. The Representative of Saudi Arabia, while agreeing that the report of the JSC be presented, voiced his concern about Committee reports being considered by the Council when neither the Chairperson nor Vice-Chairperson is available to answer questions that may arise.

18. The President of the Council took the opportunity to remind all Chairpersons of Committees and working groups of the Council to coordinate with his office when the Chairperson and the Vice-Chairperson expect to be absent so that alternative arrangements may be made. In such cases, a Member of the Committee who is fully conversant with the issues may be invited to present those reports to the Council.

19. The oral report on this item outlined the main issues reviewed by the JSC in JS-WPs 2068 to 2073 inclusive which touched on various items under the Danish and Icelandic Joint Financing Agreements. The JSC agreed to recommend that the Council approve the action in the Executive Summaries of these papers.

20. With respect to the Airspace Simulator Phase III project proposal by the Icelandic service provider in JS-WP/2072, the Council was informed that this project was reviewed and supported by the Air Navigation Bureau (ANB) and was presented to the User Committee at the user consultation meeting held in Reykjavik, Iceland in September of this year. When reviewing this working paper the JSC noted that the proposal includes both the third and fourth phase of the project and was informed that in order to improve the accuracy of the traffic forecast, which is a component in the calculation of the user charges, the North Atlantic (NAT) Economic, Financial and Forecast Group (EFFG) plan to validate the data and methodology of the NAT Regional Traffic Forecast. Also, with the objective of reducing the volatility of user charges, the JSC was informed that the next user consultation process, which will take place in September 2019, will explore the possibility of practically defining user charges in British pounds as opposed to local currencies of the service providers. Lastly, the Danish service provider had submitted an update on the status of previously approved Radome for Sornfelli Radar Located at the Faroe Island project. The JSC was informed that the installation delays were due mainly to weather having impacted the estimated project costs presented during the 210th and the 213th Council sessions. A request for additional project funding is expected during the 218th session.

21. Following consideration, the Council approved the actual costs for 2017, the estimated costs for 2019, the proposed new capital expenditures for 2019, the user charges for 2019 and the

assessments for 2019, in addition to the administrative fee for 2019. The Council also approved the proposal for a project, Airspace Simulator – Phase III, by the Icelandic provider of air navigation services.

22. Specifically in considering the Executive Summaries of the JSC working papers, the Council approved recommendations a) to g) of JS-WP/2069, recommendations a) to g) of JS-WP/2070, recommendations a) to b) of JS-WP/2071 and recommendations a) to c) of JS-WP/2072.

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

**Report of the AFI SECFAL Plan steering Committee —
Report of the Seventh Meeting of the AFI SECFAL Plan Steering Committee**

23. The Council considered this item on the basis of an oral report, presented by the Chairperson of the AFI SECFAL Plan Steering Committee (Representative of Uganda). The Council also had the benefit of a slide presentation by the Chairperson, which provided additional details on the progress made by the AFI SECFAL Plan in assisting Member States in Africa with regard to the resolution of Significant Security Concerns (SSeCs) and the challenge of raising the overall level of effective implementation (EI).

24. The Chairperson opened the presentation with a summary of the progress made since the previous Steering Committee meeting which took place in December 2017, pointing to meetings which were held in Windhoek, Namibia, and at the Middle East Regional Office which resulted in alignment of the AFI SECFAL Plan with the Africa and Middle East Aviation Security Roadmap, as well as the Global Aviation Security Plan (GASeP) which had been established after the Plan. The Chairperson underscored that the alignment of the three frameworks, as well as the establishment of targets for the continent, had been necessary steps in defining the way forward.

25. In addition, the Chairperson indicated that information gathered by ICAO security officers in the regions and from USAP results was used to establish priorities for assistance programmes and projects in order to optimize limited resources, these priorities being SSeCs, low-levels of EI of critical elements, and areas where there has been no significant improvement in implementation. In this regard, he indicated that a team had been created which could be deployed to provide immediate assistance to resolve the SSeCs that have been identified, using experts provided by the Plan, the African Civil Aviation Commission (AFCAC), and Regional Offices, and that Director Generals in States would continue to be relied upon to champion such interventions. He expressed the hope that all SSeCs would be resolved before the report of the next meeting of the Steering Committee is tabled.

