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# ICAO

## International Civil Aviation Organization

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### COUNCIL — 195TH SESSION

Montréal, 27 February – 16 March 2012

### SUMMARY MINUTES WITH SUBJECT INDEX



2012



## TABLE OF CONTENTS

|                                                                                                                                                                                                                 | <i>Page</i> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| <b>SUMMARY MINUTES OF THE FIRST MEETING (OPEN)</b> .....                                                                                                                                                        | 1           |
| Minute of silence .....                                                                                                                                                                                         | 3           |
| Welcome to new Representative on the Council .....                                                                                                                                                              | 3           |
| Tribute to Mr. Chong-hoon Kim, former Representative of the Republic of Korea.....                                                                                                                              | 3           |
| Schedule for consideration of items during the 195th Session of the Council .....                                                                                                                               | 3           |
| Agenda for the Sixth Worldwide Air Transport Conference (ATConf/6) .....                                                                                                                                        | 3           |
| Report of ATC – Update on the Machine Readable Travel Document (MRTD) Programme .....                                                                                                                           | 5           |
| Report on the activities of the Implementation Support and Development – Security<br>(ISD-SEC) Programme during 2011 .....                                                                                      | 6           |
| International interests in mobile equipment (aircraft equipment) .....                                                                                                                                          | 8           |
| Any other business .....                                                                                                                                                                                        | 8           |
| Public Key Directory (PKD) Membership .....                                                                                                                                                                     | 8           |
| Appointment of a new Member on the Committee on Aviation Environmental<br>Protection (CAEP) .....                                                                                                               | 9           |
| Twelfth Air Navigation Conference (2012) (AN-Conf/12) .....                                                                                                                                                     | 9           |
| Appointment of a Member on the Air Transport, Finance, Unlawful Interference and<br>Human Resources Committees (ATC, FIC, UIC and HRC) .....                                                                    | 9           |
| Request from the European Union (EU) to participate as Observer in closed meetings<br>of the Council on aviation security .....                                                                                 | 9           |
| Appointment of a Member on the Air Navigation Commission (ANC) .....                                                                                                                                            | 10          |
| Appointment of the Secretary General .....                                                                                                                                                                      | 10          |
| Merging of the Council Working Group on Governance (WGOG) and<br>the Council Working Group on Efficiency (WGOE) .....                                                                                           | 10          |
| Presentation by the Secretary General on key objectives and<br>priorities for 2012 – 2015 .....                                                                                                                 | 11          |
| <br><b>SUMMARY MINUTES OF THE FIRST MEETING (CLOSED)</b> .....                                                                                                                                                  | <br>13      |
| Acts of unlawful interference in 2011 .....                                                                                                                                                                     | 15          |
| <br><b>SUMMARY MINUTES OF THE SECOND MEETING</b> .....                                                                                                                                                          | <br>17      |
| Tribute to Mr. Cesar Roberto Romero Díaz, former Representative of Peru .....                                                                                                                                   | 19          |
| Annual Report to Council on Regional Offices’ activities during 2011 .....                                                                                                                                      | 19          |
| Report on Technical Co-operation Programme Development .....                                                                                                                                                    | 21          |
| Request of the International Federation of Airline Dispatchers’ Associations (IFALDA)<br>for inclusion in the list of international organizations that may be invited<br>to attend suitable ICAO meetings ..... | 29          |
| Report of the Joint Inspection Unit (JIU) entitled “The Audit Function in<br>the United Nations System” (JIU/REP/2010/5) .....                                                                                  | 30          |
| Draft Charter Letter from the President of the Council, on behalf of the Council,<br>to the Secretary General .....                                                                                             | 30          |
| Any other business .....                                                                                                                                                                                        | 35          |
| Fifteenth Meeting of the Statistics Panel (STAP/15) .....                                                                                                                                                       | 35          |

(i)

|                                                                                                                                                                                                         |               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <b>SUMMARY MINUTES OF THE THIRD MEETING .....</b>                                                                                                                                                       | <b>37</b>     |
| Welcome to new Representative on the Council .....                                                                                                                                                      | 39            |
| Work programme for the 195th Session – addition of item .....                                                                                                                                           | 39            |
| Appointment of the Secretary General .....                                                                                                                                                              | 39            |
| Preliminary report of the Evaluation and Audit Advisory Committee (EAAC) .....                                                                                                                          | 41            |
| 2011 Report on the activities of the Evaluation and Internal Audit Office (EAO) .....                                                                                                                   | 41            |
| Report of TCC – Management Plan for the Technical Co-operation Programme .....                                                                                                                          | 43            |
| <br><b>SUMMARY MINUTES OF THE FOURTH MEETING .....</b>                                                                                                                                                  | <br><b>47</b> |
| Welcome to the new President of the Air Navigation Commission (ANC),<br>Mr. Christian Schleifer .....                                                                                                   | 49            |
| Review of the outcomes of the Symposium on Regional Safety<br>Oversight Organizations (RSOOs) .....                                                                                                     | 49            |
| Report of ANC – Consolidated report on Global Planning and Implementation<br>Regional Group (PIRG) results for 2011 .....                                                                               | 52            |
| Report of ANC – Progress report on the implementation of the<br>Electronic Filing of Differences (EFOD) System .....                                                                                    | 52            |
| Any other business .....                                                                                                                                                                                | 56            |
| C-WP/13820 – Financial situation of the Organization .....                                                                                                                                              | 56            |
| C-WP/13821 – Report of the Joint Inspection Unit (JIU) entitled “Policies and<br>Procedures for the Administration of Trust Funds in the United Nations<br>System Organizations” (JIU/REP/2010/7) ..... | 56            |
| C-WP/13822 – Report of the Joint Inspection Unit (JIU) entitled “Inter-Agency<br>Staff Mobility and Work/Life Balance in the Organizations of the<br>United Nations System” (JIU/REP/2010/8) .....      | 56            |
| <br><b>SUMMARY MINUTES OF THE FIFTH MEETING .....</b>                                                                                                                                                   | <br><b>57</b> |
| International Women’s Day 2012 .....                                                                                                                                                                    | 59            |
| Report of ANC – Adoption of Amendment 43 to Annex 2 – <i>Rules of the Air</i> .....                                                                                                                     | 59            |
| Report of ANC – Adoption of Amendment 6 to Annex 7 – <i>Aircraft Nationality and<br/>        Registration Marks</i> .....                                                                               | 66            |
| Report of ANC – Adoption of Amendment 36 to Annex 6 – <i>Operation of Aircraft,<br/>        Part I – International Commercial Air Transport – Aeroplanes</i> .....                                      | 67            |
| Report of ANC – Adoption of Amendment 31 to Annex 6 – <i>Operation of Aircraft,<br/>        Part II – International General Aviation – Aeroplanes</i> .....                                             | 67            |
| Report of ANC – Adoption of Amendment 17 to Annex 6 – <i>Operation of Aircraft,<br/>        Part III – International Operations – Helicopters</i> .....                                                 | 67            |
| Report of ANC – Adoption of Amendment 48 to Annex 11 – <i>Air Traffic Services</i> .....                                                                                                                | 68            |
| Report of ANC – Adoption of Amendment 87 to Annex 10 – <i>Aeronautical<br/>        Telecommunications, Volume I – Radio Navigation Aids</i> .....                                                       | 68            |
| Any other business .....                                                                                                                                                                                | 68            |
| Appointment of a new Observer on the Committee on Aviation<br>Environmental Protection (CAEP) .....                                                                                                     | 68            |
| C-WP/13819 – Report on activities during the recess .....                                                                                                                                               | 69            |

(ii)

|                                                                                                                             | <i>Page</i> |
|-----------------------------------------------------------------------------------------------------------------------------|-------------|
| <b>SUMMARY MINUTES OF THE SIXTH MEETING</b> .....                                                                           | 71          |
| Report of WGOG – Encouraging the improvement of safety oversight in States with<br>significant safety concerns (SSCs) ..... | 73          |
| A mechanism for the sharing of significant safety concerns (SSCs) with the public .....                                     | 76          |
| Any other business .....                                                                                                    | 89          |
| Addition of new items to the Agenda for the Twenty-third Meeting of the<br>Aviation Security Panel (AVSECP/23) .....        | 89          |
| Twenty-first Meeting of the Technical Advisory Group on Machine Readable<br>Travel Documents (TAG/MRTD/21) .....            | 89          |
| <br><b>SUMMARY MINUTES OF THE SEVENTH MEETING (CLOSED)</b> .....                                                            | 91          |
| Progress report of the Monitoring and Assistance Review Board (MARB) .....                                                  | 93          |
| Revised net base salaries of the President of the Council and the Secretary General .....                                   | 94          |
| <br><b>SUMMARY MINUTES OF THE SEVENTH MEETING (OPEN)</b> .....                                                              | 95          |
| Report of HRC – Progress report on the work of the Human Resources Committee (HRC) .....                                    | 97          |
| Revised procedures for the selection of D-2 and D-1 level posts – Annex IV to<br><i>The ICAO Service Code</i> .....         | 97          |
| Review of the evaluation of the Ancillary Revenue Generation Fund (ARGF) .....                                              | 98          |
| Progress report on the status of the Budget (Annex 5) .....                                                                 | 100         |
| Status update on the Council Working Group on the Methodology used<br>in Calculating Scales of Assessment .....             | 101         |
| Any other business .....                                                                                                    | 103         |
| Appointment of a Member on the Air Transport, Finance and Unlawful Interference<br>Committees (ATC, FIC and UIC) .....      | 103         |
| <br><b>SUMMARY MINUTES OF THE EIGHTH MEETING</b> .....                                                                      | 105         |
| Study on market-based measures (MBMs) .....                                                                                 | 107         |
| Any other business .....                                                                                                    | 123         |
| Revised draft Charter Letter from the President of the Council, on behalf of the<br>Council, to the Secretary General ..... | 123         |
| <br><b>SUMMARY MINUTES OF THE NINTH MEETING</b> .....                                                                       | 125         |
| Study on market-based measures (MBMs) .....                                                                                 | 127         |
| Environmental protection – Recent developments in ICAO and other UN bodies .....                                            | 129         |
| Report of ANC – Review of the Report of the Twenty-third Meeting of the<br>Dangerous Goods Panel (DGP/23).....              | 130         |

|                                                                                                                                                                                                             | <i>Page</i>    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <b>SUMMARY MINUTES OF THE TENTH MEETING .....</b>                                                                                                                                                           | <b>133</b>     |
| Condolences .....                                                                                                                                                                                           | 135            |
| Report of ANC – Recommendation of the Air Navigation Commission on a proposed amendment to<br>Annex 13 relating to assistance to aircraft accident victims and their families .....                         | 135            |
| Report of ANC – ANC Work Programme for the 190th Session .....                                                                                                                                              | 145            |
| Status of negotiations on the Supplementary Headquarters Agreement between<br>ICAO and the Government of Canada .....                                                                                       | 146            |
| Work Programme of the Council and its Committees for the 196th Session .....                                                                                                                                | 149            |
| Any other business .....                                                                                                                                                                                    | 151            |
| Farewell to Mr. J. Mendel, Representative of Germany, Mr. G. Picheca,<br>Representative of Italy, and Mr. M. Rossell, Representative of<br>the United Kingdom and First Vice-President of the Council ..... | 151            |
| <br><b>SUBJECT INDEX TO THE SUMMARY MINUTES<br/>    OF THE 195TH SESSION.....</b>                                                                                                                           | <br><b>153</b> |
| <br><b>LIST OF WORKING PAPERS CONSIDERED.....</b>                                                                                                                                                           | <br><b>157</b> |

**COUNCIL — 195TH SESSION****SUMMARY MINUTES OF THE FIRST MEETING****(THE COUNCIL CHAMBER, MONDAY, 27 FEBRUARY 2012, AT 1430 HOURS)****OPEN MEETING**

President of the Council: Mr. Roberto Kobeh González

Secretary: Mr. Raymond Benjamin, Secretary General

**PRESENT:**

|              |                               |                      |                               |
|--------------|-------------------------------|----------------------|-------------------------------|
| Argentina    | — Mr. J. Gelso                | Malaysia             | — Mr. Y.-H. Lim               |
| Australia    | — Ms. K. Macaulay             | Mexico               | — Mr. D. Méndez Mayora        |
| Belgium      | — Mr. G. Robert               | Morocco              | — Mr. A. Boulmane (Alt.)      |
| Brazil       | — Mr. J. Taunay               | 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. Choi, D.                |
| Canada       | — Mr. M. Allen                | Russian Federation   | — Mr. A.A. Novgorodov         |
| China        | — Mr. Tao Ma                  | Saudi Arabia         | — Mr. T.M.B. Kabli            |
| Colombia     | — Mrs. G. Rueda de Higuera    | Singapore            | — Mr. T.-C. Ng                |
| Cuba         | — Mr. J.F. Castillo de la Paz | Slovenia             | — Mr. A. Krapež               |
| Denmark      | — Mr. K.L. Larsen             | South Africa         | — Mr. L. Mabaso               |
| 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. T. Koda                 |                      |                               |

