
ICAO

International Civil Aviation Organization

COUNCIL — 191ST and 192ND SESSIONS

Montréal, 15–26 November 2010 and
28 February – 16 March 2011

SUMMARY MINUTES WITH SUBJECT INDEX



2011

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COUNCIL — 191ST SESSION

SUMMARY MINUTES OF THE FIRST MEETING

(THE COUNCIL CHAMBER, MONDAY, 15 NOVEMBER 2010, AT 1430 HOURS)

OPEN MEETING

*President of the Council: Mr. Roberto Kobeh González

*First Vice-President of the Council: Dr. O.B. Aliu (Nigeria)

Secretary: Mr. Raymond Benjamin, Secretary General

PRESENT:

Argentina	— Mr. J. Gelso	Malaysia	— Mr. S.-C. Kok
Australia	— Mr. P.K. Evans	Mexico	— Mr. D. Méndez Mayora
Belgium	— Mr. G. Robert	Morocco	— Mr. A. Manar
Brazil	— Mr. R.S. Magno	Nigeria	— Dr. O.B. Aliu
Burkina Faso	— Mr. M. Dieguimde	Paraguay	— Mrs. A. Torres de Rodríguez
Cameroon	— Mr. E. Zoa Etundi	Republic of Korea	— Mr. Kim, C.-H.
Canada	— Mr. L.A. Dupuis	Russian Federation	— Mr. A.A. Novgorodov
China	— Mr. Tao Ma	Saudi Arabia	— Mr. A.A. Alharthy (Alt.)
Colombia	— Mrs. G. Rueda de Higuera	Singapore	— Mr. K.P. Bong
Cuba	— Mr. J.A. López Falcón	Slovenia	— Mr. A. Krapež
Denmark	— Mr. K.L. Larsen	South Africa	— Mr. T. Peege
Egypt	— Mr. M.T. Elzanaty	Spain	— Mr. V.M. Aguado
France	— Mr. M. Wachenheim	Swaziland	— Mr. D. Litchfield
Germany	— Mr. J. Mendel	Uganda	— Mr. J. Twijuke
Guatemala	— Mr. L.F. Carranza	United Arab Emirates	— Miss A. AL Hamili
India	— Mr. A. Mishra	United Kingdom	— Mr. M. Rossell
Italy	— Mr. G. Picheca	United States	— Mr. D. Woerth
Japan	— Mr. S. Baba		

ALSO PRESENT:

Mr. M. Fernando, President, ANC	
Ms. K. Macaulay (Alt.)	— Australia
Mr. J.F. Castillo de la Paz (Alt.)	— Cuba
Mr. P. Pape (Alt.)	— France
Mr. A. Bardaro (Alt.)	— Italy
Mr. Yoo, H.-J. (Alt.)	— Republic of Korea
Mr. D. C. Behrens (Alt.)	— United States

SECRETARIAT:

Mr. D. Azema	— DC/OSG
*Mr. D. Wibeaux	— D/LEB
*Ms. N. Graham	— D/ANB
*Mr. R. Gallego	— A/D/TCB
*Mr. R. Bhalla	— C/FIN
*Mrs. C. Rideout	— CSO
Miss S. Black	— Précis-writer

*Part-time

Minute of silence

1. The Council observed a minute of silence in memory of the Prime Minister of Barbados, who had passed away on 23 October 2010. It was noted that, on behalf of the Council and the ICAO Secretariat, the President of the Council and the Secretary General had sent a message of condolences to the Government of Barbados.

Welcome to new Representatives on the Council

2. A warm welcome was extended to the newly-elected Representatives of Belgium, Burkina Faso, Colombia, Cuba, Denmark, Guatemala, Morocco, Paraguay, Slovenia and Swaziland, as well as to the new Representative of the United States.

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

3. The election of the President of the Council was documented in C-WP/13624 presented by the Secretary General.

4. It was recalled that the present incumbent, Mr. Roberto Kobeh González, had been elected on 2 March 2006 (177/6 Closed) after his predecessor, Dr. Assad Kotaite, had informed Representatives on the Council of his wish to leave the presidency before the end of the three-year period for which he had been elected on 22 November 2004. Pursuant to Rule 7 of the *Rules of Procedure for the Council* (Doc 7559), Mr. Kobeh González had held office for the remainder of the term of his predecessor. He was re-elected on 19 November 2007 (182/4) and his present term extends until the time the Council elected at the 37th Session of the Assembly elects its President.

5. As decided by the Council on 15 February 2010 (189/2), a State letter (S 2/6-10/30) had been sent on 1 April 2010 indicating, among other things, that nominations for the post of President of the Council should be in the hands of the Secretary General no later than 18 October 2010. In response to the State letter, Mexico had presented the candidature of Mr. Kobeh González in a *note verbale* dated 22 April 2010 and received on the same date. States were informed of this candidature by Electronic Bulletin EB 2010/20 dated 23 April 2010.

6. Paragraph 3 of Appendix A of the Rules of Procedure, according to which the Council shall invite candidates, at an appropriate date before the election, to present their views and ideas to a meeting of Representatives, and to answer any questions which may be posed, was temporarily suspended for this election.

7. A proposal put forward by the Representative of Brazil for electing Mr. Kobeh González by acclamation as there was only one candidate for the presidency of the Council was supported by the Representatives of Slovenia, Uganda, Singapore, India and South Africa.

8. The Council then unanimously decided to waive the requirement set forth in paragraph 6 of Appendix A of the Rules of Procedure for a secret ballot for the election of its President and, in accordance with Article 51 of the *Convention on International Civil Aviation* and Rule 5 of the Rules of Procedure, re-elected, by acclamation, Mr. Kobeh González as its President, with immediate effect.

Mr. Kobeh González's term shall end on 31 December 2013. The Council to be elected at the next ordinary session of the Assembly in 2013 will elect its President, whose term shall commence on 1 January 2014.

9. The President of the Council then joined the meeting and thanked the First Vice-President for having presided over the Council's discussion on this subject. The President expressed his sincere gratitude to all Representatives and their respective Governments for their confidence in him and for having re-elected him for another three-year term. It had been a great honour and privilege, and a unique experience, for him to have presided over the Council for the last four years. The President assured Representatives that he would continue to serve the Council, the Organization and its Member States to the best of his ability until his last day in Office.

10. The President of the Council requested the Representative of Mexico to convey his thanks to the Government of Mexico for having given its support in this process. He also voiced his appreciation to the Representative of Mexico and his delegation for their very fruitful efforts. The President expressed confidence in a brilliant future for ICAO, which was working for a very dynamic sector that contributed to the development and well-being of all peoples of the world. He affirmed that, with the support of the Council, the Secretary General and the Secretariat, that brilliant future would continue to be forged.

11. In also thanking the Council for having supported Mr. Kobeh González's candidature, the Representative of Mexico underscored that it was something that he and his Government greatly valued. He was especially thankful to those Representatives who had taken the floor to speak in favour of Mr. Kobeh González's re-election. The Representative of Mexico also congratulated Mr. Kobeh González personally on his re-election, as did the other Representatives.

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

Schedule for consideration of items during the 191st Session of the Council

12. The Council noted the meeting schedule for the 191st Session presented in the President's memorandum PRES RK/1822 dated 16 June 2010, subject to the addition of a meeting of the Human Resources Committee (HRC) scheduled for Thursday, 18 November 2010 at 1430 hours.

13. The Council also noted the schedule for the consideration of items during the 191st Session of the Council as set out in President's memorandum PRES RK/1855 dated 29 October 2010. Responding to a point raised by the Representative of South Africa, the President of the Council indicated that an informal briefing on the results of the Sixteenth Meeting of the Conference of the Parties of the United Nations Framework Convention on Climate Change (UNFCCC) (COP16) (Cancún, Mexico, 29 November to 10 December 2010) would be given early in 2011 and would address, *inter alia*, the issue of passenger taxes.

Subject No. 5: Election of Vice-Presidents of the Council

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

Subject No. 46: Edward Warner Award

Elections by the Council

14. Tabled for the Council's consideration was C-WP/13625 Revised presented by the President of the Council on the election of the three Vice-Presidents of the Council, the Members and

Alternates of the Air Transport, Joint Support, Finance, Unlawful Interference, Technical Co-operation and Human Resources Committees (ATC, JSC, FIC, UIC, TCC and HRC) and the Chairpersons of those Committees, and the filling of vacancies on the Edward Warner Award Committee (EWA).

15. Pursuant to a suggestion made by the Representative of Slovenia and supported by the Representatives of Uganda, Singapore, South Africa and the Russian Federation, the Council agreed to suspend paragraph 3 of Appendix B and that part of paragraph 2 of Appendix E of the *Rules of Procedure for the Council* (Doc 7559) related to the elections taking place by secret ballot unless waived by unanimous decision of the Members represented at the meeting.

16. On nominations by the Representative of Nigeria, the Council elected the following Representatives as its Vice-Presidents for the period 2010-2011 pursuant to Appendix B of its Rules of Procedure:

Mr. Tao Ma (China)	First Vice-President
Mr. J. Mendel (Germany)	Second Vice-President
Miss A. AL Hamili (United Arab Emirates)	Third Vice-President

17. The Council agreed to suspend, for another year, the special provision of the *Rules of Procedure for Standing Committees of the Council* (Doc 8146) whereby each Committee (except the ATC) shall consist of not less than 13 and not more than 17 Members for the election of Members and Alternates of the UIC and the TCC.

18. Pursuant to Appendix E of the *Rules of Procedure for the Council* (Doc 7559) and the said special provision of the *Rules of Procedure for Standing Committees of the Council* (Doc 8146), the Council:

- a) appointed the Members and Alternates of the ATC appearing in Appendix B of C-WP/13625 Revised for a period of three years;
- b) elected the Members and Alternates of the JSC, FIC, UIC, TCC and HRC appearing in Appendix B of the paper for the period 2010-2011;
- c) on nominations by the Representative of Brazil, elected the following as Chairpersons of the Council's subsidiary bodies listed below for the period 2010-2011 (*cf.* Appendix C of C-WP/13625 Revised):

ATC	Mr. M. Wachenheim (France)
JSC	Mr. M.T. Elzanaty (Egypt)
FIC	Mr. M. Rossell (United Kingdom)
UIC	Mr. D. Méndez Mayora (Mexico)
TCC	Mr. J.W.K. Twijuke (Uganda)
HRC	Mr. M.D.T. Peege (South Africa)

- d) elected Mr. J.A. Gelso (Argentina), Dr. O.B. Aliu (Nigeria) and Mr. A. Krapež (Slovenia) to fill the vacancies on the EWA arising from the departure of the Representatives of Ghana, Romania and Venezuela.

19. With regard to paragraph 18 c) above, the Council's decision to re-elect Mr. Rossell (United Kingdom) as Chairperson of the FIC for a period of one year was done in light of the recommendation made by the Chairperson of the Administrative Commission of the 37th Session of the Assembly to the Plenary that the FIC be given continuity in order to oversee the initial implementation of the Organization's budget for the 2011-2013 triennium. It was understood that this decision in no way created a precedent and the tradition of rotating Chairpersons of the various Committees would not change.

20. The President of the Council congratulated the newly-elected Vice-Presidents and thanked the outgoing Vice-Presidents for their excellent work during the last year. He also congratulated the newly-elected Committee Chairpersons, wishing them every success in the year to come, and expressed appreciation to the outgoing Chairpersons for their efforts and co-operation over the past year.

21. In enquiring as to why the HRC was managed and organized outside of the said special provision of the *Rules of Procedure for Standing Committees of the Council* (Doc 8146) on the size of the membership of Standing Committees (except the ATC), the Representative of Uganda underscored that there was a number of Representatives who would like to serve on the HRC but were unable to as only six of the Committee's Members were flexibly elected. Three Members were fixed as they were the Vice-Presidents of the Council. Affirming that the HRC membership was too small to appropriately represent the thirty-six States on the Council, the Representative of Uganda suggested that the size of the Committee's membership be reviewed and aligned with that of the other Standing Committees. He emphasized that the issue of human resources was a critical one for all as it encompassed gender balance and equitable geographical representation (EGR) in the ICAO workforce. The Representative of Uganda stressed that the contribution of human capacity would always surpass the contribution of PCs, regardless of the number that were installed in the Organization.

22. The Representatives of the Russian Federation, Nigeria, South Africa, Brazil and Colombia endorsed this proposal. In so doing, the Representative of Nigeria emphasized the need to find some relative balance in the effective participation of Council Representatives in the Standing Committees. He noted that currently there were some Representatives who were Members of five Standing Committees and some that were Members of only two Standing Committees. The Representative of Nigeria underscored that an increase in the HRC's membership would offer the President of the Council, who nominated Members, the opportunity to strike a better balance. The Representative of Cuba concurred.