26. The Chairperson thanked the President and the Secretary General for their efforts at encouraging States to support the AFI SECFAL Plan as approximately 860,000 CAD dollars had already been received from Belgium, Malaysia, Saudi Arabia and Uganda, while France had provided an in-kind contribution of an expert for two years. He acknowledged that contributions were also being offered directly to Member States by means of the CASE Project under the auspices of the European Union, the United States and Canada, and likely through other projects.

27. Future work outlined by the Chairperson was the continuation of sensitization and workshops, in particular, workshops on the ratification of relevant legal instruments to bolster States' abilities to prevent unlawful interference and to enhance border controls. Recognizing that some Member

States require assistance to sustain or improve their security programmes, and the importance of streamlining the use of available experts, State-specific action plans were being developed.

28. The Chairperson then addressed the issue of EI of critical elements which, although somewhat improved, remains low for many African States, as does participation in key programmes such as the ICAO Public Key Directory (PKD), Machine Readable Passports (MRTDs) and Advanced Passenger Information (API). Weak aviation security audit systems were also cited as an underlying problem. The challenge to delivering assistance to rectify these issues was, in some cases, unstable political situations, but the greater challenge was the lack of sufficient and predictable funding.

29. A solution put forward by the Chairperson was to take a project approach and focus resources on those States facing SSeCs, low implementation levels and difficulties realizing corrective action plans (CAPs). He indicated that the Steering Committee would work closely with the African Union to obtain harmonized targets for this effort and to secure the necessary political commitment.

30. The Chairperson recalled that, under the banner of *No Country Left Behind* (NCLB) initiative, the AFI SECFAL Plan was established to support African States coping with aviation security challenges. He appealed to the Council to continue to support the Plan so that its goals of targeted capacity-building, implementation of key programmes and State-specific action plans may be achieved, identifying the AFI Plan for safety as a model to be emulated.

31. In closing his presentation, the Chairperson reiterated his appreciation to the President and the Council, past and future development partners, and the Secretary General. In so doing, he highlighted the invaluable assistance of the experts made available by the Secretary General, ending by renewing his plea for sustainable funding.

32. The Representative of Nigeria expressed appreciation to the Chairperson for the report, and offered the suggestion that future reports of the Steering Committee include a matrix, in the form of a table or graph, depicting the levels of implementation, the trends and the progress made using other regions and the global average as benchmarks. He then sought information regarding specific plans to deal with the low levels of EI in the WACAF and ESAF regions, stating his opinion that this was unacceptable and recalling that this specific issue was mentioned at a recent meeting of the Committee on Unlawful Interference (UIC). The Representative followed with a query about the timeline for the Collaborative Expert Scheme to become operational, commenting that the costs of providing assistance to Member States would be reduced through the use of local experts.

33. The Representative of Mexico endorsed the intervention by the Representative of Nigeria, and in addition, proposed that in order to improve the implementation of the ICAO Traveller Identification Programme (TRIP), PKD, API and other such key programmes, seminars similar to the revenue-generating ones held at headquarters could be held in the African regions to boost awareness and commitment and perhaps identify assistance projects, thus allowing States to increase their participation.

34. Referring to the suggestion that a matrix be included in future reports of the Steering Committee, the Chairperson recalled that the previous report had included such a matrix. He offered the view that including a matrix in every second report, which would cover a longer period of time, would be more informative.

35. Addressing the issue of effective implementation, the Chairperson stated that the State-specific action plans, which were being developed using data gathered from USAP results and missions to States, would address and elevate the present low levels of EI. He informed the Council that since the launch of the AFI SECFAL Plan in 2015, most of its activities had been connected to formation, analysis, ascertaining why EI was low and identifying gaps. The present goal was to target those gaps as a priority immediately after the resolution of SSeCs.

36. The Chairperson next responded to the question regarding the Collaborative Expert Scheme. He agreed that the use of local experts is critical, as indeed was proven in a recent deployment under the Plan to a State in West Africa, but that the challenge was to ensure the availability of funds to mobilize them and facilitate their work.

37. In an effort to make the best use of the limited time available for the Council's consideration of this item, the Chairman offered to develop a matrix of all the issues that have been presented to the Council in the reports of the seven AFI SECFAL Steering Committee meetings as a means for verifying that the Plan is delivering the objectives of the NCLB.