**ALSO PRESENT:**

|                                   |                        |
|-----------------------------------|------------------------|
| Ms. I. De Melo Maciel (Alt.)      | — Brazil               |
| Mr. J.C.F. da Silva Junior (Alt.) | — Brazil               |
| Mr. A. Rebouças (Alt.)            | — Brazil               |
| Mr. M. Delisle (Alt.)             | — Canada               |
| Mr. P. Pape (Alt.)                | — France               |
| Mrs. D. Valle Álvarez (Alt.)      | — Mexico               |
| Mr. Bae, J. (Alt.)                | — Republic of Korea    |
| Mr. M. Fernando (TE)              | — Singapore            |
| Mr. K. Ferjan (Alt.)              | — Slovenia             |
| Dr. A. Pinto (Alt.)               | — Swaziland            |
| Mr. R. A. Al Kaabi (Alt.)         | — United Arab Emirates |
| Ms. M. Kehoe (Alt.)               | — United States        |

**SECRETARIAT:**

|                    |            |
|--------------------|------------|
| Mr. D. Azema       | — DC/OSG   |
| *Mr. D. Wibaux     | — D/LEB    |
| Mr. B. Djibo       | — D/ATB    |
| Mr. J. Marriott    | — C/AVSEC  |
| Mrs. M. Boulos     | — EAP      |
| Mr. A. Djojonegoro | — TO/AVSEC |
| *Ms. M. Weinstein  | — LO/LEB   |
| Mrs. C. Rideout    | — CSO      |

\*Part-time

Representatives to ICAO

Chile  
Dominican Republic  
Ethiopia  
Greece  
Iran (Islamic Republic of)  
Lebanon  
Turkey  
Uruguay  
Venezuela (Bolivarian Republic of)

### **Minute of silence**

1. The Council observed one minute of silence in memory of the President of the Democratic People's Republic of Korea, who had died on 17 December 2011, and the President of Guinea-Bissau, who had died on 9 January 2012.

### **Welcome to new Representative on the Council**

2. The President of the Council extended a warm welcome to Mr. Levers Mabaso, the new Representative of South Africa.

### **Tribute to Mr. Chong-hoon Kim, former Representative of the Republic of Korea**

3. The President of the Council conveyed his sincere gratitude to Mr. Chong-hoon Kim, whose tenure as Representative of the Republic of Korea had ended during the recess, for his excellent cooperation and support, and wished him every success in his future endeavours.

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

#### **Schedule for consideration of items during the 195th Session of the Council**

4. The Council noted the meeting schedule for the 195th Session presented in the President's memorandum PRES RK/2023 dated 18 November 2011, subject to the addition of a meeting of the Technical Co-operation Committee (TCC) which had taken place earlier in the day, *i.e.* on the morning of Monday, 27 February.

5. The Council noted the schedule for consideration of items during the 195th Session as set out in the President's memorandum RK/2034 dated 3 February 2012, subject to the addition, under item 34 [Study on market-based measures (MBMs)], of a report (C-WP/13828) to be presented by the Chairperson of the *Ad-hoc* Working Group on MBMs.

### **Subject No. 15.2: Regulation of international air transport services**

#### **Agenda for the Sixth Worldwide Air Transport Conference (ATConf/6)**

6. The Council had for consideration C-WP/13797 [with Corrigendum (French only)], in which the Secretary General presented a revised Agenda for the Sixth Worldwide Air Transport Conference (ATConf/6) incorporating comments received in response to memorandum SG 2129/11 dated 18 November 2011, and an oral report thereon presented by the Chairperson of the Air Transport Committee.

7. The Committee had noted that the revised Agenda for the ATConf/6 incorporated the comments received from a State, which had suggested that the words "artificial barriers to exit and consolidation" and "artificial incentives for entry and capacity expansion" be added to Agenda Items 2.2 (Air carrier ownership and control) and 2.4 (Fair competition) respectively.

8. The Committee had also considered a Secretariat proposal to amend Rule 26 of the *Standing Rules of Procedure for Meetings in the Air Transport Field* (Doc 8683), as presented in paragraph 2.1 of the

paper. The proposal was to replace the requirement for the preparation of summary minutes with a requirement for the preparation of a summary of the meeting proceedings for inclusion in the report of the meeting. In addition, it had been agreed that editorial changes be made to the French language version of the working paper in order to ensure consistency between the English and French versions. Accordingly, a corrigendum of the French language version of C-WP/13797 would be issued.

9. The Representative of the United Arab Emirates indicated that her Delegation considered it premature to include the above-mentioned references to “artificial barriers to exit and consolidation” and “artificial incentives for entry and capacity expansion” in the ATConf/6 Agenda, and wished to have the topics removed since there was no substantial rationale in favour of including them. The Representative of Argentina agreed with the views offered by the Representative of the United Arab Emirates, and requested that the Spanish language version of the Secretariat’s proposal for amending Rule 26 of the *Standing Rules of Procedure for Meetings in the Air Transport Field* be reviewed and aligned with the English version. The Representative of Uganda also supported the removal of the two amendments to the original ATConf/6 Agenda.

10. The Representative of Slovenia indicated that his Delegation had been the originator of the suggestion referred to by the Representatives of the United Arab Emirates and Argentina. The purpose of that suggestion had been to tackle the alarming state of the average airline’s profitability by tabling for discussion the important issues of artificial barriers to exit and consolidation, and artificial incentives for entry and capacity expansions. These barriers and incentives had originally been pointed out by a well-known economic analyst in a study on structuring for profitability, and Slovenia wished to provide a chance to experts worldwide to further examine these crucial matters. The ATConf/6 would be a perfect venue for doing so, and Slovenia wished to see the amendments be retained since there had been no objections to them in the forum of the ATC. The Representative of Belgium observed that the profitability of airlines was a recognized problem that ICAO should examine; he therefore fully supported the views expressed by Slovenia and the incorporation of the items into the Agenda.

11. Further to a request put forward by the Representative of the United States regarding the relationship between the two additional items, the Director of the Air Transport Bureau (D/ATB) explained that there was a subtle difference between the structure of the capital, on the one hand, and competition on a wider basis, on the other. Although some parts were interrelated, there was a difference which had made it appropriate to put the subjects under two agenda items.

12. Some amendments were agreed to with respect to the revised ATConf/6 Agenda presented in the Appendix to C-WP/13797. On a suggestion put forward by the Representative of the United Kingdom and supported by the Representatives of Nigeria, the United States and Slovenia, it was understood that the new text shown in shade for Items 2.2 (Air carrier ownership and control) and 2.4 (Fair competition) would be transferred to the Secretariat notes for those items. On a suggestion put forward by the Representative of Nigeria, it was agreed that the reference to “exit” appearing in the new text for Item 2.2, would be moved to Item 2.4.

13. In taking action on the basis of the proposal in C-WP/13797, the Council:

- a) approved the Agenda for ATConf/6 presented in the Appendix to the paper, as amended; and

- b) approved the amendment to Rule 26 of the *Standing Rules of Procedure for Meetings in the Air Transport Field* (Doc 8683), as presented in paragraph 2.1 of the paper.

**Subject No. 15.4:      Facilitation**

**Report of ATC – Update on the Machine Readable Travel Document (MRTD) Programme**

14.            The Council noted an oral report on the above subject, presented by the Chairperson of the Air Transport Committee.

15.            Since the last (194th) Session of the Council, two regional seminars on MRTDs, Biometrics and Border Security had been held in Qatar and Singapore, as well as preparations for the Eighth MRTD Symposium to be held in Montréal from 10 to 12 October 2012, and a Regional Seminar for Latin America to be held in Rio de Janeiro from 17 to 19 April 2012. The MRTD regional seminars were part of the MRTD revenue-generating initiatives that currently supported the financing of the MRTD Programme.

16.            The first workshop on the Travel Document Security and Identity Management project had taken place in Mexico City, Mexico, from 12 to 15 December 2011; the workshop had provided information and had taught skills to Mexican and Dominican Republic government officials from diverse agencies. This workshop was part of a three-year capacity-building project in the Americas financed by the Government of Canada and would be jointly implemented with the Organization of American States/Inter-American Committee Against Terrorism (OAS/CICTE). One Member had suggested the development of guidance material on the implementation of State ePassport projects. Given the limited resources within the programme, the Secretariat had advised that it would correspond with the Technical Advisory Group on MRTDs and request that this task be undertaken by the Group.

17.            The Secretariat was in the process of developing an ICAO Strategy for the MRTDs. Based on requests received, the Secretariat confirmed that the strategy would be shared with Council Members prior to the High-level Conference on Aviation Security (HLCAS) in September 2012. This strategy aimed at defining the scope and future strategic direction of the Programme in order to affirm its relevance to ongoing global security challenges and to outline the resources needed to achieve these objectives.

18.            The main objectives of the Strategy were to:

- a) clarify and affirm ICAO's mandate for global leadership and assistance in secure, reliable and functional traveller identification;
- b) establish a long-term strategic framework for the programme, including its objectives and guiding principles, roles and outcomes, institutional partnerships and collaboration mechanisms;
- c) establish priority themes, initiatives and outcomes for the next three to five years;
- d) determine the full range of elements required to ensure the success of the MRTD Programme; and
- e) identify the level of resources required by the MRTD Programme and recommended funding arrangements.

19. In particular, the Strategy intended to raise the profile of the MRTD Programme and strengthen its sustainability; reinforce the Programme's delivery capacity in critical areas such as policy development, capacity-building, audit and evaluation, communications, advisory and working groups, quality management and oversight, *etc.*; and address priority needs and evolving opportunities. Particular attention was being paid to enhancing the MRTD Programme's capacity to provide technical assistance to States in the areas of travel document security and identity management.

20. The number of Public Key Directory (PKD) participants had recently risen to thirty States, with the addition of Luxembourg and Sweden.

21. In summary, the MRTD Programme continued to enhance the global leadership of ICAO in developing travel document, identification and border control standards and specifications, and by providing significant assistance to States in these fields of expertise.

22. The Representative of Brazil informed the Council that his Delegation would, in the coming days, be issuing letters of invitation to the Regional Seminar for Latin America scheduled to take place in Rio de Janeiro from 17 to 19 April 2012.

23. The Representative of Uganda recalled that during discussions in the Committee, some views had been offered on the support that ICAO could give to States which were still struggling to comply with the MRTD deadline which had long passed. The Secretariat's response at that time had been satisfactory and should have been included in the ATC's report. The Representative of Uganda believed that the MRTD could assist not only in security management but also in facilitation, and expressed the hope that future seminars and workshops be used to raise the awareness of the usefulness of this programme within the States and to also highlight the very good role it could play in making travel smooth and well-facilitated. The President of the Council indicated that he had inquired as to how many States had been unable to meet the 1 April 2010 MRTD deadline referred to by the Representative of Uganda. A total of five States continued to have difficulty and the Secretariat was working with those States to support them in their efforts to implement the MRTD as soon as possible.

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

**Report on the activities of the Implementation Support and Development  
– Security (ISD-SEC) Programme during 2011**

24. The above subject was documented for the Council's consideration in an information paper (C-WP/13794) presented by the Secretary General, and an oral report thereon presented by the Chairperson of the Committee on Unlawful Interference. The Committee supported the assistance activities that had been undertaken, as well as the new Aviation Security Assistance and Capacity-Building Strategy. The Committee had requested that regional meetings, such as the ICAO and Latin American Civil Aviation Commission (LACAC) Aviation Security and Facilitation Regional Group (AVSEC/FAL/RG), be used to coordinate the implementation of the Assembly Declaration. The Committee had noted a higher number of assistance projects in the North American, Central American and Caribbean (NACC) and South America (SAM) regions, as compared to other regions. The Secretariat had clarified this apparent imbalance, explaining that an assistance project in the regions funded by Canada supported activities in a number of designated States. The Secretariat had also advised that assistance priorities determined by the Secretariat were focused on all Regions. The Committee had requested that the next report to the UIC include more specific outcomes or improvements achieved as a result of comprehensive State Improvement Plan projects.

25. Under general comments, the Representative of Belgium referred to the new assistance strategy described in C-WP/13794, and the points of overlap which appeared to exist between the Organization's security and safety assistance programmes when it came to prioritization of States needing assistance in terms of custom-made projects. In order to enhance efficiency and transparency for the benefit of States, it might be necessary to at least use the same vocabulary and to ideally coordinate, to the extent possible, the safety and security activities with a view to having a common strategy. The Representative of Belgium also referred to the Council's decision (C-DEC 192/4) regarding the last report on this subject, at which time it had been agreed that performance measurement indicators on the effectiveness of assistance and training would be included in future papers, rather than reporting on the quantity of activities. The Representative of Belgium wished to know if such information would be included in future reports. The Secretary General indicated that he would have no difficulty in further aligning the terminology used for the safety and security programmes, when appropriate. The Secretary General also confirmed that future reports would include performance measurement indicators.