23. At the suggestion of the President of the Council, the Council requested that the Working Group on Efficiency (WGOE) consider the issue of aligning the size of the membership of the HRC with that of the other Standing Committees of the Council and that the Secretary General thereafter present a paper on that subject for the Council's consideration during the next (192nd) session.

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

Appointment of Members on the Air Navigation Commission (ANC)

24. This subject was documented for the Council's consideration in C-WP/13626 presented by the Secretary General. An editorial amendment to the Spanish version of the paper was noted.

25. As there were nineteen nominations for the nineteen seats on the ANC, the Representative of Slovenia suggested that they be appointed by acclamation. The Representatives of Argentina, France, Spain, the United Kingdom, South Africa and Swaziland endorsed this proposal.

26. The Council then decided to suspend that part of paragraph 1 of Appendix D of the *Rules of Procedure for the Council* (Doc 7559) which reads “and, unless waived by unanimous agreement of the Members represented at the meeting, shall be by secret ballot” and appointed, by acclamation, the Members of the Commission set forth in C-WP/13626 for the period 1 January 2011 to 31 December 2013.

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

28. In noting that the *curricula vitae* of the nominated candidates were available on the Council website and the ICAO-NET in English only, as an Appendix to C-WP/13626, the Representative of France emphasized the need to be careful in implementing a paperless policy. While he accepted the nominations for Members on the ANC, trusting the States which had put them forward and the Secretariat, which had reviewed the *curricula vitae*, he emphasized that communication with Representatives should not be reduced to posting information on the Council website and the ICAO-NET. There were some very important issues that deserved discussion.

29. Observing that, over the past few years, tension had been building between the way the ANC worked and the way the Council worked, the Representative of the United Kingdom stressed that it was the latter’s duty to work more closely with the Commission. He underscored that the ANC should be the Council’s eyes and ears and should be able to work constructively with both the Council and the Secretariat. The Commission should not simply be a filter through which technical issues passed before they were presented to the Council. In order to govern properly, the Council needed to understand the issues. The Representative of the United Kingdom expressed the hope that, with the appointment of the ANC Members, a new chapter would open on the relationship between the Council and the Commission so that they were able to work more effectively in accordance with their respective duties. The Representative of South Africa supported these comments.

30. It was noted that the President of the Council would consult with the President of the ANC in order to determine how communication between the Council and the Commission could be enhanced.

Report of ANC — Appointment of the President of the Air Navigation Commission (ANC)

31. The Council considered C-WP/13659, in which the Air Navigation Commission (ANC), at the request of the President of the Council, presented its views on what was expected of its future President, the major tasks to be performed during its mandate and the main qualities needed by its future President in that context.

32. The Representative of Spain agreed with the personal, managerial and administrative qualities and skills listed in paragraph 3.1 c) of the paper. However, in light of his experience as the President of the ANC (January 1996 to December 1999), he suggested that that paragraph be amended to reflect that the President of the ANC should also have the capacity to lead, to take initiatives, to innovate and to communicate effectively with other aviation-related bodies and organizations and should be sensitive to the needs and concerns of the Council, the governing body of the Organization.

33. The President of the ANC fully supported these additional qualities and skills, as did the Representative of Cuba.

34. To a question raised by the Representative of Spain regarding paragraph 3.1 c) 7) of the paper (“the ability to represent the Commission and the Organization”), the President of the Council clarified that it was a delegation of authority to the President of the ANC, as needed.

35. Noting that he had met with nearly all of the nominated ANC Commissioners in the past two weeks, the Representative of Canada underscored that he and his Government had considered it very important to do so, especially if the Council were to use the governance standards of election to choose the Commissioners. He emphasized that the ANC was the institution that made the Council’s decisions stronger. The Council was a political body whose Representatives acted on political instructions, with the benefit of the advice of a group of experts, the ANC Commissioners, who were, or should be, elected to office. The Representative of Canada affirmed that the nominated Commissioners with whom he had spoken would do a wonderful job. Underscoring that the concept of election was an important one in international governance, the Representative of Canada questioned why the Council should choose the President of the ANC when the Commission could identify a suitable candidate. While aware that paragraph 1 of Appendix D of the *Rules of Procedure for the Council* (Doc 7559) stipulated that the appointment of the President of the ANC required “a majority of the Members of the Council and, unless waived by unanimous agreement of the Members represented at the meeting, shall be by secret ballot”, he indicated that he would prefer to be guided by the ANC Commissioners in seeking advice from his Government as to whom he should vote for. The Representative of Canada underscored that that would result in a stronger governance process. Averring that it was strange that a body appointed the President of another body, even if that body reported to it, he suggested that the Council take a fresh look at the matter. The Representative of Canada maintained that it would be possible, without changing the said Rules of Procedure, for the Council to vote on the ANC’s preferred candidate for the President of the ANC and stressed that that would raise the Commission’s profile.

36. The President of the ANC recalled that in the past, the Council had appointed the President of the ANC after consulting the Commission. The ANC had developed procedures for the selection of the candidate preferred by the Commission for the presidency which involved the submission of candidatures by interested ANC Members and an election, by secret ballot, in the case where more than one candidature was received. The Secretary of the ANC informed the President of the Council of the name of the ANC’s preferred President. Problems had arisen, however, and Rule 16 c) of the *Rules of Procedure for the Council* (Doc 7559) had been amended and new Guidelines had been added to Doc 7559 in paragraph 4 of Appendix D. The Representative of Canada’s idea was nonetheless worth exploring.

37. The Representative of Cuba averred that it was very difficult for the ANC to establish leadership if the Commission did not have a proactive role to play in the appointment of its President in terms of selecting its own preferred candidate. Observing that there was some frustration with the *status quo*, he suggested that a middle way be found which would ensure that the appointment of the President of the ANC was more participatory.

38. It was agreed that, as suggested by the Representative of Spain, paragraph 3.1 c) of the paper would be amended to reflect that the President of the ANC should also have the capacity to lead, to take initiatives, to innovate and to communicate effectively with other aviation-related bodies and organizations and should be sensitive to the needs and concerns of the Council, the governing body of the Organization.

39. Subject to paragraph 38 above, the Council accepted the conclusions of the ANC set forth in paragraph 3.1 of C-WP/13659, which it would take into account when appointing the President of the Commission. It was understood that, in accordance with Rule 16 c) of the *Rules of Procedure for the Council*

(Doc 7559), the President of the Council would immediately send a memorandum inviting the newly-appointed Commissioners to declare their candidacies for the presidency of the ANC for the year 2011 to him in writing before the close of business on 18 November 2010. A Council working paper on the appointment of the President of the ANC (C-WP/13642) which would include the submitted names of the candidates would be tabled for the Council's consideration on Friday, 26 November 2010.

40. It was noted that the suggestion made by the Representative of Canada that, in future, the Council elect the President of the ANC on the basis of a recommendation by the Commissioners would be discussed by the President of the Council with the President of the ANC.

Subject No. 42: Technical co-operation

Report on Technical Co-operation Programme Development

41. The Council considered this subject on the basis of C-WP/13633 Revision No. 1 presented by the Secretary General and an oral report thereon by the Technical Co-operation Committee (TCC).

42. During its First Meeting of the 191st Session of the Council, on 29 October 2010, the TCC had considered C-WP/13633 Revision No.1, which presented the mid-term report on the preliminary operational and financial performance results of the Technical Co-operation Programme for the period 1 January to 31 July 2010. Preliminary results in that reporting period were compared against the 2010 Programme Implementation Forecast and AOSC budgetary estimates (as at 31 August 2009) approved by the 188th Session of the Council. A comparison with 2008 and 2009 results as at 31 July was also provided. In acknowledging that at this time no significant deviation from the approved forecast and projected income and expenditure was expected by year-end, the Committee had noted that 55 per cent of the Programme's expected implementation for 2010 had been executed by the end of July.

43. The Committee had appreciated the quality of the paper. It had been noted that the reporting currency for the AOSC Budget, as a proprietary fund of the Organization, was the Canadian Dollar, while Programme implementation results were reported in US Dollars, which was the prevailing operating currency for technical co-operation projects. However, given that revenue derived from administrative overhead charges to projects was received in US Dollars and most of AOSC expenditure was related to staff costs in Canadian Dollars, exchange rate fluctuations could have a significant impact on AOSC results for the year.

44. At the suggestion of a Committee Member that a breakdown of the estimated AOSC income and expenditure be provided by region and, if possible, by country, the Secretary of the Committee had confirmed that it would be possible to provide a breakdown of the number of staff and corresponding costs by geographical area in Appendix B.

45. A breakdown of results by geographical area showed that the Programme continued to be unevenly distributed amongst the various regions, mainly due to the differing number of requests from States for Technical Co-operation Bureau (TCB) assistance and in spite of ongoing efforts to reduce the gap between the geographical areas through the mobilization of external resources. Nonetheless, it had been noted that Technical Co-operation Programme activities complemented other bilateral and multilateral aid provided by donors and financial institutions without ICAO involvement. The Committee had therefore proposed that, as part of TCB's outreach policy, information be shared with States on the wide variety of activities carried out under the ICAO Technical Co-operation Programme in the various regions, with a view

to raising the awareness of States and encouraging governments and donors to make full use of the services offered through TCB.

46. In this respect, the Committee had called special attention to the reduction of the programme implementation volume in the Africa region from 2009 to 2010. The Secretary had confirmed that additional efforts had been made by TCB management to enhance the Programme's outreach in the region by contacting government representatives during the 37th Session of the Assembly. As a result, some agreements had been signed with African States which, if implemented, could exceed the current forecast for the Americas region. Although the insufficiency of funds could pose a problem to implementing those programmes in full, the Secretary anticipated that overall investments in Africa would grow in the coming years.

47. Furthermore, the Committee had recalled that the Organization had so far failed to noticeably raise safety levels in Africa, despite several Assembly Resolutions encouraging donor support for the rectification of safety-related deficiencies in developing countries and the many pledges made during high-level meetings in support of the Comprehensive Regional Implementation Plan for Aviation Safety in Africa (AFI Plan), including the definition of priority projects through a gap analysis consistent with the Global Aviation Safety Plan (GASP). The Committee had therefore recommended that a historical data assessment be carried out to show in detail the extra-budgetary (voluntary) contributions provided by States, international organizations, development banks and the industry to the Organization as a whole, as well as the use made of these funds by ICAO. The result of that assessment should be reported to the Council by means of an informal briefing to the 193rd Session.

48. The Representative of Spain, who was the ex-Chairperson of the TCC, observed that, with the Council's consideration of this item, as well as of the next two items, the 2011 Technical Co-operation Administrative and Operational Services Cost (AOSC) Budget estimates and update of the Budget for 2010 and the Management Plan for the Technical Co-operation Programme, one phase was being completed and another one started in terms of planning, defining and reporting on ICAO's technical co-operation activities. Noting that the said Management Plan provided a vision of the Organization's technical co-operation activities for the next three years, he stressed that it was essential to have such a benchmark for planning purposes and to base future reports to the Council on Technical Co-operation Programme Development thereon. The Representative of Spain recalled that over a year ago the Secretariat and the TCC had begun to consider the frequency and contents of TCB reports. The TCC had subsequently established an *Ad Hoc* Working Group on Technical Co-operation Programme (TCP) comprising the Representatives of Brazil, China, Nigeria, Saudi Arabia and Spain to define the requirements for the format and contents of future reports on Technical Co-operation Programme Development. The *Ad Hoc* Working Group and the TCC had considered that it was necessary to increase transparency and predictability, for the Council and Member States, regarding the Organization's technical co-operation activities and to have a roadmap for the interaction between TCB and the Council. They had therefore recommended the development of a detailed Management Plan for the Technical Co-operation Programme which would be an integral part of the ICAO Business Plan. The Representative of Spain affirmed that the Council should be pleased with the progress that had been made on that front.

49. In then noting the TCC's oral report, the Council took the action recommended by the Committee in paragraph 7 thereof and:

- a) noted the information provided in C-WP/13633 Revision No. 1; and

b) requested the Secretary General to:

- i) amend Appendix B of future Reports on Technical Co-operation Programme Development in light of the recommendations made by the TCC;
- ii) enhance the communication and publicity outreach policy of the TCB, with a view to encouraging governments and donors to make full use of the services offered through the Technical Co-operation Programme, by disseminating information to States on the wide variety of activities carried out under the Programme in the regions; and
- iii) report to the 193rd Session of the Council, through an informal briefing, on the results of a historical data assessment of the voluntary contributions to the Organization, as well as on the use made of those funds.

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

**2011 Technical Co-operation Administrative and Operational Services
Cost (AOSC) Budget estimates and update of the Budget for 2010**

50. The Council considered the above subject on the basis of C-WP/13641 presented by the Secretary General and an oral report thereon by the Finance Committee (FIC).