38. The Director of the Air Transport Bureau (D/ATB) expressed his complete agreement with the intervention by the Representative of Nigeria and with statements made at a previous meeting of the UIC that the low EI figures in Africa must be explained and urgently addressed. In this regard, he indicated that the Nairobi Regional Office was preparing a report, which would soon be circulated to the Council, on actions being undertaken in the ESAF and WACAF regions to respond to this very issue. He emphasized the effectiveness of measures already in place, namely, the recent allocation of two experts by the Secretary General and the secondee provided by France based in Dakar.

39. After thanking the Chairperson of the AFI SECFAL Steering Committee for his leadership, the Secretary General confirmed that the deployment of two experts at the end of 2017 did indeed represent progress in terms of resources, but considering the amount of work to be undertaken in the coming years to carry out the AFI SECFAL Plan, expressed hopes that Member States would continue to provide expertise and voluntary contributions. The Secretary General ended by renewing her commitment to continue to work closely with the Council and the AFI SECFAL Steering Committee.

40. The Representative of Ecuador voiced his appreciation to the Chairperson of the Steering Committee for the informative presentation, and agreed with previous speakers that the addition of a matrix would better portray the efforts being undertaken. He affirmed his State's endorsement of these efforts, stating his desire that support be utilized in the most efficient manner and sequence, as was voiced by the Representatives of Nigeria and Mexico. On the subject of key programmes such as TRIP, MRTD, PKD, API and ePassports, the Representative asserted that these are basic instruments for implementation of security and facilitation requirements, and as such should possibly be audited separately for a minimum mandatory level of implementation. In addition, he ventured that the support of industry support should play a role since it derives great benefits from these ICAO technological systems and products. He concluded with a request that the Council be provided an estimate for the triennium of the minimum and maximum resources that would be required to progress the AFI SECFAL Plan, expressing his thanks to the Member States that have provided resources so far.

41. The Representative of the United Republic of Tanzania added his thanks for Member States' contributions to the plan and to the Chairperson of the Steering Committee for his report, and supported the comments of the Representatives of Nigeria and Mexico. He acknowledged progress made in the area of resource mobilization as illustrated by the recent deployment of assistance to a State with

identified SSeCs, and expressed his appreciation to the Secretary General for her commitment and support in this regard, agreeing that, going forward, it would be useful to have an assessment of the level of further resources needed from the regular programme for the AFI SECFAL Plan.

42. The President of the Council expressed grave concerns about requesting resources in the absence of tangible progress, stating that outcomes, rather than outputs, are what inspire engagement and funding. He indicated that during his missions to Member States, whenever he met with heads of State or Government or with Directors-General of Civil Aviation, he took the opportunity to stress the necessity of ratifying legal instruments. At the same time however, he wondered whether this really should be the priority point to stress, while programmes such as the PKD and TRIP were so important in helping a Member State overcome more fundamental challenges. Foremost among these must be a functioning national security plan. Inasmuch as the identification of gaps therein was a necessary part in creating a plan of action, he felt that this having been done, the priority should now be purposeful and measureable improvement in States' abilities to ensure aviation security. He recalled that the drive to improve safety EIs after the launch of the NCLB had produced meaningful progress and urged the Steering Committee to focus on this objective, especially in light of limited resources.

43. Fully concurring with the President's view that more needed to be done, the Secretary General noted that during the recent AFI Week, Member States had expressed appreciation for the achievements attained as a result of the establishment of the AFI SECFAL Plan, and that it was regrettable that a matrix outlining these achievements was not presently available. She then clarified that programmes such as PKD and MRTD are mainly funded by voluntary or extra-budgetary contributions, and that the subject of resources for the regions to support security and facilitation would be put forward for the Council's consideration during the budget discussions.

44. The Representative of the United States echoed the President's perspective that there was no more fundamental mission for the Organization than the safety and security of international civil aviation. In this regard, he informed the President of an ongoing review of all bilateral activities currently underway between his State and Member States in Africa, with the objective of ascertaining how security funds allocated to Aviation Security Improvement Plans (ASIPS) might be used to support the AFI SECFAL Plan. In addition to this commitment, the Representative pledged to share the report of the Steering Committee and the Council's observations thereon with the relevant authorities in his State to apprise them of the needs, and to report back to the President in due course.