26. The Representative of Spain referred to the work which was currently underway in the Secretariat with respect to the definition of technical assistance, and the difference between the concepts of assistance and cooperation. The highly developed concept of assistance should be compatible and consistent across the board when it came to definitions, terminologies and policies. In this instance, the concept of assistance was based on cost recovery, and could be interpreted to suggest that there was another kind of assistance that did not have cost recovery. There was a need to be coherent with the definitions used for assistance in other fields of the Organization's work.

27. The Representative of the United Kingdom referred to the information which was provided on the voluntary contributions made by a number of States, including the United Kingdom. It would be helpful if the Secretariat could expand on the source and application of funds for the different projects. The Chairperson of the UIC had reported that a higher number of assistance projects were implemented in Latin America, and had referred only to funding by Canada, when in fact the United States and the United Kingdom had also contributed significant amounts for that region. It would be helpful to provide information on where the funds provided by donors were being spent, and on what they were being spent. Information on the funds being provided from the Regular Programme Budget would also be helpful in encouraging other donors to contribute to these important projects. Performance indicators were extremely important in getting some idea of outcomes, to help ascertain that funds were achieving the objectives for which the money was being spent. That information should be provided no later than in the next report. In connection with this last point, it was confirmed that the information referred to by the Representative of the United Kingdom would be available on the Council website in the near future.

28. The Representative of Mexico requested that a future report on this important assistance programme provide a quantitative assessment on how deficiencies and vulnerabilities had been corrected following implementation of the programme.

29. The Representative of France agreed with the views which had been offered with respect to the need for a consistent policy when it came to the Organization's safety and security programmes. In this connection, a survey had been conducted seeking States' feedback on ICAO's safety programme, in order to help States find as many funding sources on the basis of the most complete information possible. The same should be established in terms of security. The Representative of France wished to point out that although France was mentioned as a provider of assistance in kind, no mention was made of its cash funding which was also significant. This was probably due to the fact that these activities were not within the remit of the Ministry of Transport, but of the Ministry of the Interior, which was not aware of all of ICAO's programmes.

One programme currently underway involved one million Euros over three years to enhance security in Western Africa. There were other major projects underway that were not referred to in the report, and a complete picture was needed of the activities underway and the aid being provided.

30. The Secretary General pointed out that the concerns expressed by the Representative of France were taken into account in paragraph 1.7 of the report, which provided information on the *Ad Hoc* Group on Partnership in AVSEC Capacity-Building, convened to exchange information regarding current assistance activities and determine a collective approach to aviation security assistance and capacity-building. France was a member of the Group, as were a number of other donor States. If requested, future reports could provide information on the bilateral assistance being provided by States.

31. The Council noted the information provided in the two above-mentioned reports. Comments and suggestions offered during the discussion would be taken into account in future reports.

**Subject No. 16: Legal work of the Organization**

**International interests in mobile equipment (aircraft equipment)**

32. The Council had for consideration C-WP/13796, a paper presented by the Secretary General dealing with the appointment of members of the Commission of Experts of the Supervisory Authority of the International Registry (CESAIR). The current term of the members was due to expire on 1 July 2012.

33. The Council approved the initiation of the process to appoint members to CESAIR for a three-year term, commencing 2 July 2012, in accordance with paragraph 3.1 of C-WP/13796. Further to a proposal put forward by the Representative of Mexico, supported by the Representative of the United Kingdom, it was understood that, in the future, the Council would delegate the power to its President to appoint CESAIR members for a three-year term in accordance with paragraph 3.1. For this purpose, the Secretary General may, without seeking the Council's prior approval, initiate the process every three years as established in the Rules of Procedure for CESAIR (Doc 9893).

34. The Council went into closed session at 1540 hours to consider the next item on its order of business, returning to open session at 1600 hours to consider Any other business.

**Any other business**

**Subject No. 15.4: Facilitation**

**Public Key Directory (PKD) Membership**

35. In the absence of comments by 2 December 2011 to the President of the Council's e-mail dated 18 November 2011, Mr. Yang Peidong (China) has been appointed as a Member of the PKD Board to replace Mr. Sun Xiaowu from November 2011 to December 2014.

36. Furthermore, in the absence of comments by 27 January 2012 to the President of the Council's e-mail dated 29 December 2011, Mr. Basant K. Gupta (India) has been re-appointed for a three-year term, beginning in May 2012, and Ms. Rose C. Uzoma (Nigeria) has been re-appointed for a three-year term, beginning in July 2012.

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

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

37. In the absence of comments by 30 December 2011 to the President of the Council's e-mail dated 1 December 2011, Mrs. Vana Filippou has been appointed as the new CAEP Member nominated by Greece to replace Mr. Emmanuel Papanikolaou with effect from 31 December 2011.

**Subject No. 14.4.1: Divisional-type air navigation meetings**

**Twelfth Air Navigation Conference (2012) (AN-Conf/12)**

38. In the absence of comments by 6 January 2012 to his e-mail dated 9 December 2011, the President of the Council has approved the invitation of the organizations listed therein to AN-Conf/12 to be held in Montréal from 19 to 30 November 2012. The three additional international organizations referred to in the President's subsequent e-mail dated 16 January 2012 have also been invited to attend the AN-Conf/12.

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

**Appointment of a Member on the Air Transport, Finance, Unlawful Interference and Human Resources Committees (ATC, FIC, UIC and HRC)**

39. In the absence of comments by 20 January 2012 to the President of the Council's e-mail dated 29 December 2011, Mr. Levers Mabaso (South Africa) has been appointed to succeed Mr. Mankopane Daniel Tshepo Peege as a Member of the FIC, UIC and HRC with effect from 23 January 2012.

40. In accordance with the *Rules of Procedure for Standing Committees of the Council* (Doc 8146), the President of the Council has appointed Mr. Mabaso to succeed Mr. Peege as a Member of the ATC with effect from 1 January 2012.

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

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

41. In the absence of comments by 27 January 2012 to the President of the Council's e-mail dated 20 January 2012, Mr. Peter Bombay, Head of Office, Office of the European Union (EU) in Montréal, has been invited, in accordance with Rules 32 a) and 38 of the *Rules of Procedure for the Council* (Doc 7559), to participate as Observer on behalf of the EU during the current (195th) Council's consideration, in closed session, of all items related to aviation security.

**Subject No. 6.3: Election of Chairmen and Members of subsidiary bodies of the Council****Appointment of a Member on the Air Navigation Commission (ANC)**

42. In the absence of comments by 3 February 2012 to the President of the Council's e-mail dated 30 January 2012, Mr. Manoel Araújo da Costa Junior, nominated by Brazil, has been appointed as the new Member of the ANC, replacing Mr. Jorge Luiz França Alves with effect from 1 March 2012.

**Subject No. 4: Appointment of the Secretary General****Appointment of the Secretary General**

43. In the absence of comments by 20 January 2012 to the President of the Council's e-mail dated 16 January 2012, it has been noted that the Council agreed to temporarily suspend for this election paragraph 4 of Appendix C of the *Rules of Procedure for the Council*, 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.

**Subject No. 13: Work programmes of Council and its subsidiary bodies****Merging of the Council Working Group on Governance (WGOG)  
and the Council Working Group on Efficiency (WGOE)**

44. The President of the Council indicated that with a view to increasing efficiency, and in consultation with the Regional Coordinators, he had decided to merge the Council Working Group on Governance and the Council Working Group on Efficiency. The merged working group would be entitled the Council Working Group on Governance and Efficiency (WGGE), and would consist of not more than eleven members;

45. The merged working group would be chaired by Dr. O.B. Aliu (Nigeria), currently Chairperson of the WGOG, and would be composed of the Representatives of Argentina, Brazil, France, Germany, India, Japan, Nigeria, Russian Federation, Saudi Arabia, South Africa, and the United States. The Director of the Legal Affairs and External Relations Bureau (D/LEB) would be the Secretary of the Working Group.

46. As in the past, the Working Group would work in English only. Representatives on the Council who were not Members of the Working Group would be welcome to attend all meetings. The convening of meetings of the Working Group would be officially notified to all Representatives on the Council.

47. The Working Group could create sub-groups and these sub-groups could call on the expertise of Representatives on the Council who were not members of the Working Group. Terms of reference would not be established; the Working Group would have topics, and the role of the Working Group would be to make recommendations to the Council. The merged Working Group would become effective in a few days' time, immediately after the last meeting of the Working Group on Governance.

**Presentation by the Secretary General on key objectives and priorities for 2012 – 2015**

48. The Council heard a presentation by the Secretary General on his objectives and priorities if elected as Secretary General for a second term. Although the Council had, in accordance with the President of the Council's e-mail of 16 January 2012 referred to in paragraph 43 above, agreed to temporarily suspend, for this election, the interview requirement described in paragraph 4 of Appendix C of the *Rules of Procedure for the Council*, the Secretary General had advised that he would present his views to the Council at this meeting. The text of the Secretary General's presentation was available on the Council's website.

49. The meeting adjourned at 1700 hours.



# **COUNCIL — 195TH SESSION**

## **SUMMARY MINUTES OF THE FIRST MEETING**

**(THE COUNCIL CHAMBER, MONDAY, 27 FEBRUARY 2012, AT 1540 HOURS)**

### **CLOSED MEETING**

President of the Council: Mr. Roberto Kobeh González

Secretary: Mr. Raymond Benjamin, Secretary General

#### **PRESENT:**

|              |                               |                      |                              |
|--------------|-------------------------------|----------------------|------------------------------|
| Argentina    | — Mr. J. Gelso                | Malaysia             | — Mr. Y.-H. Lim              |
| Australia    | — Ms. K. Macaulay             | Mexico               | — Mr. D. Méndez Mayora       |
| Belgium      | — Mr. G. Robert               | Morocco              | — Mr. A. Boulmane (Alt.)     |
| Brazil       | — Mr. J. Taunay               | 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. Choi, D.               |
| Canada       | — Mr. M. Allen                | Russian Federation   | — Mr. A.A. Novgorodov        |
| China        | — Mr. Tao Ma                  | Saudi Arabia         | — Mr. T.M.B. Kabli           |
| Colombia     | — Mrs. G. Rueda de Higuera    | Singapore            | — Mr. T.-C. Ng               |
| Cuba         | — Mr. J.F. Castillo de la Paz | Slovenia             | — Mr. A. Krapež              |
| Denmark      | — Mr. K.L. Larsen             | South Africa         | — Mr. L. Mabaso              |
| 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. T. Koda                 |                      |                              |

#### **ALSO PRESENT:**

|                                   |                        |
|-----------------------------------|------------------------|
| Ms. I. De Melo Maciel (Alt.)      | — Brazil               |
| Mr. J.C.F. da Silva Junior (Alt.) | — Brazil               |
| Mr. A. Rebouças (Alt.)            | — Brazil               |
| Mr. M. Delisle (Alt.)             | — Canada               |
| Mr. P. Pape (Alt.)                | — France               |
| Mrs. D. Valle Álvarez (Alt.)      | — Mexico               |
| Mr. Bae, J. (Alt.)                | — Republic of Korea    |
| Mr. M. Fernando (TE)              | — Singapore            |
| Mr. K. Ferjan (Alt.)              | — Slovenia             |
| Dr. A. Pinto (Alt.)               | — Swaziland            |
| Mr. R. A. Al Kaabi (Alt.)         | — United Arab Emirates |
| Ms. M. Kehoe (Alt.)               | — United States        |

#### **SECRETARIAT:**

|                    |            |
|--------------------|------------|
| Mr. D. Azema       | — DC/OSG   |
| Mr. B. Djibo       | — D/ATB    |
| Mr. J. Marriott    | — C/AVSEC  |
| Mr. A. Djojonegoro | — TO/AVSEC |
| Mrs. C. Rideout    | — CSO      |

Representatives to ICAO

Chile  
Dominican Republic  
Ethiopia  
Greece  
Iran (Islamic Republic of)  
Lebanon  
Turkey  
Uruguay  
Venezuela (Bolivarian Republic of)

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

**Acts of unlawful interference in 2011**

1. The Council noted an oral report presented by the Secretary General on acts of unlawful interference which had occurred in 2011. It was recalled that at the Fourth Meeting of its 192nd Session (192/4), the Council had requested that the Secretariat report orally on incidents listed in the Acts of Unlawful Interference (AUI) database and whenever necessary in the event of an urgent situation.
2. During 2011, the Secretariat had recorded five incidents. These included two attempted seizures, one sabotage, an attempted sabotage and an in-flight attack. Three of the acts had been officially reported by the States concerned. The Chief of the Aviation Security Branch (C/AVSEC) indicated that since the oral report had been drafted, the Secretariat had become officially informed of a sixth incident, involving an in-flight attack, that had occurred in 2011, raising to four the number of acts that had been officially reported by the States concerned.
3. The most lethal incident in 2011 had been the 24 January bombing of Domodedovo International Airport in Moscow, Russian Federation, an attack that had allegedly been carried out by a suicide bomber. The explosion inside the public area of the international arrivals terminal had killed at least 36 people and injured 130.
4. The attempted seizures included a would-be hijacker en route from Istanbul, Turkey to Oslo, Norway, who claimed to have a bomb; he had been overpowered by other passengers when he attempted to enter the flight deck, and no explosive had been found. In the other incident, a passenger onboard a flight from Paris, France to Rome, Italy had assaulted a cabin crew member with a small object and had demanded to be flown to Tripoli, Libya. The perpetrator had been subdued by other passengers and cabin crew members, and had been arrested upon landing.
5. In an apparent attempt to sabotage an aircraft between Chicago and San Francisco, United States, a passenger had attempted to force his way into the flight crew compartment, banging on the cockpit door and uttering religious phrases. The offender had subsequently been overpowered by crew members and passengers before being turned over to the authorities.
6. Finally, a helicopter on a domestic charter flight in Indonesia had been fired upon from the ground, but had landed safely at its destination despite being hit by six bullets; a female passenger had been injured by shattered glass.
7. The number of acts recorded in 2011 represented a drop in comparison with the fourteen incidents recorded in 2010. The Secretariat recognized that the decline in the number of acts and attempted acts of unlawful interference may or may not correspond to the actual level of current or foreseeable threat and risk. The Global Threat and Risk Context Statement currently being developed by the Aviation Security Panel (AVSECP) was expected to provide an assessment of aviation security threat and risk based on rigorous security information analysis. The Statement would be used to support State-level threat and risk assessment and to aid in the development of Standards, Recommended Practices and guidance material. The Secretariat anticipated that the first edition of the statement would be available for the High-level Conference on Aviation Security (HLCAS) in September 2012.