51. During its consideration of the paper during its First Meeting of the 191st Session of the Council, on 28 October 2010, the Committee had noted that the AOSC Budget estimates were from the 2011-2013 triennial Budget which had been approved at the 37th Session of the Assembly. The decrease in income in 2010 had been accompanied by a decrease in expenditure, thus yielding a balanced Budget. It had been confirmed that the figures were presented on an accrual basis [*i.e.* using the new International Public Sector Accounting Standards (IPSAS)] as at 31 August 2010 and that the AOSC accumulated surplus stood at approximately CAD 2.0 million.

52. The FIC had been informed that a paper on the proposed cost recovery policy for indirect costs would be presented for the Council's consideration during the next (192nd) Session which would outline, *inter alia*, the results of the survey on Regular Programme staff currently providing services to the Technical Co-operation Bureau (TCB) with a view to considering the dollar amount to be charged to the AOSC Fund, and the latter's technical assistance activities.

53. The Council noted the information provided in C-WP/13641, as well as the FIC's oral report thereon.

Subject No. 42: Technical co-operation

Management Plan for the Technical Co-operation Programme

54. The Council considered this subject on the basis of C-WP/13634 presented by the Secretary General and an oral report thereon by the Technical Co-operation Committee (TCC).

55. During its First Meeting of the 191st Session of the Council, on 29 October 2010, the TCC had considered the proposed Management Plan for the Technical Co-operation Programme for the 2011–2013 triennium, which was presented under cover of C-WP/13634. Recalling that the Council, in its previous session, had agreed to the document presented as a framework for the Management Plan, the Committee had focussed its deliberations on the Plan's four main components: contents, triennial Programme forecast and budgetary estimates, working methodologies and action plans. In particular, it had been acknowledged that the Management Plan was a living document, the purpose of which was, on the one hand, to provide the necessary tools for the TCC to exercise governance over the Technical Co-operation Programme and, on the other, to improve the administration of the Technical Co-operation Bureau (TCB) by establishing commitments as to financial results, operational efficiency, quality assurance and control.

56. The Committee had enquired as to the criteria used in the projection for the triennium. The Secretary had clarified that a conservative approach was taken on the basis of signed agreements, high pipeline projects, as well as potential future agreements. While field personnel recruitment was a stable component which could be planned in advance with a certain degree of precision, there could be no extrapolation as to large infrastructure procurement actions.

57. The Committee had noted that yearly variances in the average administrative support cost rates did not necessarily represent a trend in the support cost charges to projects, but were merely a reflection of the main source of revenue in a given year, as the expert and equipment components carried higher and lower overhead rates, respectively.

58. The new Procurement Code introduced the self-registration of suppliers of equipment and services and web-tendering. It had been clarified that the inclusion of field experts in the Roster did not follow that methodology, but was, rather, dependent on the positive assessment of the expert's academic background and professional experience.

59. While the Committee, in general, had expressed its satisfaction with the Management Plan, a number of comments and suggestions were offered for its further improvement and implementation of its actions plans:

- a) establish a link between the goals and objectives of the Management Plan and its key performance indicators (KPIs);
- b) to enhance interpretability, provide a quantitative assessment of the achievement of the Programme's goals;
- c) for internal purposes, in respect of each action plan, determine the person responsible for the overall delivery, the human resources involved and the financial resources required;
- d) inform the Council by March 2011 on the Quality Management and Standardization System to be implemented;
- e) increase the percentage of qualified experts from the various regions included in the Roster, with a view to ensuring cost-savings and achieving a more balanced geographical representation to the extent possible;
- f) as a matter of priority, make all efforts to further minimize support cost charges to projects;
- g) with a view to building trust and encouraging governments and donors to make full use of the services offered through the Technical Co-operation Programme, enhance TCB's

- communications and publicity outreach policy by disseminating information to States on the wide variety of activities carried out in the regions;
- h) increase efforts to identify safety- and security-related projects derived from audit findings and encourage donor support to these projects for the remedying of identified deficiencies; and
 - i) in the Appendix to the Management Plan, include a list of internal documents on technical co-operation.

60. With regard to paragraph 59 d), it was important for ICAO, and in particular for TCB, to achieve international standard certification in order to give confidence to the donors, as well as to States that might wish to use the facilities available through the Technical Co-operation Programme. As the Committee wished to see that certification process finalized as quickly as possible, it had indicated a deadline of March 2011 for TCB to come up with, and present to the Council, the kind of certification it was going to undertake and how it would be maintained.

61. With reference to paragraph 59 g), the Committee was of the view that sharing the experiences of the Americas region, which was using the facilities available through the Technical Co-operation Programme, with other regions, especially the African region, might enhance awareness of the benefits to be derived from the Programme. While in the past the TCC had been very concerned about travel expenses, the Committee considered that it was necessary for TCB, especially senior management, and even the Secretary General and the President of the Council, to reach out physically to some representative States in other regions and convince them to use the Technical Co-operation Programme.

62. On the basis of the Committee's deliberations and recommended actions, the Council was invited to endorse the Management Plan for the Technical Co-operation Programme for the period 2011-2013.

63. The Representative of Spain, who was the ex-Chairperson of the TCC, noted that under the item "Report on Technical Co-operation Programme Development" considered earlier in the meeting, the Council had, for the first time, received a report in real-time on Technical Co-operation Programme Development. Under this item, the Council had, for the first time, a Management Plan for the Technical Co-operation Programme for the next three years. As all future reports on technical co-operation activities were to be based on the Plan once it was endorsed by the Council, it had to be a good one. The Management Plan had been developed over the past year and was the best that could be produced within that time period. While it could be improved upon, as indicated in the TCC's oral report, it constituted a good starting point.

64. The Representative of Spain noted that one of the Plan's objectives was to increase transparency for States and the Council with regard to the Technical Co-operation Programme's financial data and management. He emphasized the need to increase, in a sustainable manner, the percentage of technical co-operation activities carried out in regions other than the Americas region. Recalling that during the informal briefing that had taken place that morning the view had been expressed that the Technical Co-operation Programme should have a higher profile in other regions such as Africa, Asia and Europe, the Representative of Spain underscored that that should be borne out in the Management Plan. The latter had to reflect the objectives set by ICAO to increase technical co-operation activities in the other regions of the world. The Management Plan should also include the necessary references to the agreements reached during the 37th Session of the Assembly, especially with regard to *ex-post facto* evaluations and third-party evaluations of technical co-operation projects.

65. Observing that the timeframe for some of the proposed actions was four or five months, the Representative of Spain agreed with the Chair of the TCC that the timeframe should be reduced as it would be possible for the Secretariat to present a proposal to the Council on how those actions were to be carried out and financed in less time. He also underscored the need to clarify how TCB's Roster of experts would be dealt with, how contracts and technical co-operation projects would be published in a transparent manner and how those companies interested in such contracts would be certified transparently. In further emphasizing the need to consider how the Organization should respond to future natural disasters, national calamities and post-conflict situations in States, the Representative of Spain enquired as to the status of ICAO's efforts to assist Haiti in restoring its civil aviation sector following the earthquake that had occurred on 12 January 2010.

66. In supporting these comments, the Representative of Brazil underscored that they would add even more value to the Management Plan. He suggested that they be addressed by the TCC in its future work.

67. In also endorsing the comments made by the Representative of Spain, the Representative of India suggested that the Management Plan also include a reference to an independent evaluation of ICAO's technical co-operation projects, which would be distinct from the current customer satisfaction surveys that were carried out. Noting that reports on technical co-operation activities did not indicate the time required to complete projects, namely, the time between the deposit of the funds by the States concerned and the completion of the projects, which was an indicator of the proper functioning of TCB, he suggested that such information be provided in the next (192nd) session. In agreeing on the importance of clarifying how TCB's Roster of experts would be handled, the Representative of India emphasized the need for the Roster to be up-to-date; otherwise, the identification of an expert would take up more time and delay the start of the project.

68. In echoing the remarks made by the Representatives of Spain and India, the Representative of the United Kingdom recalled that during the 37th Session of the Assembly the Bolivarian Republic of Venezuela and Colombia had presented extremely valuable papers relating to, respectively, effectiveness indicators for the Technical Co-operation Programme (A37-WP/276) and the implementation of *ex-post facto* evaluations in ICAO technical co-operation projects, *i.e.* evaluations to be carried out not right at the end of the projects but at some time afterwards to ensure that they had delivered what had been in the original specifications (A37-WP/93 Revised). He recommended that those papers be taken into account in updating the Management Plan.

69. Noting that the new Procurement Code had introduced the self-registration of suppliers and web-tendering, the Representative of Nigeria recalled that the TCC had requested that the TCB also look into how to facilitate a web-based collection of experts, at least of those who had expressed initial interest to take part in a technical co-operation project and to report back to the Committee. In so doing, the Committee had recognized that there would be a qualitative assessment of the experts' academic background and professional experience.

70. The Representative of Nigeria underscored that the TCC recommended, "as a matter of priority, make all efforts to further minimize support cost charges to projects", in line with Assembly Resolution A36-17 (*Consolidated statement of ICAO policies on technical co-operation*), Appendix A (*The ICAO Technical Co-operation Programme*), Operative Clause 7. The Committee thus expected that the priority list contained in Appendix C of C-WP/13634 would be amended accordingly so that the priority of the item "Minimize administrative overhead" would be changed from "2" to "1". The Representative of Nigeria reiterated that the Management Plan was to be an integral part of the Organization's Business Plan.

71. The Representative of the Republic of Korea expressed his full support for the TCC's recommendations. Referring to paragraph 5.4 of the Management Plan, he emphasized that project financing involved some very complicated legal issues and procedures and enquired as to how the Secretariat would proceed with such financing in the coming year.

72. In thanking all those who had progressed the dialogue between the TCC and the TCB over the past year, the Secretary General noted that, as there was still a considerable difference in what was required by the TCC in terms of information and transparency, that dialogue would continue. Observing that the Management Plan for the Technical Co-operation Programme had been well-received, he confirmed that, as highlighted by the ex-Chairperson of the TCC, it would serve as the basis for future reports on technical co-operation activities. Reiterating that transparency was a key principle, the Secretary General assured Representatives that they would have all the information necessary to assess the implementation of technical co-operation projects. In noting, from the morning's informal briefing and the present meeting, the importance of increasing technical co-operation activities outside of the Americas region, he underscored that that did not mean that the level of such activities in the latter region should be reduced; rather, it was a question of the relative share of those activities in the implementation of all of ICAO's technical co-operation projects. The Secretary General considered that the new powers that had been accorded to the ICAO Regional Offices, and the additional resources that they had each been given in the form of a Technical Co-operation Officer, should help considerably in boosting the emergence of technical co-operation projects, especially in Africa. He indicated that he had also taken note of the decisions of the 37th Session of the Assembly on the need for *ex-post facto* evaluations and key performance indicators to assess the effectiveness of the Technical Co-operation Programme.

73. While accepting the TCC's recommendations, the Secretary General indicated that he needed Representatives' assistance in implementing the recommendation to "increase the percentage of qualified experts from the various regions included in the Roster, with a view to ensuring cost-savings and achieving a more balanced geographical representation to the extent possible". Noting that he had been told several times previously that it was necessary to so increase the percentage of qualified experts from the various regions, he recalled that he had issued State letter 10/34 dated 29 March 2010 to all ICAO Member States, in particular, to the thirty-six States represented on the Council, indicating that the existing Roster of experts was being completely renewed and that all current experts needed to submit new applications and updated *curriculum vitae* before 30 June 2010. After that date, all previous experts on the Roster would be deleted from the current list. Underscoring that no replies had been received from the thirty-six States represented on the Council, the Secretary General reiterated his appeal to Representatives to request qualified experts in their States to submit new applications and updated *curriculum vitae* and so assist him in striking a better regional balance and thus attaining the objective that they themselves had set; otherwise, the new Roster would closely resemble the old one, except for those experts which had since passed away.

74. Observing that he had received a number of complaints from companies of various nationalities regarding the awarding of between 60 and 70 per cent of contracts to companies of the same nationality, the Secretary General underscored that that was a problem that he had to identify and correct.

75. In responding to the question raised by the ex-Chairperson of the TCC regarding the situation in Haiti, the Secretary General noted that, at the request of the Council, a number of agreements had been signed with the Government of Haiti for the reconstruction of its civil aviation sector. As he had indicated in his last status report on this issue, which had been placed on the Council website, it had been clearly stated during the International Donors' Conference Towards a New Future for Haiti (United Nations,

New York, 31 March 2010) that donors, many of which were from States represented on the Council, did not place a priority on civil aviation projects. In his report, the Secretary General had asked Representatives to assist him by drawing their authorities' attention to that fact and to their representatives on the related UN Steering Committee so that they would accord priority to such projects. The Secretary General underscored that only USD 3 million had been earmarked for civil aviation projects. He recalled, in this regard, that he and the President of the Council had met with the UN Secretary-General to discuss the situation in Haiti and that the latter had assured him that he would help, but only if the said Steering Committee gave priority to civil aviation projects. The Secretary General had again drawn the UN Secretary-General's attention to ICAO's willingness to provide assistance to Haiti in reconstructing its civil aviation sector during the recent meeting of the United Nations System Chief Executives Board for Co-ordination (CEB). In requesting that Representatives inform him of any other initiatives that they considered ICAO should take, the Secretary General indicated that he would continue to monitor the situation in Haiti and keep the Council informed of any developments.