45. Responding to the previous interventions, the Chairperson assured the Council he would be circulating a matrix showing improvements in EIs as well as a list of challenges which have been presented to the Council by the Steering Committee for consideration and guidance. The Chairperson took the opportunity to remind the Council that a persistent challenge is inaccessibility to confidential USAP information for the purposes of gap analysis, hindering the work of the Steering Committee. He reiterated the aforementioned impediments of limited funds and, in some cases, lack of political will, but emphasized that the Plan's priorities of resolution of SSeCs, followed by the addressing of EIs, CAPs, States with weak oversight mechanisms, and so on, would soon produce results.

46. The Representative of Japan expressed agreement with the President's remarks, and welcomed the comments made by the Representative of the United States. He indicated that, as is the case in his own State, expertise is being made available in Africa in other contexts. He encouraged the Chairperson to consult external stakeholders for opportunities to leverage such expertise, while conceding that this was not an easy task.

47. After thanking the Chairperson, the Representative of Kenya, speaking as a member of the Steering Committee, expressed her appreciation to the President and the Council for the valuable feedback, and shared that the Steering Committee was collaborating with the Representative of the United States in gathering information on the bilateral activities in progress under the aegis of that State, as mentioned earlier in the discussion.

48. In relation to the Chairperson's earlier remark regarding the need to access security information, the President of the Council indicated that security information must be made available, notwithstanding the requirement to maintain the confidentiality of that information. He underscored the importance of supporting Member States in their efforts to improve security.

49. In closing its consideration of this item, the Council welcomed the progress that had been achieved in certain areas as well as the assistance that had been provided by donor countries, in coordination with the Secretariat, in support of the AFI SECFAL Plan and the NCLB initiative. At the same time, the Council expressed concern at the extent of the challenges remaining in the region and noted the assistance activities that would be required to be implemented on a priority basis. Amongst other things, such activities are required to support States with the development of State-specific action plans for the systematic and sustainable resolution of aviation security and facilitation deficiencies.

50. The Council requested that the matrix that had been presented during the 213th Session, which outlined the progress achieved in the implementation of the AFI SECFAL Plan work programme and the proposed activities aimed at raising the level of EI of the critical elements of aviation security oversight systems of African States, be updated by the Secretariat and circulated to the Council for information purposes.

51. The Council also took note of the President's stated intention to attend the next scheduled meeting of the AFI SECFAL Plan Steering Committee.

Subject No. 42: Technical Cooperation

Operating plan for Technical Cooperation Bureau for the Period 2019-2021

52. The Council considered this item on the basis of C-WP/14792, which presented the Operating Plan of the Technical Cooperation Bureau (TCB) for the period 2019-2021. The Council also had for consideration an oral report thereon from the Technical Cooperation Committee (TCC).

53. The Committee was, in general, satisfied with the operating plan and considered that progress had been made in the implementation of action plans. The Committee, having been informed that a new business model was being developed for the Bureau, requested D/TCB to present simulations of possible financial model scenarios to the Council for consideration as soon as possible.

54. With respect to the strategy within the new business model for a more intense and targeted marketing of TCB's services, the Committee recalled that TCB projects are, for the most part, funded by the Member States themselves, and therefore stressed that the marketing approach would need to be adapted to this reality. In this regard, the Committee suggested that TCB make use of ICAO meetings and other aviation events, such as the ICAO World Aviation Forum (IWAF), to enhance TCB's visibility.

55. The Committee, having been apprised of the link between technical assistance projects and the Monitoring and Review Board (MARB), recommended that the Council further consider TCB's role with respect to the effectiveness of implementation support for the addressing of civil aviation deficiencies in States.

56. The Council was informed that the Committee had approved the extension of the scope of the TCB customer satisfaction survey to the Regional Offices and the regular programme bureaux involved with TCB projects.

57. Regarding the progress of the business process management system (BPMS), which had been started four years earlier, the Committee had been informed that it was now under development in-house and being aligned with other business enterprise systems currently in use.

58. The Committee addressed various financial issues related to the operating plan, specifically, that AOSC income and expenditure estimates would be required for the triennial budget process; that caution was to be exercised with regard to the recruitment of staff given the forecast deficit predicted for 2019; and that the funding of two posts using AOSC funds remain to be justified.