8. The Secretariat noted that, in the course of a number of acts recorded in 2011, crew and passengers had acted successfully to resolve the threat. However, such last-line defensive actions should not be recognized as a security measure available to reduce threats on board aircraft. The Secretariat continued to record all types of incidents in order to stay well informed of the various threats to civil aviation and to identify potential trends.

9. Under general comments, the Representative of Nigeria suggested that a procedure be adopted for alerting the Council without delay of major security incidents, as was currently the practice in the case of safety when there was an accident. The President of the Council confirmed that although the suggestion of the Representative of Nigeria was the practice in some cases, it would be put in place as a standard procedure in the future.

10. Council Members were invited to test a new search function which improved the usability of the Acts of Unlawful Interference (AUI) database, and to provide the Secretariat with any comments.

11. The Council returned to open session at 1600 hours to consider Any other business.

# **COUNCIL — 195TH SESSION**

## **SUMMARY MINUTES OF THE SECOND MEETING**

**(THE COUNCIL CHAMBER, WEDNESDAY, 29 FEBRUARY 2012, AT 1000 HOURS)**

### **OPEN MEETING**

President of the Council: Mr. Roberto Kobeh González

Secretary: \*Mr. Raymond Benjamin, Secretary General

Acting Secretary: \*Mr. Denys Wibaux, Director, Legal Affairs and External Relations Bureau

#### **PRESENT:**

|              |                               |                      |                                |
|--------------|-------------------------------|----------------------|--------------------------------|
| Argentina    | — Mr. J. Gelso                | Malaysia             | — Mr. Y.-H. Lim                |
| Australia    | — Ms. K. Macaulay             | Mexico               | — Mr. D. Méndez Mayora         |
| Belgium      | — Mr. G. Robert               | Morocco              | — Mr. A. Boulmane (Alt.)       |
| Brazil       | — Mr. J. Taunay               | Nigeria              | — Dr. O.B. Aliu                |
| Burkina Faso | — Mr. M. Dieguimde            | Paraguay             | — Mrs. A. Torres de Rodríguez  |
| Cameroon     | — Mr. E. Zoa Etundi           | Peru                 | — Mrs. L. Camacho Bueno (Alt.) |
| Canada       | — Mr. M. Allen                | Republic of Korea    | — Mr. Choi, D.                 |
| 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 | Singapore            | — Mr. T.-C. Ng                 |
| Denmark      | — Mr. S. Vuokila (Alt.)       | Slovenia             | — Mr. A. Krapež                |
| Egypt        | — Mr. M.T. Elzanaty           | South Africa         | — Mr. L. Mabaso                |
| 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 | — Miss A. AL Hamili            |
| Italy        | — Mr. G. Picheca              | United Kingdom       | — Mr. M. Rossell               |
| Japan        | — Mr. T. Koda                 | United States        | — Mr. D. Woerth                |

#### **ALSO PRESENT:**

|                                   |                        |
|-----------------------------------|------------------------|
| Ms. I. De Melo Maciel (Alt.)      | — Brazil               |
| Mr. J.C.F. da Silva Junior (Alt.) | — Brazil               |
| Mr. A. Rebouças (Alt.)            | — Brazil               |
| Mr. M. Delisle (Alt.)             | — Canada               |
| Mr. Bae, J. (Alt.)                | — Republic of Korea    |
| Mr. R. A. Al Kaabi (Alt.)         | — United Arab Emirates |
| Ms. M. Kehoe (Alt.)               | — United States        |

#### **SECRETARIAT:**

|                 |                 |
|-----------------|-----------------|
| Mr. D. Azema    | — DC/OSG        |
| *Ms. N. Graham  | — D/ANB         |
| *Dr. Fang Liu   | — D/ADB         |
| *Mr. I. Galán   | — D/TCB         |
| Mr. R. Bhalla   | — C/FIN         |
| *Mr. V. Galotti | — DD/SSI        |
| *Mr. P. Noad    | — DD/TCB        |
| *Mr. O. Myard   | — C/EAO         |
| *Ms. A. Andrade | — ADTCB         |
| *Mr. M. Leitgab | — ADADB         |
| Miss S. Black   | — Précis-writer |

\*Part-time

Representatives to ICAO

Chile  
Dominican Republic  
Ethiopia  
Greece  
Iran (Islamic Republic of)  
Lebanon  
Turkey  
Uruguay  
Venezuela (Bolivarian Republic of)

### **Tribute to Mr. Cesar Roberto Romero Díaz, former Representative of Peru**

1. The President of the Council conveyed his sincere appreciation to Mr. Cesar Roberto Romero Díaz, whose tenure as Representative of Peru had ceased on 31 December 2011, during the recess.

### **Subject No. 14.2: Regional Plans**

#### **Annual Report to Council on Regional Offices' activities during 2011**

2. Tabled for the Council's consideration was information paper C-WP/13793, in which the Secretary General provided a summary of the most significant Regional Offices' activities undertaken in 2011 in the fields of safety, security, environmental protection and sustainable development of air transport and technical cooperation and their work programmes for 2012. The 2011 annual reports of the Regional Offices were presented as separate Appendices to the paper.

3. The Representative of Mexico suggested that future reports contain a methodology to assess the impact of the Regional Offices' activities on the attainment of the Organization's Strategic Objectives. The Representatives of Spain, Uganda and Paraguay endorsed this proposal. In so doing, the Representative of Spain emphasized that the Regional Offices were lynchpins in the transmission of ICAO's policies and actions throughout the world.

4. To a question then raised by the Representative of Spain regarding paragraph 2.10 of the paper on the implementation of optimization of ATS Route networks and communication networks, the Director of the Air Navigation Bureau (D/ANB) indicated that information on that issue and other safety-related issues would be given during the forthcoming "Safety Week". She noted that at that time insights would be given into some electronic safety tools that would be put in place in all Regional Offices by the end of 2012 in order to provide transparency regarding their respective priority issues on which they were to give performance results. Referring to a further query by the Representative regarding paragraph 2.14.7, D/ANB clarified that Reduced Vertical Separation Minima (RVSM) had been successfully implemented not only in the Russian Federation but also Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan, Afghanistan and Mongolia. The Paris Office was supporting States in further airspace harmonisation resulting from the RVSM implementation in the Eastern part of the ICAO EUR region.

5. Responding to an additional query by the Representative of Spain regarding paragraph 2.13, the Secretary General recalled that it had been his intention to assign one Technical Cooperation Officer to each Regional Office, whose primary role would be the provision of ICAO technical assistance. While recruitment of such Officers had been undertaken, regrettably it had not been possible to complete the process for the Paris and Cairo Offices for financial reasons. The Secretary General undertook to review the budgetary situation to see if the recruitment of Technical Cooperation Officers could be completed for those two Offices. To a question raised by the Representative of Uganda regarding paragraph 2.7, the Secretary General indicated that there was either a Regional Officer – Aviation Security already on duty in a Regional Office, such as was the case for the Cairo, Lima and Paris Offices, or one who would shortly be appointed. There would thus be no differences between the Regional Offices in terms of Aviation Security Officers.

6. The Representative of Nigeria commended the Secretary General's efforts to reconnect the Regional Offices with the regional civil aviation bodies, in particular, the African Civil Aviation Commission (AFCAC). Noting that the Dakar and Nairobi Regional Offices had provided support to the

latter in the development and implementation of the AFI Cooperative Inspectorate Scheme (AFI-CIS), he indicated that it was expected that the said Regional Offices would also undertake activities with AFCAC in the field of aviation security.

7. Referring to the Lima Office's annual report for 2011 (*cf.* Appendix D), the Representative of Paraguay noted that the CAR/SAM Regional Planning and Implementation Group (GREPECAS) had also been working on the implementation of performance-based navigation (PBN), which was aimed at protecting the environment, *inter alia*. Underscoring that such regional activities had a global effect, she agreed on the need for a methodology with which to assess results.

8. Responding to a question raised by the Representative of Cameroon regarding paragraph 3.2, D/ANB noted that at the upcoming First Meeting of the Africa-Indian Ocean Regional Aviation Safety Group (RASG-AFI/1) (Kampala, Uganda, 26-27 March 2012) and Eighteenth Meeting of the AFI Planning and Implementation Regional Group (APIRG/18) (Kampala, Uganda, 27-30 March 2012) she would be giving a briefing on Aviation System Block Upgrades (ASBUs) and how they would fit into the global air navigation system. In addition, a preparatory meeting for the Twelfth Air Navigation Conference (ANConf/12) would be held in each region before the Summer and would address, *inter alia*, the issue of ASBUs. That issue had already been discussed at the Global Air Navigation Industry Symposium (Montréal, 20-23 September 2011) in preparation for ANConf/12. Workshops at the technical and senior levels were being given in every region, as well as briefings to every PIRG. Thus every opportunity for outreach was being used to ensure that there was a widely-understood methodology and integrated planning for the implementation of ASBUs as part of global air traffic management (ATM) modernization. Furthermore, information on the ASBU concept and modules was available on the ICAO website.

9. In emphasizing the importance of the Regional Offices in the implementation of air navigation systems and procedures and in the enhancement of efficiency in the regional airspaces, the Representative of Singapore stressed the need for them to work in tandem with Headquarters. He affirmed that any efforts to improve cooperation between the Regional Offices and Headquarters would be beneficial. Recalling that the Forty-Sixth Conference of Directors General of Civil Aviation (DGCAs) of the Asia and Pacific Regions (Osaka, Japan, 12-16 October 2009) had discussed the issue of seamless ATM and referred it to the Asia/Pacific Air Navigation Planning and Implementation Regional Group (APANPIRG), the Representative of Singapore sought guidance on how seamless ATM could be moved forward in the APAC region, in particular in the sub-regions where the need was greatest. The Representative of Singapore also suggested that stock be taken, on a regional basis, of essential areas where efficiency needed to be improved [other than significant safety and security concerns (SSCs and SSECs)], so that the PIRGs could focus thereon.

10. D/ANB underscored that the soon-to-be established ICAO Regional Sub-Office in the APAC region would be mandated to improve airspace organization and management so as to maximize ATM performance across the APAC region. A report on the selection of the Host State for the Regional Sub-Office and on the next steps for its establishment would be presented to the Council during the 196th Session. Noting that her Bureau was working on a number of tools to enhance ATM performance in all regions, D/ANB cited, as an example, a manual on network operations (Doc 9971) dealing with collaborative decision-making and ATM, which would be released prior to ANConf/12.

11. The Secretary General wished to place on record that the ICAO Regional Directors and their staff were doing an outstanding job. The Regional Offices had been given the resources necessary to perform their functions and were now working in close, direct contact with Headquarters. Observing that the

Regional Offices were accountable for their performance, the Secretary General committed himself to including an assessment methodology for their activities in future reports, as requested.

12. Joining the Secretary General in congratulating the ICAO Regional Directors and their staff on their efforts, the President of the Council noted that tremendous progress had been made in terms of the Regional Offices' functional integration with Headquarters and their coordination with one another.

13. The Council then noted information paper C-WP/13793, as well as the 2011 annual reports of the Regional Offices appended thereto. It was understood that future reports on this subject would incorporate the comments made by Representatives, notably with regard to a methodology to assess the impact of the Regional Offices' activities on the attainment of the Organization's Strategic Objectives.