76. Referring to the query by the Representative of the Republic of Korea, the Secretary General observed that he was equally aware of the complex legal aspects of project financing. While he had established a new Project Financing and Development Section (PFD) in TCB to function as a central point of co-ordination of resource mobilization activities in that Bureau, that was only a first step. Noting that it was necessary for him, together with the TCB staff, to give more thought to the issue of project financing, the Secretary General solicited ideas from Representatives. He indicated that he and the President of the Council were organizing a whole day, the following week, to discuss the questions of TCB and technical co-operation in general. In recalling that new Officers had been appointed to the TCB, the Secretary General noted that he would be submitting the name of his choice for Director of TCB (D/TCB) to the Council later in the current session.

77. In fully endorsing the TCC's oral report, the Representative of Cuba commended the Management Plan as a good first step. He observed that the latter had two important elements: key performance indicators and risk assessment criteria, a field in which the Air Navigation Bureau (ANB) had vast experience. Supporting the Secretary General's request regarding the Roster of experts, he indicated that he and his national administration would make every effort to identify suitably qualified Cuban experts and encourage them to send their applications and *curriculum vitae* to ICAO. Noting that the safety situation in Africa was a result, in part, of a human resource problem, the Representative of Cuba suggested that a key performance indicator for TCB's Roster of experts could be the use of African experts. He underscored that the goal was to optimize the use of ICAO's resources in accomplishing its safety objectives, while also accomplishing the objectives of TCB and the other Bureaux.

78. With regard to risk assessment criteria, a subject which the TCC had only briefly discussed, the Representative of Cuba indicated that any delay in a donor's contribution to a project's financing posed a risk as all of the efforts made to develop the project could be wasted.

79. Concurring that the Management Plan was a good first step, the Representative of Paraguay underscored that it could be improved over time, as necessary.

80. In summarizing the discussion, the President of the Council noted that the Council recognized that it was the first time that ICAO had a Management Plan for the Technical Co-operation Programme. While it would take some time for the Management Plan to mature, it constituted a very good first step and would serve as a guide for TCB's work and for Council's governance. He thanked the

Chairperson and Members of the TCC, as well as the Secretary General and the Secretariat, for their important efforts in developing the Management Plan.

81. In then noting the TCC's oral report, the Council took the action recommended by the Committee in paragraph 6 thereof and endorsed the Management Plan for the Technical Co-operation Programme for the period 2011-2013 as set forth in C-WP/13634. The Secretary General noted the comments and suggestions made by the TCC in paragraph 5 of its report for the Management Plan's further improvement and implementation of its actions plans, as well as the comments made by Representatives, and would take action accordingly. In particular, as suggested by the TCC, the Secretary General would present to the Council during the next (192nd) session an oral report on a quality management and standardization system for the TCB.

Any other business

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

Memorandum of Co-operation (MoC) between ICAO and the World Tourism Organization (UNWTO)

82. In the absence of comments by 17 September 2010 to the President of the Council's e-mail dated 14 September 2010, the President of the Council signed the MoC between ICAO and the World Tourism Organization (UNWTO) on behalf of ICAO on 1 October 2010.

Subject No. 15.4: Facilitation

Appointment to the Public Key Directory (PKD) Board

83. In the absence of comments by 13 September 2010 to the President of the Council's e-mail dated 30 August 2010, Mr. Ross Tysoe (Australia) has been appointed as a Member of the PKD Board, replacing Mr. R. Greenwood with effect from June to November 2010, and Mrs. Rose Chinyere Uzoma (Nigeria) has been appointed as a Member of the PKD Board, replacing Mr. C.J. Udeh with effect from August 2010 to April 2012.

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

Membership in the International Explosives Technical Commission (IETC)

84. In the absence of comments by 28 October 2010 to the President of the Council's e-mail dated 18 October 2010, Mrs. Sonia Hifdi (France) and Mr. Abdelwahab Mulla Jumua'a Al Yacout (Kuwait) have been appointed as Members of the IETC, replacing Mr. Simon Besse and Mr. Youssef Ahmad Refa'i, respectively, with effect from 29 October 2010.

85. In addition, in the absence of comments by 5 November 2010 to the President of the Council's e-mail dated 4 November 2010, Dr. Mathew James (United Kingdom) has been appointed as a Member of the IETC, replacing Dr. Deeph Chana with effect from 8 November 2010.

Subject No. 50: Questions relating to the environment

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

86. In the absence of comments by 15 October 2010 to the President of the Council's e-mails dated 21 September 2010, Mr. Indranil Chakraborty has been appointed as the new CAEP Member nominated by India and Mr. Shannon Geoffrey Scott has been appointed as the new CAEP observer nominated by New Zealand, with effect from 16 October 2010.

87. In addition, in the absence of comments by 29 October 2010 to the President of the Council's e-mail dated 21 October 2010, Mr. Shumani Mugeru has been appointed as the new CAEP Member nominated by South Africa, replacing Mr. Kenton Sim with effect from 30 October 2010.

88. Furthermore, in the absence of comments by 4 November 2010 to the President of the Council's e-mail dated 28 October 2010, Ms. Maryam Ali Ahmed Al Balooshi has been appointed as the new CAEP Observer nominated by the Arab Civil Aviation Commission (ACAC), with effect from 5 November 2010.

Council working papers presented for information

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

- **C-WP/13630** — *Resolutions of the 64th Session of the United Nations General Assembly* — circulated under cover of PRES RK/1832 dated 20 July 2010 with a deadline of 20 August 2010 for comments.
- **C-WP/13653** — *Report on action taken to implement decisions taken by the Council during the 190th Session* — circulated under cover of PRES RK/1870 dated 2 November 2010 with a deadline of 9 November 2010 for comments.
- **C-WP/13654** — *Information on large-scale technical co-operation projects* — circulated under cover of PRES RK/1857 dated 15 October 2010 with a deadline of 22 October 2010 for comments.
- **C-WP/13655** — *Financial situation of the Organization and Level of the Working Capital Fund* — circulated under cover of PRES RK/1868 dated 28 October 2010 with a deadline of 4 November 2010 for comments.
- **C-WP/13656** — *Work Programme of the Evaluation and Internal Audit Office (EAO) for the year 2011* — circulated under cover of PRES RK/1865 dated 25 October 2010 with a deadline of 1 November 2010 for comments.
- **C-WP/13657** — *The Status of Implementation of Recommendations of the Joint Inspection Unit (JIU)* — circulated under cover of PRES RK/1871 dated 2 November 2010 with a deadline of 9 November 2010 for comments.
- **C-WP/13658** — *Report of the Joint Inspection Unit for 2009 and Programme of Work for 2010* — circulated under cover of PRES RK/1858 dated 15 October 2010 with a deadline of 22 October 2010 for comments.

Council working papers presented for action

90. As the President of the Council has not received any requests to have C-WP/13647 — *Request of the International Federation of Air Traffic Safety Electronics Associations (IFATSEA) for inclusion in the list of international organizations that may be invited to attend suitable ICAO meetings* and C-WP/13648 — *Request of the Royal Aeronautical Society (RAeS) for inclusion in the list of international organizations that may be invited to attend suitable ICAO meetings*, which had been circulated under cover of PRES RK/1837 dated 2 August 2010 with a deadline of 27 August 2010 for comments, tabled for discussion, it is considered that the Council has agreed to include IFATSEA and RAeS in the list of international organizations that may be invited to attend suitable ICAO meetings as observers.

91. The Council went into closed session at 1725 hours to consider another item under “Any other business”.

COUNCIL — 191ST SESSION

SUMMARY MINUTES OF THE FIRST MEETING

(THE COUNCIL CHAMBER, MONDAY, 15 NOVEMBER 2010, AT 1725 HOURS)

CLOSED MEETING

President of the Council: Mr. Roberto Kobeh González

Secretary: Mr. Raymond Benjamin, Secretary General

PRESENT:

Argentina	— Mr. J. Gelso	Malaysia	— Mr. S.-C. Kok
Australia	— Mr. P.K. Evans	Mexico	— Mr. D. Méndez Mayora
Belgium	— Mr. G. Robert	Morocco	— Mr. A. Manar
Brazil	— Mr. R.S. Magno	Nigeria	— Dr. O.B. Aliu
Burkina Faso	— Mr. M. Dieguimde	Paraguay	— Mrs. A. Torres de Rodríguez
Cameroon	— Mr. E. Zoa Etundi	Republic of Korea	— Mr. Kim, C.-H.
Canada	— Mr. L.A. Dupuis	Russian Federation	— Mr. A.A. Novgorodov
China	— Mr. Tao Ma	Saudi Arabia	— Mr. A.A. Alharthy (Alt.)
Colombia	— Mrs. G. Rueda de Higuera	Singapore	— Mr. K.P. Bong
Cuba	— Mr. J.A. López Falcón	Slovenia	— Mr. A. Krapež
Denmark	— Mr. K.L. Larsen	South Africa	— Mr. T. Peege
Egypt	— Mr. M.T. Elzanaty	Spain	— Mr. V.M. Aguado
France	— Mr. M. Wachenheim	Swaziland	— Mr. D. Litchfield
Germany	— Mr. J. Mendel	Uganda	— Mr. J. Twijuke
Guatemala	— Mr. L.F. Carranza	United Arab Emirates	— Miss A. AL Hamili
India	— Mr. A. Mishra	United Kingdom	— Mr. M. Rossell
Italy	— Mr. G. Picheca	United States	— Mr. D. Woerth
Japan	— Mr. S. Baba		

ALSO PRESENT:

Ms. K. Macaulay (Alt.)	— Australia
Mr. J.F. Castillo de la Paz (Alt.)	— Cuba
Mr. P. Pape (Alt.)	— France
Mr. A. Bardaro (Alt.)	— Italy
Mr. Yoo, H.-J. (Alt.)	— Republic of Korea
Mr. D. C. Behrens (Alt.)	— United States

SECRETARIAT:

Mr. D. Azema	— DC/OSG
Miss S. Black	— Précis-writer

Any other business**Appeal lodged with the United Nations Appeals Tribunal by Dr. Taïeb Chérif,
a former ICAO Secretary General, against ICAO**

1. The Secretary General informed the Council that, on 19 October 2010, ICAO had received from the United Nations Appeals Tribunal in New York official notification of a submission dated 29 July 2009 lodged by a former Secretary General, Dr. Taïeb Chérif. In his pleas submitted to the Tribunal, Dr. Chérif alleged to have been subjected to an abuse of power, an abuse of purpose, harassment, and discrimination through various administrative acts by the ICAO Council, causing him acute mental distress and stress. Dr. Chérif was seeking compensation of CAD 3 million and prayed that the Tribunal admonish the Council for the said alleged conduct.
2. The Secretary General indicated that, in his elaboration of the pleas, Dr. Chérif was principally appealing against two decisions taken by the Council during the 186th Session which pertained to the requirement to seek the written approval of the President of the Council regarding appointment, promotion and termination decisions for certain categories of ICAO staff, which he said effectively precluded him from carrying out the functions of Secretary General from 20 January to 31 July 2009. Dr. Chérif also complained that the restriction of tenure of the Secretary General to two terms was specifically aimed at him and applied retroactively to his first term of office. The Legal Affairs and External Relations Bureau (LEB), in consultation with other relevant entities in ICAO, was in the process of preparing ICAO's answer to the appeal. The Secretary General would keep the Council duly informed about this matter.
3. The Representative of Canada requested that Representatives be provided with the text of the Secretary General's statement so that they could transmit it to their respective governments. The Representative of Brazil suggested that there be closed informal meetings of the Council on the appeal, in the presence of the Director of the Legal Affairs and External Relations Bureau (D/LEB), in order to keep Representatives informed of any developments.
4. The Representative of the United Kingdom queried whether there was a docket for the appeal and what the timeframe and process were for the resolution of the case.
5. The Secretary General noted that ICAO had been given forty-five days in which to answer the appeal. He recalled, in this regard, that in his first appeal Dr. Chérif had requested the United Nations Secretary-General to give him compensation for what had happened. After clarification, Dr. Chérif had changed his plea and was now requesting ICAO to give him compensation. Forty-five days would apply from the moment when that situation had been clarified.
6. The Representative of France stressed the need for LEB to clarify the scope of the appeal. Noting that his State had played a role in the election of Dr. Chérif, he expressed dismay with the latter's attitude.
7. The Representative of the United States underscored that there was a plethora of questions that needed to be answered, such as the legality of the appeal, who would defend the Organization and whether there was any appeal process. In indicating that he would advise his Government of the appeal, he emphasized that it would be most displeased.