59. The President of the Council, after thanking the Chairman of the TCC for his report, requested that the Secretariat pay close attention to whether a paper being presented to the Council should be a working paper or an information paper. In this case of C-WP/14792, he observed that this had been submitted to the Council as an information paper when in it should have been a working paper, given that there were a series of actions proposed for the Council therein.

60. The Representative of Mexico concurred with the President, furthermore requesting that when preparing papers, the Secretariat pay careful attention to whether there were actions proposed, adding that while the practice of presenting information papers with actions may be logistically easier, it may undermine the transparency of the Council's deliberations. The Representative expressed his support for the recommendations of the Committee and suggested that, in particular, a holistic evaluation be undertaken of the role, structure and effectiveness of ICAO with regard to implementation support. With respect to promoting TCB at ICAO meetings, he asked whether TCB would be charged a concession fee by ARGF, and if so, whether this fee could be waived.

61. In response, the President of the Council sought and received confirmation from D/TCB that the Bureau was never charged a fee for a stand or exhibition booth at any ICAO event.

62. The Representative of Nigeria underscored the importance of encouraging participation in TCB activities in regions and areas where the Bureau's presence was currently low or non-existent. He then sought information on the TCB's new business model concerning the impact it may have on the implementation of the BPMS.

63. Addressing first the matter of whether the document should have been an information paper or not, D/TCB assured the Council that measures would be taken to avoid this error in future. Regarding the visibility issue, he pointed out that as TCB relies on its own revenue, investments in marketing must be balanced by revenue generated to enable the Bureau to deliver assistance. Considering staffing costs were about 92 per cent, expenditure policies and adjustments would need to be carefully assessed. He confirmed that the Bureau was actively considering the need to boost its profile and was determining strategies for participating in ICAO events and seminars. With respect to the development of

the BPMS, he explained that automaton had been initiated prior to the necessary mapping of processes, affecting the timeline, but that the new business model was not predicted to create further consequences. Furthermore, unfamiliarity with the Agresso software had hampered staff efforts to gain a clear picture of the work to be done. He indicated that, with the much appreciated support of the Secretariat, priority was being given to aligning the budget structure to the actual expenditures to facilitate reporting to Member States, and that this work was planned for completion by year end. He added that work was currently underway to revise project budgets, align Agresso Enterprise Resource Planning (ERP) at the project level and address business intelligence, all with a view to fully automating TCB systems.

64. The Representative of Cuba acknowledged the value of promoting TCB at ICAO events, citing a recent TRIP symposium where this was skilfully done. On the same subject, the Representative wished to call attention to the opportunities available when States hold similar events, such as the LACAC event soon to be held in Cuba. She then inquired whether the Project Review Committee (PRC) issued reports on the use of ICAO voluntary funds. Directing the Council's attention to the TCB Operating Plan provided in the Appendix to C-WP/14792, and noting the positive trend in TCB finances since 2012 as well as the income gains from interest and rate of exchange, the Representative questioned whether dramatic changes were necessary to redress the current TCB financial situation. While fully understanding the need to be circumspect with respect to additional hiring, she nevertheless considered that TCB should be allowed the flexibility to conduct hiring relative to its needs.

65. The President of the Council supported the comment by the Representative of Cuba, emphasizing that the recommendation by the TCC that hiring be exercised with caution should not limit TCB's ability to acquire the competencies required.

66. The Representative of Spain welcomed the information provided by D/TCB that the status of the BPMS may be updated in December, and suggested that a definitive calendar of implementation should be provided. He then turned his attention to implementation support, stating that the time had come to address this matter in a comprehensive manner by examining implementation activities throughout the Organization. He supported the comment by the Representative of Cuba regarding the additional non-operational sources of income from interest and exchange rates, but raised concern about the forecast decrease in the Technical Cooperation programme implementation.

67. By way of supplementary information on this issue, D/TCB explained that there different components to TCB income, including programme implementation, that is the TCB capacity to set up projects in Member States, being the only area over which TCB can exercise control, as interest and exchange rates are at the mercy of the market. The proposed new business model intends to harmonize these financial variables to allow TCB to adapt its project planning to changing conditions. The work underway with respect to the BPMS was to consolidate transparency in terms of financial reporting capacity and the Agresso ERP as a whole. The calendar would be based on the results of this work once staff are fully cognizant of Agresso processes.