**Subject No. 42: Technical cooperation**

**Report on Technical Co-operation Programme Development**

14. The Council considered this subject on the basis of an oral report by the Secretary General on the preliminary financial and operational performance results of the Technical Co-operation Programme (TCP) for 2011 and a related joint oral report by the Technical Co-operation Committee (TCC) and the Finance Committee (FIC).

15. In presenting his oral report, the Secretary General recalled that the Council, at its 192nd Session, had decided to change the Technical Co-operation Bureau's (TCB) reporting requirements set forth in C-DEC 188/12 and had requested that an oral report on the preliminary financial and operational performance results of the TCP for the previous year be presented to the Council in the Winter session, pending a full written report, with audited figures, which should be provided in the Spring session.

**Programme Delivery**

16. The total TCP implementation as at 31 December 2011 amounted to USD 70.1 million, representing a decrease of 48.8 per cent as compared to 2010. That these results fell short by 45.2 per cent of the expected implementation of USD 128.0 million reported to the Council in November 2011, despite ICAO's efforts to implement the approved programme in full, was mainly due to external factors outside the Organization's control. It would be recalled that, as at the end of September 2011, the TCB had implemented a programme amounting to USD 38 million, and that the programme forecast to be implemented by year-end included seven large-scale projects for a total of USD 76 million. Of these seven projects, only four had been implemented in 2011 as projected.

17. There had been, in fact, one Civil Aviation Purchasing Service (CAPS) agreement and one Management Service Agreement (MSA) signed with the Government of Costa Rica, comprised of six projects, of which USD 45 million for one of these projects that had been expected to be implemented in 2011. However, project implementation had been postponed to the current year in order to comply with the request by the Civil Aviation Authority for an extension of the tender offer period. It was important to note that project funds in the amount of USD 18 million had nonetheless been deposited with ICAO in 2011 and that the tender processes for both projects had been completed by the Procurement Section as scheduled. The procurement contracts were now expected to be signed in the first quarter of 2012 and project activities should commence soon afterward.

18. Also impacting the results of the year had been the postponement, for an indefinite period, of a project signed with the Government of Peru, of which USD 5 million had been projected to be implemented in 2011. It was important to note that the tender processes and the preparation of the contract for this project had been completed by the Procurement Section as scheduled, and that part of the income had been recognized in 2011.

19. Finally, one project signed with the Civil Aviation Authority of Uruguay amounting to CAD 8.0 million had been slightly delayed. However, the contract had been negotiated with the government and it was expected that implementation would commence as early as February 2012.

20. A breakdown of the TCP's geographical distribution in 2011 showed that, in terms of economic resources, the Americas region continued to account for the majority of the Programme delivery at 58.4 per cent, while the Africa region represented 15.6 per cent, followed by the Asia and the Pacific region and the Europe and the Middle East regions at 13.3 and 12.7 per cent, respectively. The expert and training components of the projects accounted for 47.5 per cent of the total programme for the year, while procurement activities represented 52.5 per cent.

### **AOSC Income and Expenditure**

21. Given the decrease in implementation impacting on the volume of support costs recovered from projects, the AOSC Fund had ended in a financial deficit of approximately CAD 1.0 million in 2011. Total AOSC income amounted to approximately CAD 7.8 million and expenditures to CAD 8.8 million. The shortfall of income over expenditure would be met by the AOSC Fund accumulated surplus (CAD 1.8 million as at 31 December 2010) and therefore, support from the Regular Programme Budget had been rendered unnecessary.

22. As a result, TCB would start the year 2012 with a small reserve fund. Therefore, economy measures would continue to be taken by TCB management, in coordination with the Finance Branch (FIN), to control expenditures as necessary in order to ensure a balanced budget in 2012. This would require a re-evaluation of the overall composition of the AOSC Fund in order to reduce its commitments to a more manageable level.

23. A full written report with audited figures for 2011, together with an update of the programme forecast and AOSC budgetary estimates for 2012, would be presented to the Council through the FIC and TCC at the Spring Session.

### **Operational Performance**

24. During 2011, there had been 88 national and 23 regional active technical cooperation projects contributing to further improving aviation safety, security, environmental protection and sustainable development of air transport in 96 countries.

### **Experts**

25. Twenty-seven international field experts had been deployed in 2011 as compared to 383 in 2010, and 691 national experts had been recruited for civil aviation administrations, compared to 835 in 2010. These experts had been recruited as advisers to national civil aviation administrations, instructors at training centres or on the job, and as executive personnel providing governments with

operational and administrative services, including safety inspections, where States lacked these capabilities. They were responsible for the transfer of knowledge in various fields to national counterparts, the implementation of ICAO Standards and Recommended Practices (SARPs), the development of adequate civil aviation organizational structures, institutional development and capacity building, as well as the rectification of safety and security deficiencies.

## **Training**

26. Representing part of the technical assistance activities carried out through TCB in 2011, and reflective of the Bureau's greater focus on technical assistance, 4 041 nationals had received in-country training, as compared to 3 291 in 2010. This was in addition to the training provided to 274 staff under procurement contracts, compared with 378 in the previous year. Furthermore, 1 257 fellowships had been awarded under the ICAO Fellowship Programme and the Developing Countries Training Programme, the latter offered by India, the Republic of Korea, Singapore and Thailand, as compared to 872 fellowships in 2010. These fellowships had been awarded mainly in the fields of aviation safety and air navigation. The training of management, technical and operational personnel, was particularly important in terms of improving State oversight capabilities. According to information provided by Member States, personnel trained through the TCP were being progressively absorbed by civil aviation administrations, which resulted in a sustainable benefit to the States, from the training and retention of a workforce of qualified aviation safety and security personnel, including inspectors.

## **Procurement**

27. Civil aviation equipment and services had been procured for a total of USD 36.8 million, compared to USD 83.5 million in 2010. Assistance provided to States to upgrade their civil aviation infrastructure had ranged from the development of technical specifications in compliance with ICAO SARPs and regional air navigation plans, tendering and administering of complex multiphase turnkey contracts to the commissioning of equipment, and had had a direct and positive impact on the safety and security of airports, communications and air navigation infrastructure, enabling more efficient and economic aviation operations in the countries and regions concerned.

28. A summary of the major achievements for each technical project would be provided in the Annual Report of the Council - 2011. An outline of the main activities implemented by region would be part of the written report to the 196th Session of the Council.

## **Business Model**

29. A review of TCB's business model had been undertaken. This had resulted in fundamental changes to the functioning of the Bureau, including ISO 9001:2008 implementation in the Procurement Section. Staff numbers had been reduced and a Business Support Unit established. Immediate changes included a new methodology of charging for work performed and for the collection and recognition of revenue for procurement projects.

30. In presenting the joint TCC/FIC oral report, the Chairperson of the FIC recalled that a joint meeting of the two Committees had been held on Friday, 3 February 2012 to discuss the TCP Development. An oral report on the operational results of the TCP and consequently, the financial results of the AOSC Fund for 2011, had been presented by the Secretary of the Committee.

31. The Committee had noted that TCB had had a total implementation of USD 70.1 million in 2011. The forecasted implementation of USD 128.0 million presented to the Council in November 2011 had fallen short by 45.2 per cent due to a handful of large projects expected to be executed in the last quarter of the year that had not materialized by the cut-off date of 31 December 2011. However, the same projects were now expected to be signed in the first quarter of 2012 and project activities to commence soon thereafter.

32. The AOSC Fund had generated a total income of CAD 7.8 million while incurring an expenditure of CAD 8.8 million for a shortfall of CAD 1.0 million. The Committee had been informed that this financial deficit would be met by the AOSC Fund accumulated surplus of CAD 1.8 million, rendering support from the Regular Programme Budget unnecessary. Replenishing the accumulated surplus remained as one of the primary objectives of TCB.

33. The Members had acknowledged the measures taken to increase revenue, such as instituting surcharge on air tickets, transaction fees and the refinement of the revenue recognition policy based on milestones in the procurement of equipment. It had also noted that TCB continued its efforts to decrease expenditures via reduction in staff costs, reduction in cross-funding with the Regular Programme and the transfer of posts as a result of the strategic development produced by the Secretariat Working Group on Technical Assistance Policy. These combined efforts, along with TCB's rolling Management Plan, which included ISO 9001 certification of the Bureau, provided TCB with a more solid platform for the future.

34. In conclusion, the Committee had expressed its appreciation for the considerable progress in reporting of the AOSC results, its transparency, as well as the work plan that TCB had laid out for the next three years. With the expected volume of TCP and internal measures being put in place, TCB was confident that 2012 would bear a positive outlook.

35. Emphasizing that the level of TCP implementation continued to be cause for concern for his State, the Representative of the United States underscored that USD 70.1 million for 2011 was the lowest level achieved in the last ten years. He recalled that a level below USD 100 million had been achieved only three times in that timeframe. In stressing the need to focus on the Programme's sustainability, an issue that did not seem to be addressed in the Management Plan going forward, the Representative of the United States noted that in the many briefings that had taken place previously on the Programme, he had agreed that instead of aiming for an outrageous level of implementation, TCB should aim for a reasonable target of USD 120 million. It had the staff to achieve that level. There was, however, a systemic problem: TCB recovered costs at an average rate of only 5.5 per cent, and if it attained a level of Programme implementation of USD 120 million, then it would always incur a deficit of some USD 2 million. It would require an average cost recovery rate of some 7.3 per cent, 1.8 per cent higher than the current average rate, to effect a true cost recovery. The Representative of the United States noted that, if the Assembly or the relevant rules prohibited TCB from recovering costs at such a rate, then the latter would be up against a roadblock over which it had no control. That was not the case, however. TCB had control over the cost recovery rate and simply had not exerted it. Underscoring that the lowest average cost recovery rate for procurement was 2.3 per cent, he stressed that TCB could not have a Programme where it hoped for more volume or it would lose more money. Emphasizing the need to address the revenue side of the Programme, the Representative of the United States enquired as to what action would be taken in that regard.

36. Agreeing that, in the short-term, it was necessary for TCB to rely upon other sources of revenue to supplement the revenue generated from the levying of overhead charges, the Chief of the Finance Branch (C/FIN) recalled that that had been done effectively in 2011, when miscellaneous income

had been US 1.7 million. He noted that the following were sources of miscellaneous income that had been tapped last year and would continue to be tapped in 2012: a fee for inactive projects, which had raised USD 89 000 in 2011; interest-sharing (50 per cent), which had yielded USD 130 000 in income in 2011 and should yield more in 2012, some USD 150 000, as interest rates increased; service charges on payroll and accounts payable transactions, which had been introduced in mid-2011, generating USD 72 000 in income, and which was expected to generate some USD 150 000 in 2012; the 10 per cent travel fee, which had yielded USD 213 000 in 2011 and was expected to yield some USD 250 000 in 2012 as ticket costs increased; and the allocation of staff costs to specific projects, which had yielded over USD 500 000 in 2011.

37. C/FIN recalled that a set-up fee for projects had been introduced to recover TCB's fixed costs which ranged from USD 2 500 to USD 5 000. Moreover, the overhead charge would be recognized on the basis of milestones. Recalling that in the past it had not been possible for TCB to recover any amount for the overhead if a project were cancelled, he indicated that under the new revenue recognition process, 20 per cent of the overhead charge would be received simply for doing the evaluation study. Furthermore, a fee for vendors to be registered with ICAO had been introduced in 2012 and was expected to yield some USD 300 000.

38. The Director of the Technical Co-operation Bureau (D/TCB) indicated that in addition, the overhead charged for procurements had been increased in November 2011 for all new projects in order to generate more income for the AOSC Fund.

39. The Representative of Cuba stressed the need to inform States of these new charges for projects.

40. The Representative of Nigeria noted that the Organization's technical co-operation policy was based on three elements: cost-recovery, the core staff concept and the reduction of administrative costs for States. He emphasized that those three elements, in combination, should be used to either reduce the Programme's costs or ensure that there was a buffer available to TCB. In observing that there were different types of projects, the Representative of Nigeria emphasized the importance of those carried out under MSAs to rectify deficiencies identified through the Universal Safety Oversight Audit Programme (USOAP) and the Universal Security Audit Programme (USAP), the administrative costs for which were already quite high.

41. Congratulating the Secretary General and TCB on the ISO 9001: 2008 implementation in the Procurement Section, the Representative of Nigeria underscored that that achievement should be actively promoted to States as a means of assuring them of the quality of the services they received from TCB. The Representatives of Colombia, Mexico and Spain echoed his congratulations. Recalling that ISO certification had been one of the goals set forth in the TCP Management Plan for 2011-2013, the Representative of Spain noted that its achievement and implementation underscored the importance of having such a Management Plan.

42. In agreeing with the comment made by the Representative of Nigeria regarding the overhead charge for MSAs relating to the rectification of deficiencies, the Representative of Mexico stressed that the technical assistance policy should be established and the transfers from the AOSC Fund to the Regular Programme Budget should be minimized before any consideration was given to increasing overhead charges as many projects were related to remedying deficiencies and technical assistance. The Representative of Mexico also emphasized that TCB's core staff should be adjusted in accordance with project volume. Averting that the focus should not exclusively be on cost recovery, he underscored ICAO's responsibility to ensure a minimum level of funding for States for rectification of deficiencies and technical assistance.