8. The Representative of South Africa reiterated the importance of receiving clarification regarding the appeal.

9. The President of the Council indicated that the questions raised had been noted and that further information on the appeal would be provided in writing shortly to Representatives. The Secretary General would keep the latter informed of any developments.

10. The meeting adjourned at 1740 hours.

COUNCIL — 191st SESSION

SUMMARY MINUTES OF THE SECOND MEETING

(THE COUNCIL CHAMBER, WEDNESDAY, 17 NOVEMBER 2010, AT 1000 HOURS)

CLOSED MEETING

President of the Council: Mr. Roberto Kobeh González

Secretary: Mr. Raymond Benjamin, Secretary General

PRESENT:

Argentina	— Mr. J. Gelso	Malaysia	— Mr. S.-C. Kok
Australia	— Mr. P.K. Evans	Mexico	— Mr. D. Méndez Mayora
Belgium	— Mr. G. Robert	Morocco	— Mr. H.A. Moumni (Alt.)
Brazil	— Mr. A. Romero (Alt.)	Nigeria	— Dr. O.B. Aliu
Burkina Faso	— Mr. M. Dieguimde	Paraguay	— Mrs. A.Torres de Rodríguez
Cameroon	— Mr. E. Zoa Etundi	Peru	— Mr. C.R. Romero Díaz
Canada	— Mr. L.A. Dupuis	Republic of Korea	— Mr. Kim, C.-H.
China	— Mr. Tao Ma	Russian Federation	— Mr. A.A. Novgorodov
Colombia	— Mrs. G. Rueda de Higuera	Saudi Arabia	— Mr. T.M.B. Kabli
Cuba	— Mr. J.F. Castillo de la Paz (Alt.)	Singapore	— Mr. K.P. Bong
Denmark	— Mr. K.L. Larsen	Slovenia	— Mr. A. Krapež
Egypt	— Mr. M.T. Elzanaty	South Africa	— Mr. T. Peege
France	— Mr. M. Wachenheim	Spain	— Mr. V.M. Aguado
Germany	— Mr. J. Mendel	Swaziland	— Mr. D. Litchfield
Guatemala	— Mr. L.F. Carranza	Uganda	— Mr. J. Twijuke
India	— Mr. A. Mishra	United Arab Emirates	— Mr. R.A. Al Kaabi (Alt.)
Italy	— Mr. G. Picheca	United Kingdom	— Mr. M. Rossell
Japan	— Mr. S. Baba	United States	— Mr. D. Woerth

ALSO PRESENT:

Mr. M. Fernando, President, ANC	
Mr. A. Tiede (Alt.)	— Australia
Ms. K. Macaulay (Alt.)	— Australia
Mr. P. Langlais (Alt.)	— Canada
Mr. Chunyu Ding (Alt.)	— China
Mr. P. Pape (Alt.)	— France
Mr. A. Bardaro (Alt.)	— Italy
Mrs. D. Jiménez Hernández (Alt.)	— Mexico
Mr. Yoo, H.-J. (Alt.)	— Republic of Korea
Mr. AA. Korsakov (Alt.)	— Russian Federation
Mr. NG, Tee Chiou (Alt.)	— Singapore
Mr. A. L. Arias (Alt.)	— Spain
Ms. M. Kehoe (Alt.)	— United States

SECRETARIAT:

Mr. D. Azema	— DC/OSG
Ms. N. Graham	— D/ANB
Mrs. F. Odutola	— D/ATB
Mr. A.E. Eussner	— C/EAO
Mr. J. Marriott	— C/AVSEC
Mr. H. Gourdji	— C/CMO
Mr. A. Quiroz	— C/ASA
Mr. S. Berti	— C/SFP
Mr. D. Tiedge	— C/ISD-SEC
Mrs. H. Biernacki	— TO/AVSEC
Mr. J.D. Monaco	— TO/OPS
Mr. R. Lockie	— ASA
Mr. J. Huang	— LO/LEB
Mr. A. Djojonegoro	— TO/AVSEC
Mrs. C. Rideout	— CSO

Subject No. 14.5: Safety oversight**Subject No. 52.1: Universal Security Audit Programme****Report of ARRB – Report of the Audit Results Review Board (ARRB)**

1. The Council noted an oral report on the audit activities of the ARRB presented by D/ANB, covering the period from the last oral report which had been presented on 25 May 2010 to today's date.
2. D/ANB indicated that the purpose of the report is to provide an update on the activities of the ARRB, an internal Secretariat mechanism that played an important role in monitoring States that performed poorly during their safety or security audits. This monitoring ensured that ICAO's focus was kept on assisting those States that most required it.
3. During the period being reported upon, the ARRB had held two regular meetings, one in June and the other in September. The reporting period had seen the referral of two new States to the Board under the Universal Safety Oversight Audit Programme (USOAP), these States had been referred because of a significant lack of effective implementation of the critical elements of a State's safety oversight system identified during the comprehensive system approach audit. During the same period, two States already referred to the ARRB by the Universal Security Audit Programme (USAP) had been-re-referred to the Board as a result of significant compliance shortcomings identified during their second cycle audits. All the new referrals to the ARRB had been reviewed by the Board.
4. The ARRB had focused particular attention on States with identified significant safety concerns (SSCs). SSCs arose when a USOAP audit team identified an immediate safety risk to international civil aviation. Currently, the number of States with identified SSCs stood at twelve. The specifics of these serious deficiencies could be found as posted on the Safety Oversight Audit Section restricted website. The ARRB would fulfil a similar role with respect to States with significant security concerns, or SSeCs, as required. Those States that had significant safety concerns were Angola, Bangladesh, Congo, Djibouti, Guinea Bissau, Kazakhstan, Malawi, Mozambique, Philippines, Rwanda, Sao Tome and Principe, and Zambia.
5. Further to the approval by the Council of a definition and mechanism to address SSeCs in a timely manner, the Council had also approved consequential amendments to the Memorandum of Understanding entered into between States and ICAO regarding aviation security audits to reflect the new mechanism. An exchange of letters had been carried out with States which had not yet been audited but which had already signed the previous version of the MOU, for them to agree to the amendments approved by the Council. Implementation of the SSeC mechanism had begun in October 2010, though to date no SSeCs had been identified.
6. When reviewing the safety or security oversight situation in States referred to it, the Board assigned each State a category, either "A" or "B". These categories were used to prioritize monitoring and follow-up activities that were based on efforts made by each State in implementing its corrective action plan, in providing ICAO with regular updates to the corrective action plan, as well as on other factors, such as the existence of ongoing large-scale assistance projects. In order to focus on those States in category A, i.e. those that were not progressing, the ARRB intended to refer category B States to their accredited Regional Offices during the coming months for follow up and monitoring.

7. The transfer of Category B States to their accredited Regional Offices for follow up would take place over the coming months. In the meantime, the ARRB continued to monitor 41 States referred by the USOAP and 32 States referred by the USAP. Of these States, 18 had been referred by both programmes, bringing the total number of the individual States referred to the Board to 55. On 6 March 2009 the Council had decided that the names of the States referred to the Board under the USOAP (safety) programme should be provided to the Council. Currently, the States referred to the ARRB by the safety programme were Angola, Bahamas, Bangladesh, Benin, Bhutan, Botswana, Cambodia, Cameroon, Central African Republic, Comoros, Congo, Democratic Republic of Congo, Djibouti, Ecuador, Equatorial Guinea, Gabon, Georgia, Guinea-Bissau, Kazakhstan, Kiribati, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mozambique, Namibia, Nauru, Nepal, Niger, Paraguay, Philippines, Rwanda, Sao Tomé and Príncipe, Sierra Leone, Solomon Islands, Swaziland, Uruguay, and Zambia.

8. D/ANB indicated that she would soon be requesting a meeting with new Council Members whose States were currently with the ARRB in order to get a better understanding of how ICAO could assist them in addressing their safety deficiencies. Those Council Member States had a particularly special responsibility, since they would be making global policy, and their active cooperation and assistance in achieving this goal would be helpful and greatly appreciated.

9. The recent 37th Session of the Assembly had provided an excellent opportunity to connect with States referred to the ARRB by the USOAP and USAP. A number of side meetings had been held with ARRB States, and commitments had been secured to move forward in addressing the concerns raised by both audit programmes.

10. Separately the ARRB was concentrating on identifying additional means to assist States in both the safety and security fields. While some of the ARRB States were taking active measures to resolve their deficiencies, a small number of other States were not involved in the process and were not demonstrating the required urgency to address them. The Board would be meeting in December to address these issues and to identify additional measures that could or should be used to encourage States to act quickly to resolve their deficiencies. Taking into account the USOAP continuous monitoring approach and the introduction of significant concerns in the area of security, the December meeting would also be used as an opportunity to examine the role of the Board during the coming triennium and to provide an update to the Board's terms of reference.

11. D/ANB believed that the ARRB, which was an internal coordinating mechanism, provided an important service to the Organization, and that it would continue to do so in the years to come. By acting as a high level, multi-disciplinary body, utilizing all of the Directors of the Organization with access to the appropriate technical expertise, the Board allowed the Organization to coordinate assistance activities between the Bureaux and to avoid any unnecessary duplication of effort. The adoption of a continuous monitoring approach for the USOAP would provide the Board with access to more up-to-date safety information on which to base future recommendations enhancing the role it could play within ICAO.

12. In light of comments offered by the Representatives of Nigeria and Spain, it was understood that although the ARRB may, as an internal mechanism, continue to assign categories to the States referred to it to prioritize monitoring and follow-up activities, the ARRB's reports to Council would no longer make reference to these categories.

13. The Representative of Nigeria observed that the situation painted was, of course, a source of concern, and believed that efforts should continue to address the issues. While having taken note of the

information, he noted that there was also the issue of the ARRB coordinating assistance for States, in respect of which the information appeared to be missing. D/ANB indicated that immediately following any audit where there were deficiencies, the State was issued a letter offering an opportunity to receive assistance and explaining how to go about obtaining it. In addition to the ACIP programme, which had been supporting a number of States, as well as some other initiatives which would be reported upon separately, a special training programme had been established to assist groups of States with common significant safety concerns. The Organization continued to look for commonalities in those areas where there were deficiencies, and continued to encourage regional safety oversight organizations (RSOOs). In this connection, ICAO was in the process of updating the documentation which would enable RSOOs to sustain themselves by taking a portion of air navigation service charges. In the coming year, ICAO would be hosting a Regional Safety Oversight Organization Conference in conjunction with a number of partners.

14. The Representative of Spain agreed that this was a worrying situation, but observed that the Council had a good mechanism in place to get information and address the real situations of each country. He commended D/ANB on her initiative to meet with States on the Council who were also on the ARRB to see what could be done to improve things. With regard to coordination of assistance, the Representative of Spain sought information on the magnitude of this assistance and on how it was being funded. Finally, there was the question as to what measures were envisaged if countries did not make any progress. What other proposals did the Secretariat have to move forward on these issues and reduce the number of countries on the list?

15. The Representative of Swaziland appreciated that D/ANB would be contacting the Council Member States, including his own, which were on the ARRB list, and thanked ICAO for having recently convened a workshop on the issuance of AOCs. Swaziland was working on its deficiencies, having established a new Civil Aviation Authority and currently recruiting personnel, and his Delegation would share this information in discussions with D/ANB. The Representative of Swaziland explained that the COSCAP within the Southern African Development Community (SADC) was progressing at a slower rate than in the other regions in Africa, because the SADC was responsible for transport as a whole, including road, rail, etc, and funds were therefore not focussed on aviation.

16. To a query raised by the Representative of Belgium, who wished to know when, and in what context, the Council would be invited to consider proposals to address significant safety concerns of States, D/ANB indicated that the Secretary General would, during the current session, present an update on the newly established Safety Fund. On a number of occasions, the question had arisen regarding what assistance could be provided under the Regular Programme, on the one hand, and what assistance had to be referred to TCB, on the other. In the world of safety, the Implementation Support and Development Section focussed predominantly on assisting States through RSOOs; this was part of the reason ICAO had established the Safety Fund. Apart from that, the ACIP Programme had focussed on Africa and had been very effective in assisting those States. In addition to the course on AOCs mentioned by the Representative of Swaziland, there were a number of other activities. The Regular Programme was extremely limited in terms of the assistance that could be provided, and it was hoped that the Safety Fund could help by grouping States. The ARRB brought together the different elements of support that were provided to ensure that the Organization was doing the best that it could with the limited resources at its disposal.

17. The Secretary General added that with regard to the assistance ICAO could offer States, it was in a better position when it came to security, with more staff and resources in this area. During the 192nd Session, he would, at an informal briefing, present a full assistance plan for security which would cover training as well as supply of expert programme development. ICAO was working very closely with a

number of donor States in order to not duplicate bilateral and multilateral efforts, and determine the extent of assistance provided through ICAO.