68. Returning to the matter of TCB visibility, the Representative of the United States, speaking as member of the TCC informed the Council that the Committee had considered whether a short information video promoting TCB could be prepared for use at ICAO and aviation-related events abroad.

69. In this regard, the Representative of the United Arab Emirates suggested that a TCB promotional booth should be present at all ICAO events hosted by Member States, and the results of TCB outreach activities, especially in regions where TCB activities are quite low.

70. A related matter was raised by the Representative of Congo who sought to ascertain whether the opportunity afforded by Regional Office missions to Member States was being used to actively promote TCB activities.

71. The Council was informed that TCB had already begun collaborating more effectively with the regional offices, pointing to the recent visit to the Bangkok Office, the communications channels opened with the Lima and Mexico City Offices and plans to work with the three regional offices in Africa during the coming months. Expressing full agreement with the Representative of Congo that regional offices must be actively engaged in TCB projects, D/TCB highlighted plans to include in the Regional Office Manual the promotion of TCB activities and the participation of regional offices in matters of quality and project evaluation.

72. The Representative of Uruguay illustrated the valuable role that TCB plays as a catalyst in the advancement of air transport by describing a recent TCB project in his State to develop a civil aviation master plan, commending the project as having been both cost-effective and efficient.

73. This intervention was supported by the Representative of Ecuador who acknowledged the efforts of TCB and the Secretariat in developing a clear vision and financial strategy for project implementation, allowing for realistic medium-term goals. Turning to the TCB Operating Plan in the Appendix to C-WP/14792, the Representative sought and was given clarification that specific percentages for actual results compared to revised processes may have changed during the time that has elapsed since the publication of the C-WP.

74. The Representative of Brazil shared the view that in some regions there was little or no awareness of TCB, reporting comments made to this effect by State representatives at a recent meeting in Singapore. She agreed that measures to improve awareness were highly important, whether it be booths at events or information videos. The Representative went on to seek clarification as to whether interest rates, which had increased substantially from 2012 to 2017, were largely responsible for TCB's income during those years as if so, whether reorienting existing staff would be more prudent than hiring new staff, considering the financial uncertainty of fluctuating interest rates.

75. The Secretary General confirmed that interest rates and exchange rates figured prominently in TCB's income, which was precisely why a new business model was being developed to ensure the Bureau's financial sustainability. So as to ensure the most optimal outcome, this would be done in conjunction with a structural review. In order to continue to develop and execute the new business model, certain competencies had recently been identified for recruitment. Furthermore, she indicated that the new staff member in the Middle East Regional Office was to be tasked with enhancing the visibility of TCB in the region working under the direction of the Regional Director. The funding for this post was being shared equally between TCB and the Regular Programme to support the work of both programmes.

76. With regard to the question raised by the Representative of Cuba regarding the oversight of voluntary funds by the PRC, the Secretary General recalled that the PRC, which was composed of the Bureau Directors and chaired by herself, had been established by the Council in accordance with the Resource Mobilization Policy. She explained that expenditures below \$50,000 were managed by the respective stakeholder for the strategic objective, and amounts above that were referred to the PRC for review.

77. Expressing support for previous interventions on the issue of TCB visibility, the Representative of South Africa counseled that D/TCB acquaint himself with the comments made by State representatives at the recent meeting in Singapore, some of which had direct relevance to this issue.

78. Responding to this, the Secretary General informed the Council that D/TCB had, during the previous week, taken advantage of the opportunity to meet with Directors General by attending the Asia-Pacific DGCA meeting. She expressed her appreciation for advice offered regarding raising awareness of TCB among States, and that these ideas, in concert with the new business model, would be taken on board to better serve Member States.

79. The Representative of Australia urged that outreach efforts be focussed on Member States with little or no history of working with TCB, and that the strategy for communicating with these States be carefully crafted, on the understanding that the benefits of engaging in a TCB project may not be readily apparent to States with no previous experience with the norms and language associated with international development assistance. He added that while supporting the need to invest in the future of TCB, he agreed with the view that this be executed with circumspection and a sense of the financial implications.