43. In fully sharing the concerns expressed by the Representative of the United States, the Representative of France noted that, as TCP donors, their States were not indifferent to aid needed by other States. Nevertheless, such aid had to be provided within a specific framework and in accordance with a well-defined strategy. ICAO's role needed to be well-delineated. When the Organization executed projects for the installation of infrastructure or purchased equipment, it had to be done on the basis of a balanced budget. Averring that TCB's business model was not the right one, the Representative of France emphasized that it must lead to a balance between income and expenditures. He underscored, in this regard, that his State would take an intransigent position on refusing transfers from the AOSC Fund to the Regular Programme Budget. That was not to say that ICAO could not take other action. It would be in everyone's interest, however, if it were done within a rigorous framework. The Representative of France considered that an increase in the overhead charge should not be ruled out. He averred that it was not simply a question of additional revenue; rather, it was, above all, a question of a strategy for providing aid and ensuring a balanced budget for each project. The Representative of France underscored that if TCB continued with its current business model, then the number of projects would continue to fall, giving rise to a vicious cycle in which TCB would have fewer means with which to achieve a balance between its revenue and expenses and execute projects, resulting in fewer contracts and even lower revenue. It was not right to think that the problem could be resolved solely by adjusting human resources. It was also necessary to adjust revenue.

44. Expressing surprise at the large gap between the forecast TCP implementation that had been provided to the Council in November 2011 and the actual implementation at the end of the year, the Representative of France found it hard to believe that in just one month so many unforeseen events had occurred. He therefore urged TCB to be prudent in its forecasts. Noting, from the joint TCC/FIC oral report, that TCB was confident that 2012 would bear a positive outlook, the Representative of France emphasized that, as there was great uncertainty in this area, it should be careful and develop a better business model from which everyone would benefit.

45. Emphasizing that the situation in TCB could not be remedied overnight, the Secretary General noted that there were structural causes for the AOSC Fund deficit. He underscored that he had not reduced TCB's resources by decreasing the number of Officers responsible for the execution of projects; rather, only the number of administrative personnel had been reduced as there had been an over-abundance. Thus the staff reductions had not affected in any way the planning and execution of projects.

46. The Secretary General observed that there was always a balance to be struck between having a project at a certain overhead rate and losing that project. TCB had been systematically losing money on small-scale projects as it had not been covering its fixed costs. As C/FIN had explained, however, that was no longer the case. TCB would now abandon a small-scale project if it could not cover its fixed costs.

47. The Secretary General recalled that when he had provided the Council with an oral update on measures being taken to increase revenues and decrease expenses for the TCP (194/3), he had detailed the additional projects that it had been anticipated would be implemented by the end of 2011. However, the vast majority of those projects, including some for large amounts, had been postponed by the Governments concerned. Although the latter had deposited the requisite funds in the bank, TCB had not been able to access them as the projects had not gotten underway. It had not been possible to foresee that the projects would not be implemented in the envisaged timeframe.

48. With regard to the overhead charge for projects, the Secretary General noted that it would be increased for infrastructure projects, such as the construction of a runway or the renovation of an airport, as they had only a distant connection, if any, to SARP implementation. However, for projects relating to the

rectification of safety or security deficiencies and thus to assistance, negotiations took place for an overhead charge that was not very high. In all cases, however, it was necessary to recover TCB's costs. The Secretary General averred that, in comparison with the private sector, ICAO was not the most expensive executing agency for technical cooperation projects.

49. The Secretary General underscored that he was only committed to not having an AOSC Fund deficit at the end of 2012 and not to having a surplus. Furthermore, he was committed to ensuring that recourse was not made to the Regular Programme Budget to cover any AOSC Fund deficit.

50. In sharing the views expressed by the Representatives of Nigeria and Mexico, the Representative of Brazil agreed with the Secretary General that it was impossible to predict, much less control, Governments' decisions regarding their projects. It was thus not a question of TCB being over-optimistic in its TCP forecasts but rather of its being unable to predict Government's decisions. He affirmed that TCB was on the right track. With regard to the overhead rate for projects, the Representative of Brazil emphasized that his Government was prohibited by its financial authorities from paying more than 5 per cent. In concluding, he reiterated his confidence that the new TCB administration, with its new measures, would resolve all of the problems being encountered without having to impose any additional drastic and costly measures on States.

51. The Representative of the United Kingdom concurred that TCB was on the right track, albeit a difficult one. In aligning himself with the comments made by the Representatives of France and the United States, he underscored that there was still much work to be done with respect to increasing TCP revenues. Observing that the United Nations (UN) and other Specialized Agencies charged an average recovery rate of some 13 per cent for projects, and that the private sector charged even higher rates, the Representative of the United Kingdom underscored that TCB still had plenty of room to increase its overhead rate, if necessary, while still providing a good, competitive service. He considered that the twin track of overhead rates referred to by the Secretary General should be rigorously pursued. However, as the rectification of safety and security deficiencies, while of benefit to the global community, was the responsibility of the audited States, he would be reluctant to define any related projects as assistance. Such projects could be defined as technical cooperation and perhaps funded, in part, under the SAFE or by other voluntary contributions. Noting that there was some merit in considering how such aid was provided, the Representative of the United Kingdom indicated that technical cooperation, particularly for procurement and management, could be for longer-term projects, with higher cost recovery rates, while technical assistance could be for short-term projects, with lower rates. Protocols should be established to facilitate distinguishing between technical cooperation and assistance.

52. Affirming that the provision of technical cooperation to States was an essential ICAO function, the Representative of Guatemala emphasized the need for it to encompass not only the rectification of safety and security deficiencies but also the promotion of the sustainable development of air transport. He indicated that his State would not be in favour of any increase in the overhead rate for projects as the other measures implemented by the Secretary General had had a positive effect and had reduced the gap between AOSC income and expenditures. Underscoring the need for more in-depth discussion of the issue, the Representative of Guatemala questioned whether some of the said measures might constitute a double charge on States. Citing the set-up fee for projects as an example, he queried whether the set-up costs were not already covered in the overhead rate. Once the issue had matured, then consideration could be given to increasing the overhead rate, in which case the need for the other measures should be reconsidered to avoid negatively impacting States. Observing that the comparative advantage of the TCP was its low costs that benefitted States, the Representative of Guatemala stressed that it should not be lost.

53. Underscoring that the TCP was one of the pillars of the Organization and that over 70 per cent of its Member States benefitted therefrom, the Representative of Colombia indicated that prior to considering any increase in the overhead rate for projects, an in-depth analysis of such rates should be conducted, the results of which could be presented to the Assembly. She considered that the current overhead rate should be maintained for the time being.

54. The Representative of Paraguay shared the views expressed by the Representatives of Nigeria, Mexico, Guatemala and Colombia regarding the overhead rate. In commending the Secretary General for the immediate measures that he had taken to address the situation in TCB, she noted that the results were positive. The Representative of Paraguay likewise commended D/TCB for the major efforts that he had made to ensure that TCB was on the right track. Underscoring that the purpose of carrying out projects on a cost-recovery basis was to strike a balance between income and expenditures and not to maximize profits, she cautioned that if TCB's overhead charge for projects were too high, then States would seek the services of another executing agency.

55. Reiterating that the overhead rate charged in the private sector would be 13 per cent or higher, the Representative of France affirmed that ICAO was still competitive with its average overhead rate of some 5.5 per cent. He urged the Secretariat to provide the Council with comparative information on overhead rates for technical cooperation projects charged by other executing agencies in order to dissipate any misunderstandings.

56. The Representative of Singapore cautioned against too direct a comparison with private consultancy companies as the latter had higher overheads due to their infrastructure costs. In expressing concern over the policy implications of increasing TCB's overhead rate, he reiterated that an increase could lead States that really needed TCB's aid to turn to another executing agency, which would be counter-productive. The Representative of Singapore recalled that Technical Cooperation Officers had been assigned to the Regional Offices in order to increase the number of projects and generate the volume required for the AOSC Fund to show a positive figure. He stressed the need for careful consideration before taking any decision to increase the overhead charge.

57. In underscoring the need to be prudent and flexible in defining the policy on overhead charges, the Representative of Spain emphasized that if it were assumed that each project was to be carried out on a cost-recovery basis, then there would be small projects with very high overhead charges and large projects with very low overhead charges, which would not be good for the Organization. It was necessary to be cautious in setting the charges and rigorous in their homogeneous application.

58. The Representative of Canada expressed the hope that, as a policy on technical assistance and cooperation was being considered within the Secretariat, all of the views expressed would be noted and that there would be a new level of clarity and compromises as that policy came forward to the Council.

59. In summarizing the discussion, the President of the Council underscored that consideration should not be given to increasing the overhead rate for technical cooperation projects in order to cover an AOSC Fund deficit. Stressing the need for TCB to be efficient, he indicated that that was exactly what the Secretary General and D/TCB were trying to achieve in rationalizing the Bureau's staffing and expenses. In so doing, however, they had to ensure that they were complying with Assembly Resolution A36-17 (*Consolidated statement of ICAO policies on technical cooperation*). The President of the Council emphasized, in this regard, that the Assembly had not been involved in the setting of the overhead rates. It had only directed that the TCP be carried out on a cost-recovery basis. Emphasizing that any increase in the

overhead rate should be rational, he recalled that the Council had mandated that it not exceed 10 per cent. He stressed, however, that that ceiling was not fixed, being instead dependent upon the nature and complexity of the TCB project and its associated costs.

60. The President of the Council expressed appreciation to those Representatives who had pointed out that TCB was making progress and that there were grounds for optimism. He agreed that TCB was on the right track. The President of the Council recalled that this same issue had generated much discussion in the Council some years earlier precisely because there had been an AOSC Fund deficit. This time, the deficit had not resulted from inefficiencies but rather from a low project implementation rate due to the 2009 economic crisis. The President of the Council stressed the need for TCB to have flexibility in order to be able to adapt to such external factors by increasing or decreasing the number of staff and by making other adjustments over the short and long terms. The Secretary General and D/TCB were taking these elements into account.

61. The discussion had produced many good ideas, which had been noted and which would facilitate the Council's future work in setting policy and providing guidance to the Secretariat.

62. The President of the Council noted that the Secretary General's oral report was very transparent and clearly indicated that whereas the forecast TCP implementation for 2011 had been USD 128.0 million, the actual implementation had been only USD 70.1 million. He himself had attended the joint TCC/FIC meeting and ample clarification had been given by the Secretariat of all the reasons that had caused that gap. As most Representatives were Members of either the TCC or the FIC, the President of the Council hoped that they would keep the Secretariat's comment in mind that there had been external factors that had been beyond TCB's control. He emphasized that flexibility was essential in order to resolve the situation in TCB, a situation that was of concern to all.

63. The Council then noted the above oral report by the Secretary General on the preliminary financial and operational performance results of the TCP for 2011 and the related joint TCC/FIC oral report. It was understood that comments made during the discussion would be taken into account by the Secretary General.

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

**Request of the International Federation of Airline Dispatchers' Associations (IFALDA) for inclusion in the list of international organizations that may be invited to attend suitable ICAO meetings**

64. Following a review of C-WP/13795 on this subject, presented by the President of the Council, the Council agreed that the International Federation of Airline Dispatchers' Associations (IFALDA) should be included in the list of international organizations that may be invited to attend suitable ICAO meetings as observer. It was noted that a revised list reflecting this change would be posted on the Council website and the ICAO-NET.

**Report of the Joint Inspection Unit (JIU) entitled  
“The Audit Function in the United Nations System” (JIU/REP/2010/5)**

65. The Council considered the above subject on the basis of: information paper C-WP/13815 presented by the Secretary General, which contained a summary of the findings of the JIU’s Report entitled “The Audit Function in the United Nations System” (JIU/REP/2010/5), the related comments of the United Nations System Chief Executives Board for Coordination (CEB) and the ICAO Secretariat’s response; and an oral report thereon by the Finance Committee (FIC).

66. During the FIC’s consideration of the paper at its Second Meeting on 31 January 2012, it had been drawn to its attention that sixteen of the JIU’s 18 recommendations required action by ICAO. Fourteen recommendations had already been fully implemented by the Organization. Recommendation 7 on the need to provide adequate resources for the execution of the audit plan had been implemented in part by ICAO, with the provision of some additional resources to the Office of Evaluation and Internal Audit (EAO). The implementation of Recommendation 9 on improving systems to follow-up on the implementation of audit recommendations was in progress. The FIC had noted the contents of C-WP/13815 without comment.

67. The President of the Council welcomed the new Chief, Evaluation and Internal Audit Office (C/EAO), Mr. O. Myard, who was attending a meeting of the Council for the first time.

68. The Secretary General recalled that on a number of occasions it had been indicated that the resources allocated to EAO were insufficient. While some additional resources had been put at the disposal of EAO in the Regular Programme Budget for the current triennium, he had decided to augment them through the establishment of two additional P-4 level posts (Evaluation Specialist and Internal Audit Specialist) to enable EAO to undertake its duties in a more efficient way.