18. The Representative of Singapore wished to know how many fact-finding missions had been carried out to find out the current state of affairs. He also wished to know how a State was made aware of the assigned ARRB coordinator who would monitor the progress of action taken by States to ensure a proactive interaction to rectify deficiencies in an efficient manner, especially when ANB was now planning to delegate some of the monitoring activities to the regional offices. D/ANB indicated that the question raised by the Representative of Singapore was very much tied to the continuous monitoring programme. In principle, the regions had been somewhat limited on fact-finding because there was no process to update the information. The ICAO coordinated validation missions (ICVM) were associated with the continuous monitoring programme. A number of States had been offered such opportunities and, surprisingly, many had refused them so far because they were not ready. The regions were receiving training on the ICVM process and continuous monitoring. Coordination with the States themselves took place initially by correspondence and follow up would be taken care of by the method States provided. The Secretariat was very willing to working with individual States; some were very open while others did not respond. At the end of the day it was their responsibility to make their system safe, and the Organization could only help them if they were willing to be helped.

19. The Representative of Uganda wished to associate himself with the sentiments and views of previous speakers. When joining the Council some years earlier, one of the issues tabled for discussion had been a deliberate shift from Standards-making to compliance. The continuous increase in the ARRB list was the reverse of what ICAO should be seeing, and it was definitely very worrying. There were countries which had been on the ARRB list for a very long time, and information was needed on what was actually happening. This was a critical subject because at the end of the day, if the numbers that had significant problems continued to increase, it would reflect very negatively on ICAO's effectiveness. Perhaps the time had come for the Council to not simply note oral reports, but begin to discuss and make decisions on what must be done to reverse this situation.

20. The Representative of Mexico wished to endorse what had been said by the Representative of Nigeria as regards the importance of the ARRB-listed States. It seemed that at each and every Session of the Assembly, ICAO was tasked with moving towards a database approach. The Secretariat and the ARRB had the information in hand to look at trends, and on the basis of this data there would be States requiring specific solutions in order to remedy these critical safety deficiencies. Only once it had analysed the data could ICAO identify common problems and decide on the establishment of a specific strategy in order to make sure that the assistance with this strategy in hand would be most effective and involve all the Regional Offices, as well as all the other civil aviation bodies which could offer assistance. Many of the problems were common, and could be addressed across the board in order to come up with the most efficient solutions and reverse the trends.

21. The Representative of Cameroon fully shared in the vision of previous speakers, but wished to highlight that those who performed audits were fully aware of the fact that it was not a question of identifying deficiencies but rather remedying them. Even though the Secretariat had expended great effort, throughout the whole audit process there had been a lack of information to implement action plans within States. It seemed that States were being proactive, but that the paucity of information prevented them from remedying their deficiencies. It would be worthwhile for ICAO to develop specific guidelines referring to assistance to States, telling them how they could develop action plans which would help them identify deficiencies and remedy them.

22. The Representative of the Republic of Korea acknowledged that the Secretariat should strengthen its efforts to provide the necessary assistance programme for the countries mentioned in the report, but at the same time it was known by all that there was a scarcity of funds for pursuing those activities if this task was undertaken only by the Secretariat. He fully shared the views of the Representative of Mexico regarding the need for a coordinated approach in addressing these issues, and therefore recommended that the Secretariat and ANC consult with some Member States which could provide training programmes to address specific safety and security deficiency issues. As one of the countries organizing and operating those training programmes, the Republic of Korea was ready to provide some assistance for the activities of the Secretariat in this field. The Representative of India shared the view of the Representative of the Republic of Korea regarding the possibility of asking countries which were able to do so, to step in and make a special effort. India, for example, could step up its training assistance to countries in the region. The Representative of India suggested that the President consider forming a small group of Council members representing various regions to consider different innovative ways to solve this problem.

23. D/ANB suggested that in the coming spring, the Council could receive an expanded briefing on the challenges of practising safety management. At this time, the audit programme looked only at one quadrant of the overall aviation system of a State, i.e. the regulator. The agreements signed during the Assembly enabled the Secretariat to also have information from airlines through IATA and the IOSA programme. ICAO was also working closely with the United States and Europe in order to harmonize missions. The briefing would also contrast information on the audit programme with traffic growth in the areas where States were struggling in order to give a better assessment of risk. At the end of the day the Organization was looking at risk to human life. At some point it would have to prioritize what limited services it could provide.

24. The Representative of South Africa appealed to Council members who were in the ARRB to take urgent measures to get themselves off the list. He recalled that at the safety meeting which had taken place recently in Swaziland, the issue about the African countries in the ARRB had been raised, and the two Regional Directors had been instructed to meet those States individually. It was his understanding that those Regional Directors would be at Headquarters at this time in order to attend the sixth meeting the ACIP Steering Committee, and would welcome an opportunity for the African States listed on the ARRB to meet with them later in the week. Commenting on the issuance of AOCs, the Representative of South Africa wished to know if some of the countries that had been indicated on the list continued to issue AOCs or if they had stopped. If they were still continuing, he wished to know what measures were envisaged to correct the situation. Finally, the Representative of South Africa wished to know if the information that had been presented to the Council was available to other organizations who would use this information to institute what they called a “blacklist”.

25. D/ANB indicated that the information which she had provided to the Council was public information. More detailed information on the audits was available to States on the secure website, and the significant safety concerns were on the secure website as well, and were updated when necessary. States where there were AOC issues received the attention of the SSC process. In many cases traffic and, perhaps, tourism in the area were affected. Most of the States had been cooperative; some had been more active and proactive, while others had been more reactive, but most have been cooperative and D/ANB believed that once they understood the challenges that they were facing and the implications of issuing an AOC improperly, they would do their best to correct the situation.

26. The Representative of Argentina indicated that over the years, he had seen this problem evolve and was very pleased with what was being done at the moment. He therefore congratulated the Secretariat. He concurred with the views which had been expressed regarding the importance of not categorizing States; however, there were two groups of States at this point in time, one that would be taken into account by the Secretariat of Montreal and the second group which, in the near future, would be transferred to the Regional Offices, in terms of responsibility for monitoring and follow-up action. The Representative of Argentina wished to know whether the Regional Offices would be fully prepared to assume that responsibility for monitoring and controlling the activities similarly to what is going to take place at Headquarters. D/ANB indicated that the Regional Offices were getting ready for this new role. Traditionally their role had been more support and assistance and interpreting the Standards, and they were now being trained. Some validation missions had been carried out to update audit information, and periodic reports would be presented.

27. The Representative of Paraguay was concerned with the increasing number of States which were found to be in a critical situation following the safety and security audits which had been carried out. Countries in the different regions had worked hand in hand with the Regional Offices and a meeting had also been convened with D/ANB, whom she thanked for the information recently provided. Paraguay had made significant efforts in order to overcome the deficiencies which had been identified.

28. In summarizing the Council's discussion on this subject, the President of the Council observed that in most States there was certainly no lack of will to address deficiencies; although the great majority of States had a desire to do so, willpower alone did not suffice to solve these problems. In his missions to countries where he had talks with officials at the highest level, the President continued to emphasize aviation's importance to economic development.

29. One of the problems identified in the majority of cases concerned a lack of qualified personnel. Whereas many donor States provided valuable financial support for training, recipient States had difficulty keeping staff once they had been trained. The President had witnessed this first-hand with inspectors who had been trained under ICAO's technical cooperation projects, only to leave their administrations in order to work for industry or in other countries. There was an international market for trained personnel, and a solution would have to be found in order for civil aviation administrations to retain them.

30. Regional oversight organizations had been mentioned as one way of solving the problem, but in order to set up such organizations there had to be a political will on the part of States. The number of States with serious safety concerns was increasing, and the Organization would have to change its approach. The Continuous Monitoring Approach (CMA) was an instrument which would help, but it remained to be seen whether it would really resolve the underlying problem that had been identified, i.e. the need for States to retain skilled and qualified inspectors, and thus ensure that operators, airports and service providers were complying with international standards.

31. The fact of the matter was that there were not enough resources in the Organization, in the SAFE fund or in any other funding mechanism to solve the problems facing States and to help them retain their human resources by paying competitive salaries. In the case of the African Region, there was the AFI Comprehensive Implementation Programme (ACIP), which had been ongoing for almost three years. Similar problems nevertheless existed in a number of other regions. As had been suggested by the Representative of Uganda, perhaps a group comprised of the ANC and interested Representatives on the

Council could meet and discuss further possibilities for resolving a situation which concerned the most important Strategic Objective of the Organization.

32. At the recent High-level Safety Conference, one of the main issues raised had concerned transparency of information; whereas the Council had, in the past, restricted the amount of information which the Secretariat provided, there was now a need to be more open and know exactly what was the situation in order for the Council to be able to take the appropriate decisions.

33. The Representative of France strongly supported the President's summary, and fully agreed to the vision whereby the Organization needed to rethink the structural issues and play a much more proactive role in terms of remedying the situation.

34. The Representative of Nigeria also shared the President's concerns regarding the need to find innovative solutions to this problem, and informed the Council of an initiative that was being discussed between ICAO and AFCAC having to do with the cooperative inspector scheme. As the President had said, it cost money to train inspectors and it was difficult to retain them in States where the traffic was low. A collaborative approach at the level of RSOOs could help, and new initiatives such as the cooperative inspector scheme now pooled all inspectors within the African region. States would be able to assess this pool of inspectors and use them when needed. The initiative would be approved at a special plenary of the AFCAC, where it would be possible to get a commitment from States to sign the memorandum of understanding. The Council would be briefed further in connection with the report of the sixth meeting of the ACIP Steering Committee.

35. The Representative of Burkina Faso supported the views of previous speakers, and hailed the President's proposal. The Council had a responsibility to take this matter very seriously, and to work together and devise an action plan, working with the countries which they represented. Representatives needed to act as an intermediary between the Council and those countries to make sure that the ARRB list was shortened. The Representative of Burkina Faso fully concurred with the importance of on-site training, and commended the efforts already made. He did not think that just one body could solve the problem; there had to be teamwork. He therefore urged more proactive action on the part of the Council as had been suggested by other speakers.

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

Report of UIC – Adoption of Amendment 12 to Annex 17 – Security – *Safeguarding International Civil Aviation against Acts of Unlawful Interference*

36. The above subject was documented for the Council's consideration in C-WP/13638 Restricted, presented by the Committee on Unlawful Interference.

37. Some linguistic points raised in connection with the French version of the amendment material were noted for verification by the Secretariat.

38. In responding to a query raised by the Representative of Spain in connection with the cyber threats, C/AVSEC indicated that these threats, which were oriented towards sabotage of computer systems that may be used in the guidance of aircraft, was a very complex subject and not one that lent itself well to rapid and effective security analysis and the identification of solutions. The Secretariat was engaged in cross-bureaux work between the ATB and ANB with respect to identifying ways in which the guidance

material for Annex 17 may be enhanced and possibly strengthened in the long term. This work was aided by the inputs which may be received from States, especially those that were most able to predict the kinds of threats that may come forward in the cyber area of aviation. The Secretariat also relied heavily on the work of the AVSEC working group on threat and risk to help in the process. As regards a question raised by the Representative of Cameroon with respect to staff screening, C/AVSEC indicated that this would be an agenda item in future meetings of the AVSEC Panel. Commenting on the proposed date of 1 July 2011 for the amendments to Annex 17 to come into force, C/AVSEC acknowledged that States may be audited in the days following that date and find themselves to not be in compliance with the amendments. The amendment process for Annex 17 nevertheless provided an opportunity for States to advise ICAO in advance of compliance difficulties they may have as from 1 July 2011. That information received by the Secretariat would be taken into consideration in USAP audits conducted by the Secretariat following the 1 July 2011 date.

39. The Representative of Nigeria observed that the current wording of Standard 4.2.6 was certainly a complicated one because it was supposed to be a compromise between groups of States on the issue of 100 percent staff screening. While the current wording provided a Standard for 100 percent staff screening, it also provided an alternative means of compliance. On the basis of this Standard it would not be necessary for a State to file a difference if it did not comply with 100 percent staff screening, because it allowed for the implementation of some special security controls. The Representative of Nigeria wished to know how the Organization would determine the level of implementation with this Standard, and whether there would be a feedback system if no differences were required to be filed. He also pointed out that if States were going to implement alternative security controls and not 100 percent staff screening, they would need some guidance as to what the security controls should be.