80. The Representative of Columbia offered the point of view that cautious spending should go hand-in-hand with a forceful marketing campaign, extolling the value his Member State had derived from TCB projects, and asserting that other States stood to benefit in the same way were ICAO to reach out to them convincingly.

81. In concluding its consideration of this item, the Council noted that the Operating Plan described project/key activities, deliverables, and key performance indicators (KPIs) to be implemented, monitored, measured and reviewed by TCB management to achieve the expected results and key outcomes defined for the Technical Cooperation Programme in the ICAO Business Plan for 2017-2019.

82. In this context, the Council:

- a) endorsed the TCB Operating Plan for 2019-2021 as presented in the Appendix to C-WP/14792;
- b) agreed that a marketing plan in order to enhance the visibility of TCB should be undertaken but requested the Secretariat to ensure that promotional booths for this purpose that were operated in the ICAO Headquarters building whenever events, meetings, seminars or exhibitions were taking place, would remain cost-neutral to TCB;
- c) requested that whenever Member States offered to host an ICAO related event, meeting, seminar or exhibition, the Secretariat would invite the Member State to consider allocating prominent space for a TCB promotional booth;
- d) requested that as part of the marketing efforts to highlight TCB, the Secretariat consider creating a promotional video for this purpose that could be screened to participants during ICAO related events, meetings, seminars or exhibitions, which clearly articulated the technical cooperation services offered by the Bureau and that were available to Member States;

- e) approved the extension of the scope of the TCB customer satisfaction survey to comprise the Regional Offices and Regular Programme Bureaux that are involved with TCB projects in a clear or quality assurance capacity, and in this connection agreed that it would be inappropriate to combine TCB surveys with other customer satisfaction surveys due to their different scope as well as target audience;
- f) noted the ongoing work being undertaken in relation to the development of the Business Process Management System (BPMS) with the focus being to align the BPMS with the Agresso Enterprise Resource Planning (ERP) system so as to allow, inter alia, for more detailed reporting against approved project budgets;
- g) requested that the Director, Technical Cooperation Bureau present the preliminary results of the strategic analysis and proposed business model for TCB for its consideration and further guidance during its 216th Session, as well as a further report thereon to the 217th Session;
- h) requested the Secretary General to exercise caution with respect to the recruitment of new staff for TCB and that preference be given to short-term and consultancy contracts until the financial situation is normalized. This is on the understanding that this is not intended to be an embargo on recruitment and that a more strategic and flexible staffing level structure in the Bureau should be adopted that recognized the need for emerging competencies and which would be more commensurate with foreseeable programme implementation; and
- i) agreed to give further consideration to the role, structure and effectiveness of ICAO with regard to implementation support and the TCB role in particular in the context of further discussions that were scheduled to take place at a subsequent meeting in the current session pertaining to the overall structure of the Secretariat (C-WP/14786 refers).

Subject No. 42: Technical Cooperation

Subject No. 42.1.3: Administrative and Operational services Cost (AOSC)

Report on 2019 Technical Cooperation Administrative and Operational Services Cost (AOSC) budget estimates and update of the 2018 AOSC income and expenditures

83. The Council considered this item on the basis of Information Paper C-WP/14791, which presented an update of the 2019 Administrative and Operational Services Cost (AOSC) Fund budgetary estimates approved by the 39th Session of the Assembly on an indicative basis, as well as an update of the AOSC income and expenditures for 2018. The Council also had for consideration a joint oral report thereon from the Finance Committee (FIC) and Technical Cooperation Committee (TCC).

84. In presenting the joint oral report, the Chairperson of the FIC (Representative of Spain) indicated that the Committees had been informed that the AOSC had very similar projections for 2018 and 2019, specifically 303.6 USD million and 309.2 USD million, and a surplus of CAD 2.6 million in 2018 and a CAD 2.8 million deficit in 2019. It was noted that the expenditures to fully support technical

cooperation activities would require USD 132.0 million. Given that two major projects had either been delayed or terminated, recommendations had been made to mitigate any adverse financial implications. Recommendations made by the Committees were that support for the Cairo Office be clarified, that a clear distinction be made between projects that have been secured and “pipeline projects” planned, and for the Secretariat to share with Council preliminary ideas about the new business model to be introduced.