69. In applauding this effort, the Representative of the United States noted that governments, including his, were increasingly paying close attention to audit reports to determine whether or not Specialized Agencies were meeting the UN’s standards. It was not sufficient for a Specialized Agency to do a good job — it had to demonstrate that it had done so, through internal and external audits and transparency. The decision taken by the Secretary General was thus necessary and welcome.

70. In the absence of further comments, the Council noted the information contained in C-WP/13815.

**Subject No. 4: Appointment of the Secretary General**

**Draft Charter Letter from the President of the Council, on behalf of the Council,  
to the Secretary General**

71. The Council considered the above subject on the basis of: C-WP/13827, presented by the President of the Council; and an oral report thereon by the Human Resources Committee (HRC). The draft Charter Letter to the Secretary General which was appended to the paper reflected amendments to both its structure and content made by the HRC during its initial informal consideration thereof during the Committee phase.

72. In presenting the HRC’s oral report on C-WP/13827, the Chairperson recalled that, at the Committee’s invitation, the Secretary General had made a presentation at its First Meeting on

30 January 2012 regarding his experience with the current Charter Letter and had discussed some of his ideas for taking ICAO forward if he were re-elected for a second term. That had been a very productive exercise which had helped inform the development of the draft Charter Letter. The HRC recommended that the Council approve the draft Charter Letter subject to two further changes thereto that the Committee had agreed upon at that meeting, namely: a) that the first sentence of the penultimate paragraph of the section “Role of the Secretary General” be amended to read “The Council acknowledges that your tenure ~~will~~ **may** occur during a period of extended economic uncertainty.” (deleted text appears in strikeout; new text appears in bold) to inject a less definitive and slightly more positive tone without detracting from the essence of the message to the Secretary General; and b) that the following new paragraph be added after the first paragraph in the section “Technical Co-operation”: “As a matter of priority, you will pursue actions to improve the financial status of the TCP, including to rebuild the surplus of the Administrative and Operational Services Costs fund in order to reduce the risk of the TCP impacting on the regular budget.”. It had been agreed by the HRC that that was an important matter that required the immediate and ongoing attention of the Secretary General.

73. During the ensuing discussion, a number of additional amendments to the draft Charter Letter were proposed.

74. While endorsing the HRC’s oral report, the Representative of Mexico suggested that: the section “Role of the Secretary General” be further amended to reflect that the Secretary General should accomplish his tasks and those of the Secretariat under the highest standards of good governance and in compliance with the ethical framework adopted by the Council on 22 June 2011; and the section “Ancillary Revenue Generating Fund (ARGF)” be amended to indicate that the Secretary General should ensure that the ARGF was operated and managed in a cost-effective way, in accordance with the policies established by the Council and the relevant regulations of the Organization.

75. The Representative of France noted that his State supported globally the draft Charter Letter as amended by the HRC. That document, which could only be agreed in the Council if left to a very general level, was part of a set comprising, in particular, the Organization’s Strategic Objectives, which had to be updated for the 2014-2016 triennium, and its rolling Business Plan, which also had to be updated for the same period. It was also clear that the directives of the Council, the Organization’s governing body, could come to completion or have certain aspects thereof bent in the course of the Secretary General’s mandate.

76. France accepted the HRC’s proposed amendment b). With regard to its proposed amendment a), France would have preferred retaining the original wording of the first sentence of the penultimate paragraph of the section “Role of the Secretary General” since it placed more emphasis on the economic uncertainties that really existed in a certain number of States. As the situation of air transport was strictly connected to the global economic context, and the profitability of that sector remained very low compared with the other activities, it was important that the Secretary General’s action took that situation into account. It was not only about the Organization’s budget, but also about its whole policy in the fields of safety, security and the environment.

77. The Representative of France therefore proposed the following two amendments to the draft Charter letter: that in the section “Implementation of ICAO Standards and Recommended Practices (SARPs)”, the phrase “in close cooperation with Member States” be added at the end of the first sentence, to strongly remind the Secretary General that the Secretariat’s working methods must associate Member States (through panels or other bodies) regularly and upstream and avoid imposing plans or systems on them that were very heavy to manage and insufficiently adapted to their means [for example, the continuous

monitoring approach (CMA) to the Universal Safety Oversight Audit Programme (USOAP)]; and that in the section “Technical Co-operation”, the phrase “and that all TCP decisions and actions conform with established ethical guidelines” be added at the end of the third paragraph to strengthen the idea that the principles of transparency, risk and contracts management and evaluation of their impacts continued to be the foundation of all the activities and all the projects of the TCP, according to the recognized rules of ethics. The Representative of France also suggested that the French translation of the term “Charter Letter” be changed from “lettre charte” to “lettre de mission”, the usual term used.

78. The Representative of Uganda proposed that a new paragraph be added to the section “Strategic Objectives” to reflect that the Secretary General should consider if a review was necessary of the current Strategic Objectives, which were medium-term, covering the period 2011-2013, and that any proposed amendments thereto should be brought before the Council for approval. Referring to the second paragraph of the section “Internal Controls, Quality and Risk Management”, he suggested that an indication be given of the timeframe in which the Secretary General was expected to develop and implement a comprehensive quality management system in the Organization, such as the end of 2013, which would be mid-term. In endorsing the proposal made by the Representative of France regarding the first sentence of the section “Implementation of ICAO Standards and Recommended Practices (SARPs)”, the Representative of Uganda suggested that it be further amended to refer to the secure and sustainable development of international civil aviation.

79. The Representative of Nigeria supported the amendments proposed by the Representatives of Mexico, France and Uganda. With regard to the comment made by the Representative of France regarding the HRC’s proposed amendment a), he voiced preference for the Committee’s change, as the economy was improving. With regard to its proposed amendment b), the Representative of Nigeria, recalling the Council’s earlier discussion of the item “Report on Technical Co-operation Programme Development”, underscored that the term “pursue actions” to improve the financial status of the TCP might mean different things to different Representatives and did not necessarily mean increase the overhead charges for ICAO’s technical cooperation projects.

80. While supporting the draft Charter Letter as amended by the HRC, the Representative of India suggested that a new paragraph be added to the section “Communication with Member States, the Aviation Industry and the Community” indicating that the Secretary General should take effective measures to evolve a results-based external communication mechanism which focussed on constructive engagement of the world media, resulting in global coverage of the achievements, news and events of ICAO and that the path-breaking work being undertaken by ICAO in the areas of safety, security and environmental protection should be disseminated globally through a well-executed media plan.

81. In then drawing attention to the second paragraph of the section “Environment”, the Representative of India noted that it gave the impression that the Secretary General was to give top priority to ICAO’s work on market-based measures (MBMs) on the basis of Operative Clauses 13 and 18 of Assembly Resolution A37-19, whereas other action was also to be taken to implement that Assembly Resolution, as well as Assembly Resolution A37-18 and related Council decisions. He therefore suggested that the paragraph be replaced with a new paragraph indicating that the Secretary General would, as a matter of priority, support any necessary work by or coordinated through ICAO to implement the decisions of ICAO Assembly Resolutions A37-18 and A37-19, as well as related ICAO Council decisions and importantly, that he would direct the efforts of ICAO to seek to ensure that any contribution by the aviation sector to proposed global arrangements was not disproportionate to the impact of aviation emissions in a global all-sector context.

82. The Representatives of Argentina, China, Cuba and the Russian Federation supported these two amendment proposals. In so doing, the Representative of China observed that there was the impression that ICAO had not taken much action in the area of environmental protection and that that had been reported globally in the media. It was therefore necessary to have a communication mechanism to publicize ICAO's tremendous achievements in that area, as well as in other areas.

83. The Representative of Cuba, a Member of the HRC, also endorsed the Committee's oral report. He emphasized the importance of the Secretariat and the Council cooperating together to meet the major challenge that they both faced in improving communications with States and the public.

84. The Representative of Australia did not have any objections to most of the suggested amendments. While she welcomed the proposals made by the Representative of Mexico, she was not sure that they were absolutely necessary but would not object if the majority of Representatives supported them. With reference to the proposal made by the Representative of India regarding the section "Environment", the Representative of Australia did not have any major objection to removing the reference to MBMs but considered that the reference to moving forward as a matter of priority on the roadmap presented to the Council on 16 November 2011 should be retained as the latter encompassed other activities within the environment programme.

85. The Representative of the United Kingdom fully supported the oral report of the HRC, of which he was a Member. Referring to the comments made by the Representatives of Mexico and Uganda, he noted that while no specific reference was made to the Secretary General's working in accordance with the highest standards of good governance and in compliance with the ethical framework, there were implicit references thereto. The Representative of the United Kingdom suggested that reference be made to the highest ethical standards in the second paragraph of the section "Role of the Secretary General". With respect to the comments made by the Representatives of India and China on a communication mechanism, he maintained that the existing text of the section "Communication with Member States, the Aviation Industry and the Community" adequately covered their concerns and did not need to be amended as proposed. With regard to the proposal to amend the section "Environment", the Representative of the United Kingdom indicated that the removal of the reference to Operative Clauses 13 and 18 of Assembly Resolution A37-19 would not pose a problem. He did not consider that it was necessary to refer to any negative impact on international civil aviation as the need to ensure the latter's orderly development was covered elsewhere in the draft Charter Letter.

86. The Representative of Spain had no difficulty in accepting the draft Charter Letter as amended by the HRC and some Representatives. Referring to a point raised by the Representative of the United States, he underscored that the Charter Letter took precedence over the plan that the Secretary General had presented to the Council during its First Meeting (195/1) relating to his key objectives and priorities for 2012-2015 if he were re-elected for a second term. Drawing attention to the fourth paragraph of the section "Role of the Secretary General", which referred to "representational duties", the Representative of Spain underscored that the Secretary General represented the Secretariat, not the Organization. He proposed that the paragraph be amended to reflect that there would be times when the Secretary General would be required to travel to discharge his duties of Secretary General and that on those occasions, he was to ensure that his communications were consistent with the policy of the Organization as defined by the Assembly and the Council. The Representative of the Russian Federation endorsed this proposal.

87. Noting that on average only a third of Member States responded to any given ICAO State letter, the Representative of Guatemala emphasized that it was a much more serious problem than was reflected in the third paragraph of the section “Communication with Member States, the Aviation Industry and the Community”, where reference was made only to improved response rates. A major challenge for the Organization was to improve relations and cooperation with Member States to help them to identify and overcome the obstacles that prevented them from responding to State letters. The Representative of Guatemala thus proposed that a corresponding new paragraph be inserted in the section “Key Challenges” underscoring the need for ICAO to improve the response rate to State letters, particularly those that contained proposed Annex amendments. He further proposed that the second paragraph of the section “Technical Co-operation” be amended to reflect that the Secretary General was expected to finalize and implement the policy on technical assistance and cooperation that should clarify the role of the TCP in offering “technical assistance” versus “technical cooperation”.

88. The Representative of Brazil agreed on the need to better publicize ICAO’s achievements. Referring to the second paragraph of the section “Environment”, he suggested that it be amended to indicate that the Secretary General would also verify and report to the Council if Member States were complying with the decisions taken on 2 November 2011 by C-DEC 194/2 relating to the inclusion of international aviation in the European Union Emissions Trading Scheme (EU ETS).

89. Observing that most of the issues raised were already covered in the draft Charter Letter, the Representative of South Africa emphasized the need to include only those proposed amendments that were objective and high-level in nature so as to avoid having a Charter Letter that was too lengthy.

90. Although he was not a Member of the HRC, the Representative of Slovenia endorsed the Committee’s oral report with its two suggested amendments. He had no problems with the various amendments proposed by Representatives with the exception of those relating to the second paragraph of the section “Environment”, which he very much wished to have retained in its original form.

91. In supporting the position of the Representatives of India, China and the Russian Federation, *inter alia*, regarding that section, the Representative of Peru emphasized that the latter should not go into too much detail as the other sections of the draft Charter Letter did not.

92. The President of the Council requested Representatives to transmit the texts of their suggested changes to him by close of business on Thursday, 1 March 2012. He would carefully consider them, together with the Chairperson of the HRC, and then circulate, by e-mail, a revised draft Charter Letter to Representatives for comments, if any, and approval. The Council agreed to provide the approved Charter Letter to the Secretary General elect as soon as possible following his appointment on 2 March 2012.

93. It was understood that the Secretary General elect would present a paper setting forth his response to the Charter Letter for the Council’s consideration during the 2012 Fall Session (197th Session).

**Any other business**

**Subject No. 12: Programme of ICAO meetings**

**Fifteenth Meeting of the Statistics Panel (STAP/15)**

94. As indicated in the President of the Council's e-mail dated 23 February 2012, it was decided that STAP/15, scheduled to take place from 15 to 17 October 2012 (C-WP/13770; C-DEC 194/6), be postponed until the second quarter of 2014.