40. C/AVSEC indicated that the matter of 100 percent staff screening was one that was very challenging for aviation security, because at this time there were two extremely different views on whether 100 percent screening was the only effective solution to address the “insider threat” in aviation security. It would take time for the Secretariat to work this through at a policy level in order to advance to a point past the proposal in Amendment 12, and the question of whether a State would see very limited or even no options to staff screening. C/AVSEC did not wish to prejudge this matter because there were still many discussions which remained to take place at a technical level and a decision-making level. One of the key themes that had been emphasized to the Secretariat in recent months, both with respect to aviation security in general and most recently with respect to air cargo security, was the importance of regulatory frameworks such as Annex 17, providing sufficient flexibility for States and for operators to find alternative means to achieve the same outcome. The proposal to amend the Standard on staff screening did provide alternatives, and this could be seen as a positive step because it was reacting favourably to the cry for alternatives to be permissible. In time, such alternatives may be increased or reduced, and this was again a matter for future policy discussions. The fact that the USAP would monitor compliance with the Standard and would carry on through the audit process in the coming years provided the opportunity for ICAO to make observations and to provide counsel, if necessary, to States on how they could bring themselves more closely in line with the SARPs of Annex 17. The Secretariat would also continue to work proactively in developing guidance material to assist States in understanding what the options were to enable compliance, and use that information to most definitely to promote compliance with the amended Standards.

41. The Representative of Colombia concurred with the views which had been offered by the Representative of Nigeria, and supported 100 percent screening of staff and vehicles in the restricted areas of airports with a view to preventing or forestalling acts of unlawful interference in the light of experience gained in Colombia.

42. The Representative of Australia wished to draw the Council's attention to the fact that the amendment under consideration had already be reviewed once by the Council and referred back to the UIC. Given recent events, it was imperative that the provisions relating to cargo and mail be put in place. The Organization had to show internationally that it could respond in a timely fashion to threats; the provisions relating to cargo, mail and other goods were a reminder of what should come out of the Council on a timely basis.

43. The Representative of France also shared the views offered by the Representative of Nigeria, and was not convinced as to how positive the provision in paragraph 4.2.6 would be. The Organization should ensure 100 percent screening. While recognizing that there were some States which were not in a position to carry out 100 percent screening, the Organization should not suggest that the alternative proposed was a healthy one. This was a worrisome situation, because there were dozens or even hundreds of aviation staff uniforms which were stolen every year, as well as the possibility of falsification of documents. As regards the issue of in-flight security officers, the Representative of France sought confirmation that these were governmental officers. C/AVSEC indicated that this was indeed the case, and that the requirement was addressed in Standard 4.7.7 of Annex 17. Responding to another point raised by the Representative of France in connection with the replacement of an earlier, very specific term referring to security controls with a new term which simply referred to the supply chain security process, C/AVSEC concurred that the new term would benefit from clarification in the guidance material which was provided in the ICAO security manual. The Secretariat Study Group on supply chain security would be meeting in early December of 2010 with a view to taking note of the amendments to Annex 17 and developing guidance material that would provide additional clarification to aid implementation and compliance with this specification.

44. The Representative of the United States echoed the views offered by the Representative of Australia regarding the need to adopt new measures in a timely way. Recent events related to the Yemen cargo plot of October 2010 meant that the world was looking to ICAO to press forward with this amendment and address a deficiency which had existed for a long time. As regards the question of terminology, the industry itself used many terms and it was ICAO's duty to encompass all of the terminology and not be limiting. The 1 July 2011 implementation date would represent a difficulty, but the international community would nevertheless perceive 1 July 2011 as a somewhat late implementation date and this would also pose a difficulty. Without wishing to suggest a change in the date, the Representative of the United States believed that this was probably the latest acceptable date for beginning the process for having higher standards of security.

45. The Representative of Germany indicated that his Delegation continued to strongly support 100 percent staff screening in critical parts of security restricted areas. The issue of cargo security, while not new to experts, had become known to a broader public as a result of recent events, and the amendments should be made the subject of a press release to show the outside world that ICAO was in the lead. The Representative of Germany requested information on further work leading up to the 1 July 2011 implementation date for the amendment. The Secretary General indicated that the Organization was in contact with many States around the world in order ensure coordinated action and a global answer to a global threat.

46. Some additional details were provided by C/AVSEC, who indicated that he had recently participated in the IATA AVSEC World 2010 Conference, and had taken that opportunity to heighten awareness on the changes being made to the international aviation security framework, notably through the proposed amendment 12 to Annex 17 which had received clear support. Also as a result of recent events, the

second meeting of the Secretariat study group on supply chain security, which had been scheduled for 2011, would now be convened in Geneva from 6 to 7 December 2010. The study group was examining how it might develop standards for regulated agents in the international supply chain. It was doing so in coordination with other regulatory agencies, notably the World Customs Organization, and would also be consulting the Universal Postal Union, IATA and the International Federation of Air Freight Forwarders. The goal was to achieve the highest level of end-to-end cargo security while preventing unnecessary delays in the movement of goods across international boundaries. This would be accomplished through the further development of guidance material.

47. C/AVSEC recalled that the declaration on aviation security adopted by the 37th Session of the Assembly called for Member States to strengthen and harmonize measures and best practices for air cargo security, taking into account the need to protect the entire air cargo supply chain. Although the international community had recently been harshly reminded of the threat to air cargo, work had already been underway at the time of those events. ICAO and IATA had recently agreed to coordinate the development of guidelines on supply chain security, and the next edition of the security manual was scheduled to be issued in mid-2011. ICAO had recently conducted its first joint session of the International Explosives Technical Commission and the Ad Hoc Group of Specialists on the Detection of Explosives, whose agenda had included cargo security. Cargo security issues had also been discussed by the Aviation Security Panel Working Group on Technology during their recent meeting at ICAO Headquarters. Finally, the ICAO AVSEC Training Package Cargo course which focussed on cargo screening and supply chain security had been updated in early 2010 and would be updated again in the coming year to reflect changes required by Amendment 12 to Annex 17 as well as the latest guidance material.

48. The Representatives of the United Kingdom, Canada, Brazil, Saudi Arabia, India, Belgium and Uganda added their support to the amendment under consideration.

49. The Council, by 36 votes in favour, none against and no abstentions, adopted, as Amendment 12 to Annex 17, the amendment to the Standards and Recommended Practices as contained in Appendix A to the paper. Subject to a slight adjustment to the effective date, the Council approved the Resolution of Adoption in Appendix B to the paper. The Council also approved, as part of the said amendment, the amendment to the Foreword to Annex 17 as contained in Appendix C to the paper.

50. It was understood that a news release would be issued conveying information about the Council's adoption of this amendment, which would strengthen air cargo security measures.

51. The Council reconvened in open session at 1210 hours.

COUNCIL — 191st SESSION

SUMMARY MINUTES OF THE SECOND MEETING

(THE COUNCIL CHAMBER, WEDNESDAY, 17 NOVEMBER 2010, AT 1210 HOURS)

OPEN MEETING

President of the Council: Mr. Roberto Kobeh González

Secretary: Mr. Raymond Benjamin, Secretary General

PRESENT:

Argentina	— Mr. J. Gelso	Malaysia	— Mr. S.-C. Kok
Australia	— Mr. P.K. Evans	Mexico	— Mr. D. Méndez Mayora
Belgium	— Mr. G. Robert	Morocco	— Mr. H.A. Moumni (Alt.)
Brazil	— Mr. A. Romero (Alt.)	Nigeria	— Dr. O.B. Aliu
Burkina Faso	— Mr. M. Dieguimde	Paraguay	— Mrs. A.Torres de Rodríguez
Cameroon	— Mr. E. Zoa Etundi	Peru	— Mr. C.R. Romero Díaz
Canada	— Mr. L.A. Dupuis	Republic of Korea	— Mr. Kim, C.-H.
China	— Mr. Tao Ma	Russian Federation	— Mr. A.A. Novgorodov
Colombia	— Mrs. G. Rueda de Higuera	Saudi Arabia	— Mr. T.M.B. Kabli
Cuba	— Mr. J.F. Castillo de la Paz (Alt.)	Singapore	— Mr. K.P. Bong
Denmark	— Mr. K.L. Larsen	Slovenia	— Mr. A. Krapež
Egypt	— Mr. M.T. Elzanaty	South Africa	— Mr. T. Peege
France	— Mr. M. Wachenheim	Spain	— Mr. V.M. Aguado
Germany	— Mr. J. Mendel	Swaziland	— Mr. D. Litchfield
Guatemala	— Mr. L.F. Carranza	Uganda	— Mr. J. Twijuke
India	— Mr. A. Mishra	United Arab Emirates	— Mr. R.A. Al Kaabi (Alt.)
Italy	— Mr. G. Picheca	United Kingdom	— Mr. M. Rossell
Japan	— Mr. S. Baba	United States	— Mr. D. Woerth

ALSO PRESENT:

Mr. M. Fernando, President, ANC	
Mr. A. Tiede (Alt.)	— Australia
Ms. K. Macaulay (Alt.)	— Australia
Mr. P. Langlais (Alt.)	— Canada
Mr. Chunyu Ding (Alt.)	— China
Mr. P. Pape (Alt.)	— France
Mr. A. Bardaro (Alt.)	— Italy
Mrs. D. Jiménez Hernández (Alt.)	— Mexico
Mr. Yoo, H.-J. (Alt.)	— Republic of Korea
Mr. AA. Korsakov (Alt.)	— Russian Federation
Mr. NG, Tee Chiou (Alt.)	— Singapore
Mr. A. L. Arias (Alt.)	— Spain
Ms. M. Kehoe (Alt.)	— United States

SECRETARIAT:

Mr. W. Amaro	— C/JF
*Mr. J. Marriott	— C/AVSEC
*Mr. A. Quiroz	— C/ASA
*Mr. S. Berti	— C/SFP
Mr. D. Tiedge	— C/ISD-SEC
*Mrs. H. Biernacki	— TO/AVSEC
*Mr. J.D. Monaco	— TO/OPS
Mr. C. Gauthier	— Coordinator (JF)
*Mr. R. Lockie	— ASA
*Mr. J. Huang	— LO/LEB
*Mr. A. Djojonegoro	— TO/AVSEC
Mrs. D. Cooper	— ANPO
Mrs. C. Rideout	— CSO

* Part-time

Subject No. 52: Unlawful interference with international civil aviation and its facilities**Report of ANC – Review of the Report of the Twenty-first Meeting of the Aviation Security Panel**

1. The Council noted an oral report presented by the President of the Air Navigation Commission on the ANC's review of areas of concern to it in the report of the twenty-first meeting of the Aviation Security Panel (AVSECP/21), which had been held in Montreal from 22 to 26 March 2010.
2. In reviewing the AVSECP/21 report, the Commission had recognized several areas of mutual interest between the Dangerous Goods Panel (DGP) and the AVSEC Panel. It had therefore supported improved coordination between these two panels, particularly in matters related to training of aviation security personnel, security of high consequence dangerous goods, and cargo/mail supply chain security.
3. Under Agenda Item 1, concerning developments in aviation security since AVSECP/20, the Commission had expressed support for any effort to address the serious safety issue of increasing frequency of unruly passenger events. It had offered to evaluate, from an air navigation perspective, the impact of proposed measures to deal with this matter.
4. Under Agenda Item 2, which dealt with Amendment 12 to Annex 17 — Safeguarding International Civil Aviation against Acts of Unlawful Interference, the Commission had noted the proposal for amended or new definitions of acts of unlawful interference, in-flight security officer and known consignor, with possible consequential amendments to Annex 6 — Operation of Aircraft. The Commission had also supported the development and implementation of security provisions for air navigation service providers. However, it had advised that this should be conducted in coordination with expertise from the Air Traffic Management (ATM) Section of the Air Navigation Bureau. Due consideration should be given to all relevant ATM aspects and of possible impact to Annex 11 — Air Traffic Services, and the Procedures for Air Navigation Services — Air Traffic Management (PANS-ATM, Doc 4444), in accordance with the appropriate established ICAO review process.
5. Finally, the Commission had recognized the importance of the need to address cyber-threats. It had strongly supported the proposed recommendation in Annex 17 on this matter, as applied to intentional interference. As measures to deal with cyber-threats may have an impact on other Annexes, as well as the efficiency of global communications, threat scenarios and recommended countermeasures must be presented to the Commission in order to assess the impact on air navigation safety.
6. The Commission had noted, without further comment, the part of the report on Agenda Item 3, regarding the Universal Security Audit Programme; Agenda Item 4, progress reports of the Panel's working groups; and Agenda Item 5, other business.

Organization and agenda for the Twenty-second meeting of the Aviation Security Panel

7. The Council had for consideration C-WP/13639, in which the Secretary General proposed the convening of the twenty-second meeting of the Aviation Security Panel (AVSECP/22) together with an agenda, and an oral report presented by the Committee on Unlawful Interference.

8. In taking the action proposed in C-WP/13639, the Council:

- a) agreed to the convening of the twenty-second meeting of the Aviation Security Panel at ICAO Headquarters, Montreal, from 21 to 25 March 2011; and
- b) approved the proposed agenda presented in the Appendix to the paper.