85. The Representative of Cuba highlighted the importance of complying with Assembly resolutions and Council decisions with regard to cross-funding between the Regular Programme budget and the AOSC Fund, ensuring that the costs recovered by the Organization for services to TCB should directly and exclusively relate to project operations so as to keep administrative overhead as low as possible. She pointed out that the AOSC Fund was not intended to pay salaries which should instead be covered directly by the Regular Programme.

86. Concluding its consideration of this item, the Council requested the Secretary General to:

- a) clarify the benefits derived for the AOSC Fund from ATM Officer in the Regional Office in Cairo;
- b) differentiate between project/contracts signed with States and high pipeline projects in future reports when quantifying the total size of the Technical Cooperation Programme;
- c) outline for Council consideration in the 216th Session, the measures envisaged to be taken to reverse the declining trend in programme implementation volume and address the AOSC Fund’s negative financial situation for 2019;
- d) exercise caution in the recruitment of any new staff for the Technical Cooperation Bureau in order to avoid incurring long-term financial commitments, and consider instead short-term contracts and consultancies; and
- e) present a first outline of the proposed new strategy and business model for TCB during the 216th Session.

87. The meeting adjourned at 1300 hours.

COUNCIL — 215TH SESSION**SUMMARY MINUTES OF THE THIRD MEETING****(THE COUNCIL CHAMBER, FRIDAY, 2 NOVEMBER 2018, AT 1000 HOURS)****CLOSED MEETING**

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Dr. Fang Liu, Secretary General

PRESENT:

Algeria	— Mr. A.D. Mesroua	Kenya	— Ms. M.B. Awori
Argentina	— Mr. G.E. Ainchil	Malaysia	— Mr. 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. F. Neubauer (Alt.)	Republic of Korea	— Mr. Y.J. Lee
China	— Mr. Shengjun Yang	Russian Federation	— Mr. S. Gudkov
Colombia	— Mr. M. Ramírez Koppel	Saudi Arabia	— Mr. S.A.R. Hashem
Congo	— Mr. R.M. Ondzotto	Singapore	— Mr. T.C. Ng
Cuba	— Mrs. M. Crespo Frasier	South Africa	— Mr. M.D.T. Peege
Ecuador	— Mr. I. Arellano	Spain	— Mr. V.M. Aguado
Egypt	— Mr. A. Khedr	Sweden	— Ms. H. Jansson Saxe
France	— Mr. P. Bertoux	Turkey	— Mr. A.R. Çolak
Germany	— Mr. U. Schwierczinski	United Arab Emirates	— Mr. M.A.B. Salem (Alt.)
India	— Mr. A. Shekhar	United Kingdom	— Mr. D.T. Lloyd
Ireland	— Mrs. A. Smith Floch	United Republic of Tanzania	— Mr. R.W. Bokango
Italy	— Mr. M.R. Rusconi	United States	— Mr. T.L. Carter
Japan	— Mr. S. Matsui	Uruguay	— Mr. M. Vidal

ALSO PRESENT:

Mrs. M.F. Loguzzo (Alt.)	— Argentina
Mr. C. Fernández (Alt.)	— Argentina
Mr. D. Tavares Taufner (Alt.)	— Brazil
Mr. R.F. Pecoraro (Alt.)	— Brazil
Mr. M. Correia Pontes (Alt.)	— Brazil
Mr. H. Gonzales (Alt.)	— Brazil
Mr. P. Langlais (Alt.)	— Canada
Mr. Chunyu Ding (Alt.)	— China
Mr. Wei Chen (Alt.)	— China
Mr. E. Risse (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. M.A. González (Alt.)	— Uruguay
Mr. F. de Medina (Alt.)	— Uruguay

SECRETARIAT:

Mrs. J. Yan	— D/OSG
Ms. I. Sosina	— SA/PRES
Mr. B. Djibo	— D/ATB
Mr. S. Creamer	— D/ANB
Mr. J. Lamosa	— C/ASA
Mr. A. Larcos	— C/ACS
Miss S. Black	— Précis-writer

Representatives to ICAO

Chile
Ethiopia
Greece
Indonesia
Lebanon
Paraguay
Peru
Qatar
Sudan

Airports Council International (ACI)
European Union (EU)