Subject No. 15.16: International Financial Facility for Aviation Safety (IFFAS)

Subject No. 18.4: Contributions by Contracting States and methods of assessment

**Closing the gap between the International Financial Facility for Aviation Safety (IFFAS)
and the Safety Fund (SAFE) and the dissolution of the IFFAS**

9. The above subject was documented for the Council's consideration in C-WP/13661, presented by the Secretary General. Further to earlier discussions in the Council and the Assembly, the paper provided additional information on how the Safety Fund (SAFE) would work and how it would cover the objectives of the International Financial Facility for Safety (IFFAS).

10. Responding to a query from the Representative of Malaysia regarding the composition of the technical advisory group referred to in paragraph 3.2 of the paper, which would be comprised of technical experts within the Secretariat, D/ANB indicated that for the moment, the intention was to mirror what had been done within the technical review under the IFFAS programme, although over the longer term there would be much more collaboration with those partners in industry and in other international organizations that were willing and interested in funding safety issues.

11. The Representative of Spain expressed his administration's appreciation for the work performed by IFFAS, even though it was well realized that they had not made sufficient progress, thereby calling for some measures. It was evident that a more flexible mechanism was needed, and it was for this reason that he supported the action proposed. The Safety Fund mechanism had to be transparent to both the donors and to the Council. There were three pillars underlying the activities of the new fund and how it would function. There was firstly the need to identify the projects which may be funded; secondly, the allocation of priorities; and thirdly the allocation of resources. The Representative of Spain wished to know what the role of the Council would be under each of these three pillars in order to properly establish the governance of the fund.

12. Responding to the query raised by the Representative of Spain, D/ANB confirmed that the Council would, during the next (192nd) Session, review a paper on the harmonization of the individual voluntary funds. As regards the role of the Council, it would ultimately be responsible for the state of safety globally. The more information the Secretariat shared with the Council, the better, and her intention was for the Council to receive more and more information and be increasingly active in the uses relating to global aviation safety. In the coming spring, the Council would be briefed on the Secretariat's progress in assessing risk and implementing safety management. It was envisaged that the Council would receive more information about not only the audit programme but in general. The President of the Council wished to add that the participation of the Council would be much greater than in the case of the IFFAS. Whereas with the IFFAS, the Council had simply received annual reports with the IFFAS Governing Body taking the actual decisions on the projects, there would now be much more interaction on the part of the Council.

13. Some suggestions were put forward for amending the Terms of Reference of the SAFE. It was understood that the Secretariat would circulate to Representatives the text of the revised Terms of Reference outlined in Appendix B to the paper, in light of the comments received. Representatives were invited to contact the Secretariat with any further suggestions which would be considered in revising the Terms of Reference.

14. In taking the action proposed in sub-paragraphs b) and c) of C-WP/13661, the Council dissolved the IFFAS in accordance with Article XIV of the *Administrative Charter of the IFFAS*, and recommended that States with funds remaining in the IFFAS transfer these funds to the SAFE. It was understood, further to a point raised by the Representative of the Russian Federation, that a State letter to this effect would be issued.

Any other business

Subject No. 50: Questions relating to the environment

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

15. In the absence of comments by 9 November 2010 to the President of the Council's e-mail dated 3 November 2010, Dr. Tadeusz Reklewski has been appointed as the new CAEP Member nominated by Poland, replacing Mr. Boleslaw Szuman with effect from 10 November 2010.

Council working paper presented for information

16. The President of the Council has not received any requests to have the following working paper tabled for consideration. It is therefore considered that the Council has noted the information provided therein:

- **C-WP/13604** — *Report of the Joint Inspection Unit (JIU) entitled "Towards More Coherent UN System Support to Africa" (JIU/REP/2009/5)* — circulated under cover of PRES RK/1874 dated 8 November 2010 with a deadline of 15 November 2010 for comments.

Council working paper presented for action

17. The President of the Council has not received any requests to have the following working paper tabled for consideration. It is therefore considered that the Council has agreed to the action proposed therein:

- **C-WP/13651** — *Recommendations of the Joint Support Committee related to Items under the Danish and Icelandic Joint Financing Agreements reviewed during the 191st Session* — circulated under cover of PRES RK/1863 dated 4 November 2010 with a deadline of 12 November 2010 for comments.

COUNCIL — 191ST SESSION

SUMMARY MINUTES OF THE THIRD MEETING

(THE COUNCIL CHAMBER, FRIDAY, 19 NOVEMBER 2010, AT 1000 HOURS)

OPEN MEETING

President of the Council: Mr. Roberto Kobeh González

Secretary: Mr. Raymond Benjamin, Secretary General

PRESENT:

Argentina	— Mr. J. Gelso	Malaysia	— Mr. S.-C. Kok
Australia	— Mr. P.K. Evans	Mexico	— Mr. D. Méndez Mayora
Belgium	— Mr. G. Robert	Morocco	— Mr. A. Manar
Brazil	— Mr. A. Romero (Alt.)	Nigeria	— Dr. O.B. Aliu
Cameroon	— Mr. E. Zoa Etundi	Paraguay	— Mrs. A. Torres de Rodríguez
Canada	— Mr. L.A. Dupuis	Peru	— Mr. C.R. Romero Díaz
China	— Mr. Tao Ma	Republic of Korea	— Mr. Kim, C.-H.
Colombia	— Mrs. G. Rueda de Higuera	Russian Federation	— Mr. A.A. Novgorodov
Cuba	— Mr. J.F. Castillo de la Paz (Alt.)	Saudi Arabia	— Mr. T.M.B. Kabli
Denmark	— Mr. K.L. Larsen	Singapore	— Mr. K.P. Bong
Egypt	— Mr. M.T. Elzanaty	Slovenia	— Mr. A. Krapež
France	— Mr. M. Wachenheim	South Africa	— Mr. T. Peege
Germany	— Mr. J. Mendel	Spain	— Mr. V.M. Aguado
Guatemala	— Mr. L.F. Carranza	Swaziland	— Mr. D. Litchfield
India	— Mr. A. Mishra	Uganda	— Mr. J. Twijuke
Italy	— Mr. G. Picheca	United Arab Emirates	— Mr. R.A. Al Kaabi (Alt.)
Japan	— Mr. S. Baba	United Kingdom	— Mr. M. Rossell
		United States	— Mr. D. Woerth

ALSO PRESENT:

Mr. M. Fernando, President, ANC	
Mrs. Silvia Ana González (Alt.)	— Argentina
Ms. K. Macaulay (Alt.)	— Australia
Mr. P. Langlais (Alt.)	— Canada
Mr. P. Pape (Alt.)	— France
Mr. A. Bardaro (Alt.)	— Italy
Mr. Yoo, H.-J. (Alt.)	— Republic of Korea

SECRETARIAT:

Mr. D. Azema	— DC/OSG
*Mr. D. Wibaux	— D/LEB
*Ms. N. Graham	— D/ANB
*Mrs. F. Odutola	— D/ATB
*Mr. H. Belai	— C/ACIP
*Mr. J. Begin	— C/RCC
*Mr. R. Bhalla	— C/FIN
*Mrs. J. Hupe	— C/ENV
*Mr. D. Chagnon	— PIO/CRC
*Mr. H. Pretorius	— CRC
*Mr. J. Huang	— LO/LEB
*Mr. T. Tanaka	— ENV/AVE
*Mrs. D. Cooper	— ANPO
*Mr. T. Thrasher	— ENV
Miss S. Black	— Précis-writer

*Part-time

Subject No. 13: Work programmes of Council and its subsidiary bodies**Report of ANC – Work Programme of the Air Navigation Commission for the 186th Session**

1. The Council reviewed C-WP/13637, in which the Air Navigation Commission (ANC) presented the proposed work programme for its 186th Session, for approval, as well as tentative work programmes for its 187th and 188th Sessions, for information.
2. Observing that in the past the ANC had held meetings with representatives of industry and of aviation-related organizations to ensure that its work programme would meet the needs of the international aviation community, the Representative of Spain enquired whether that was taken into account in the Commission's work programmes for the coming year.
3. Recalling that a joint industry/ANC collaborative meeting had been held in 2004 and had given rise to the Global Air Navigation Plan (GANP) and the Global Aviation Safety Plan (GASP), the President of the ANC emphasized that the Commission considered that such meetings were very important. In noting that a Global Air Navigation Industry Symposium (GANIS) was being planned to take place at ICAO Headquarters from 21 to 23 September 2011, he underscored that it would give the Secretariat and the ANC a better understanding of the industry's expectations with regard to the development of the Organization's air navigation plans.
4. The Council then took the action proposed in the Executive Summary of C-WP/13637 and approved the ANC's work programme for its 186th Session.

Subject No. 14: Subjects relating to air navigation

Subject No. 14.5: Safety oversight

Developments of the AFI Comprehensive Implementation Programme (ACIP)

5. The Chief of the AFI Comprehensive Implementation Programme (C/ACIP) gave the following oral report on progress made in implementing the AFI Plan, on the continuation of ACIP activities and on the outcomes of the Sixth Meeting of the ACIP Steering Committee (Montréal, 17-18 November 2010):

“It is to be recalled that the Council, during the Fourth Meeting of its 190th Session, requested the Secretary General to present a progress report during its 191st Session on the implementation of the AFI Comprehensive Implementation Programme (ACIP). As has been the practice, C/ACIP presented a progress report and other items on the implementation of the AFI Plan to the ACIP Steering Committee tasked with guiding the effective implementation of the AFI Plan.

“The ACIP Steering Committee charged with assessing the progress of the ACIP held its Sixth Meeting in Montréal on 17 and 18 November 2010, thus allowing only for an oral report to be presented to the Council today. The Steering Committee considered the discussion items presented by the Secretary of the Steering Committee and recommended that the Secretary General present a summary of the progress report, as well as the recommendations of the Sixth Meeting, for the Council's consideration.

“With respect to activities that were implemented since the launching of the Programme and specifically in 2010, the Steering Committee noted with satisfaction that activities relating to training

programmes were effectively implemented in accordance with the work plan that had been presented to it during its Fourth Meeting in October 2009. Under this subject, the Committee noted the successful conclusion of the Second Pan-African Training Co-ordination Conference held in Cairo and actions initiated as a result of the recommendations forwarded by the Conference. The Committee, highlighting the importance of the standardization and harmonization of training programmes, instructed that C/ACIP take account of the comments made by the Members and request the Training Experts Working Group (TEWG) to further define the deliverables, milestones and accountabilities towards meeting the objective of AFI RAN Recommendation 5/8. The Committee also advised that there is a need for the TEWG to clarify the processes and determine the criteria for accreditation of training centres by taking into account the newly-developed ICAO training policy. The Steering Committee noted, with satisfaction, the safety-related training that was conducted throughout the continent, in which 456 students from 49 States, including service providers from those States, had taken part. The Committee was also informed on training activities related to Government Safety Inspectors (GSI) that is being undertaken by the ACIP with the support of the United States Department of Transport and the Federal Aviation Administration (FAA). The Steering Committee expressed its appreciation to the United States Government for the support provided to the GSI training and to the Governments of China, the Republic of Korea and Saudi Arabia for the financial contributions that they have made to the ACIP over the last two years.

“On the subject of soliciting support to implement projects identified through the Programme, the Committee instructed that the ACIP present a specific page on its website that contains information on specific projects requiring assistance from donors and other stakeholders. Further, the Steering Committee instructed that the information on projects requiring assistance should be clearly targeted with the required support to States specifically and adequately defined. The Committee requested that assistance-related information, including assistance currently being provided to African States on bilateral and/or multilateral agreements, should be included in the ICAO Database of Assistance Projects (IDAP) that should also be linked to the ACIP website to prevent duplication of efforts, as well as to help identify all assistance projects that are being undertaken in the continent. The Committee further agreed that the Secretary General would send a letter to targeted States, donors and stakeholders requesting contributions for the implementation of safety-related projects and also requesting information on ongoing bilateral and multilateral assistance projects to enable ICAO to take account of all safety-related assistance programmes being undertaken in the continent.

“The Steering Committee noted actions undertaken and support provided with respect to the establishment of Regional Safety Oversight Organizations (RSOOs) and recommended that those activities continue in earnest, with the aim of establishing them in the shortest possible time, to enable States to meet their safety oversight obligations. In this respect, the Steering Committee noted with concern that African States on the Audit Results Review Board (ARRB) list were not able to get off of the list as desired and thus directed the Secretariat to primarily focus on assisting States in their effort to resolve deficiencies identified by the Universal Safety Oversight Audit Programme (USOAP).

“The Committee considered a request for support forwarded to the Secretary General from the Southern African Development Community (SADC) Member States and from seven States that did not belong to a regional organization to enable them to establish a RSOO and a Regional Accident Investigation Agency (RAIA). The request for support from the States had been submitted following the completion of State-specific gap analyses conducted in line with the articles of Assembly Resolution A36-1 and the determination of priority projects by the respective Directors General of Civil Aviation. The Committee agreed to recommend to the Council to instruct the Secretary General to provide the requested assistance,