95. The meeting adjourned at 1245 hours.



# **COUNCIL — 195TH SESSION**

## **SUMMARY MINUTES OF THE THIRD MEETING**

**(THE COUNCIL CHAMBER, FRIDAY, 2 MARCH 2012, AT 1000 HOURS)**

### **OPEN MEETING**

President of the Council: Mr. Roberto Kobeh González

Secretary: \*Mr. Raymond Benjamin, Secretary General

Acting Secretary: \*Mr. Denys Wibaux, Director, Legal Affairs and External Relations Bureau

#### **PRESENT:**

|              |                               |                      |                                |
|--------------|-------------------------------|----------------------|--------------------------------|
| Argentina    | — Mr. J. Gelso                | Malaysia             | — Mr. Y.-H. Lim                |
| Australia    | — Ms. K. Macaulay             | Mexico               | — Mr. D. Méndez Mayora         |
| Belgium      | — Mr. G. Robert               | Morocco              | — Mr. A. Boulmane (Alt.)       |
| Brazil       | — Mr. J. Taunay               | Nigeria              | — Dr. O.B. Aliu                |
| Burkina Faso | — Mr. M. Dieguimide           | Paraguay             | — Mrs. A. Torres de Rodríguez  |
| Cameroon     | — Mr. E. Zoa Etundi           | Peru                 | — Mrs. L. Camacho Bueno (Alt.) |
| Canada       | — Mr. M. Allen                | Republic of Korea    | — Mr. Choi, D.                 |
| 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 | Singapore            | — Mr. T.-C. Ng                 |
| Denmark      | — Mr. S. Vuokila (Alt.)       | Slovenia             | — Mr. A. Krapež                |
| Egypt        | — Mr. M.T. Elzanaty           | South Africa         | — Mr. L. Mabaso                |
| 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 | — Miss A. AL Hamili            |
| Italy        | — Mr. G. Picheca              | United Kingdom       | — Mr. M. Rossell               |
| Japan        | — Mr. T. Koda                 | United States        | — Mr. D. Woerth                |

#### **ALSO PRESENT:**

|                                   |                        |
|-----------------------------------|------------------------|
| Ms. I. De Melo Maciel (Alt.)      | — Brazil               |
| Mr. J.C.F. da Silva Junior (Alt.) | — Brazil               |
| Mr. A. Rebouças (Alt.)            | — Brazil               |
| Mr. M. Delisle (Alt.)             | — Canada               |
| Mr. Chunyu Ding (Alt.)            | — China                |
| Mr. P. Pape (Alt.)                | — France               |
| Mr. A. Bardaro (Alt.)             | — Italy                |
| Mrs. D. Valle Álvarez (Alt.)      | — Mexico               |
| Mr. Bae, J. (Alt.)                | — Republic of Korea    |
| Mr. A. Almoghraby (Alt.)          | — Saudi Arabia         |
| Mr. M. Fernando (TE)              | — Singapore            |
| Mr. K. Ferjan (Alt.)              | — Slovenia             |
| Dr. A. Pinto (Alt.)               | — Swaziland            |
| Mr. R.A. Al Kaabi (Alt.)          | — United Arab Emirates |
| Mr. J. Moor (Alt.)                | — United Kingdom       |
| Ms. M. Kehoe (Alt.)               | — United States        |

#### **SECRETARIAT:**

|                 |          |
|-----------------|----------|
| Mr. D. Azema    | — DC/OSG |
| Mr. B. Djibo    | — D/ATB  |
| Mr. I. Galán    | — D/TCB  |
| Mr. R. Bhalla   | — C/FIN  |
| Mr. P. Noad     | — DD/TCB |
| *Mr. O. Myard   | — C/EAO  |
| *Ms. A. Andrade | — ADTCB  |
| *Ms. H. Jackson | — EAO    |
| Mrs. C. Rideout | — CSO    |

\*Part-time

Representatives to ICAO

Chile  
Dominican Republic  
Ethiopia  
Greece  
Iran (Islamic Republic of)  
Lebanon  
Turkey  
Uruguay  
Venezuela (Bolivarian Republic of)

## **Welcome to new Representative on the Council**

1. The President of the Council extended a warm welcome to Mr. Donghwan Choi, the new Representative of the Republic of Korea.

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

#### **Work programme for the 195th Session – addition of item**

2. The Council agreed to add the following item to its work programme for the current session:

- *Report of WGOG – Encouraging the improvement of safety oversight in States with significant safety concerns (SSCs)* (Oral report).

### **Subject No. 4: Appointment of the Secretary General**

#### **Appointment of the Secretary General**

3. The above subject was documented for the Council's consideration in C-WP/13792, presented by the President of the Council. It was recalled that the appointment of the Secretary General is one of the Council's mandatory functions set out in Article 54 of the Chicago Convention.

4. In accordance with the rules and procedures for the appointment of the Secretary General set forth in Appendix C of the *Rules of Procedure for the Council* (Doc 7559), States had been invited by State letter A2/4.6-11/54 dated 11 July 2011 on the Appointment of the Secretary General to submit nominations for the post of Secretary General to the President no later than 13 January 2012. By the close of business on 13 January 2012, France had presented the candidature of Mr. Raymond Benjamin, the incumbent Secretary General. Mr Benjamin's three-year term of office had begun on 1 August 2009 and would continue until 31 July 2012. States had been informed of this candidature by State letter A2/4.6-11/61 dated 12 July 2011. A copy of the letter from the Government of France and Mr Benjamin's *curriculum vitae* were appended to C-WP/13792.

5. In accordance with Article 58 of the Chicago Convention, the Council had decided, at the Sixth Meeting of the 193rd Session (193/6), that the duration of the Secretary General's appointment should be three years.

6. In the absence of comments by the close of business on 20 January 2012 to the President of the Council's e-mail dated 16 January 2012, the Council had agreed to temporarily suspend for this election paragraph 4 of Appendix C of the *Rules of Procedure for the Council*, 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. It was recalled, however, that during the First Meeting of the current (195th) session [195/1 (Open)], under Any other business, Mr. Benjamin had informed the Council of his objectives and priorities should he be appointed for a second term.

7. Pursuant to Article 54 (h) of the Chicago Convention and in accordance with Appendix C of the *Rules of Procedure for the Council* (Doc 7559), the Council proceeded, by secret ballot, to the appointment of the Secretary General, documented in C-WP/13792.

8. Mr. R. Benjamin (France), the incumbent Secretary General and only candidate, received 34 votes, with no votes against and one abstention.

9. Mr. R. Benjamin was therefore appointed for a second term as Secretary General, his term of office to be, as previously decided (193/6), three years beginning 1 August 2012 and continuing until 31 July 2015.

10. The President of the Council congratulated Mr. Benjamin, and thanked the Government of France for having presented his candidature.

11. After a brief recess, the Secretary General, having joined the meeting, indicated that he was truly honoured to have been given the opportunity to lead this prestigious organization over the next three years. He was confident that the actions and initiatives since taking up his duties had allowed the Organization to effectively perform its leadership role as a policy setting forum for international civil aviation, and he would continue to assume these responsibilities to the best of his abilities. The Secretary General was confident that by working together, the Council and the Secretariat would be able to provide the ongoing leadership required of ICAO to resolve the strategic issues facing aviation. The Secretary General appreciated not just the professional relationship which he enjoyed with many of those present, but also the environment of friendship which had prevailed. He was also grateful to the President of the Council for everything he had done to help him since he had assumed his position, allowing them to work together as a team.

12. The Representative of Nigeria congratulated Mr. Raymond Benjamin on his very deserved election, and wished to extend his Government's congratulations as well to Mrs. Benjamin and to the Government of France for having nominated an excellent candidate to serve the Organization. A request put forward by the Representative of Nigeria in connection with the instructions given for the use of the electronic voting module was noted. The Representatives of Guatemala, Paraguay, Saudi Arabia, Brazil, Burkina Faso (speaking on behalf of the AFI Group), India (speaking on behalf of the Montréal Group of Asia/Pacific countries in ICAO), Colombia, Slovenia (speaking on behalf of the Central European Rotation Group), the United Arab Emirates, the Russian Federation, Belgium (speaking on behalf of European countries in the absence of their regional coordinator), Uganda, Swaziland [speaking on behalf of the Southern African Development Community (SADC)], Cameroon, the United Kingdom, the United States, Argentina, Canada, and Denmark, as well as the Observer from Greece also congratulated Mr. Benjamin, wishing him every success in rising to the challenges facing the Organization, and assuring him of their continued support and cooperation.

13. The Representative of France expressed his Government's appreciation to all the States which had supported the nomination of Mr. Benjamin, noting the virtually unanimous support that the Council had given him. France was very happy, as was always the case when one of its own had highlighted its profile, and congratulated and thanked Mr. Benjamin not just for having been elected but for having highlighted the image of France and French aviation.

14. The President of the Council observed that the congratulations and good wishes conveyed would have the effect of raising the already high expectations, and he was confident that the Secretary General would continue exercising his responsibilities in an exemplary way. The President gave assurances that he and the Council would continue to work closely with the Secretary General, always with the objective of improving the work of the Organization and better serving the Member States.

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

**Preliminary report of the Evaluation and Audit Advisory Committee (EAAC)**

15. The Council noted C-WP/13813, an information paper in which the Chairperson of the newly-formed Evaluation and Audit Advisory Committee (EAAC) presented the draft three-year work plan of the EAAC as requested by the Finance Committee (FIC) and the Council (194/6), together with an oral report presented by the Chairperson of the FIC. The First Meeting of the EAAC, which had taken over from the former Advisory Group on Evaluation and Audit (AGEA), had taken place in October 2011.

16. In his oral report, the Chairperson of the FIC recalled that at the end of his presentation to the Committee, the Chairperson of the EAAC, Mr. Jonathan Moor, had sought the Members' views on three questions, *i.e.* how could the EAAC and the FIC work together to improve governance and accountability at ICAO; how could the FIC make best use of the expertise of EAAC members; and how could the effectiveness of the process for following up on the implementation of outstanding recommendations be ensured.

17. In the subsequent discussion, FIC members had raised a number of issues. Several members had recalled that the EAAC was an advisory committee established by the Council and reporting to the Council. Since the FIC was a subsidiary body of the Council, it was important not to establish a precedent whereby the EAAC would take its instructions from the FIC. Also, some Members of the FIC had expressed a concern that the EAAC should not duplicate the work of the internal and external auditors. Rather, the role of the EAAC was to carry out an independent scrutiny of the governance mechanisms to ensure that they were being implemented, and to assist the Council in taking action to strengthen governance.

18. Mr. Moor had confirmed that the EAAC was ready to work with the FIC and the Council in whatever way was appropriate. He had also confirmed that it was not the intention of the EAAC to do the work of an auditor, but to review the assistance mechanisms and identify common issues, and, where necessary, to draw these to the attention of the Council. The EAAC could report either directly to the Council or via the FIC. The question was how to best use the expertise of EAAC Members.

19. In response to a question regarding the nature of the support that the EAAC would be providing to the Secretary General, Mr. Moor had clarified that this was in relation to the Secretary General's responsibility to sign off the annual financial statements. The role of the EAAC was to consider the draft financial statements and provide advice to the Secretary General on any significant audit issues before he signed the financial statements.

20. Mr. Moor had confirmed that the lessons learned and improvements identified in the final report of the AGEA (reference document C-WP/13786) would be taken up by the EAAC. In particular the EAAC would follow up on the mechanisms in place to ensure that audit recommendations were being dealt with on a timely basis.

**2011 Report on the activities of the Evaluation and Internal Audit Office (EAO)**

21. The Council noted C-WP/13814, an information paper in which the Secretary General transmitted the Report on activities undertaken by EAO in 2011, together with the comments of the Secretary General on audit and evaluation reports completed during the year. The Appendix to the paper gave the

status of implementation of recommendations made in previous EAO reports. Some information was provided by the Secretary General on improvements which would be made to future reports on this subject.

22. Under general comments, the Representative of Mexico observed that whereas the procedures in the way missions were selected were quite clear, there perhaps needed to be more harmonized reporting and evaluation of mission travel. It was important for the Secretary General to take into account the relevance of the missions on a case-by-case basis, and, when appropriate, consider that the Regional Directors might take on certain commitments in the regions since this could lead to cost savings. Referring to paragraph 5 (Status of implementation of EAO's recommendations), the Representative of Mexico noted that some recommendations were considerable in scope and may take a number of years to implement in full. He believed that it would be worthwhile for future reports to provide more details on these recommendations and the action plans to address them.

23. The Representative of the Russian Federation wished to express his Delegation's full support for the activities of EAO. Referring to paragraph 3.2 (Audit of translation services), the Representative of the Russian Federation asked that the Chief of the Evaluation and Internal Audit Office (C/EAO) focus on this issue in greater detail. There was a need for a change in policy when it came to language services, especially when one took into account the continuing deterioration in the quality of translation of technical material.

24. The Representative of the United States indicated that both internal and external auditing reports were becoming increasingly important to the United Nations, its governing bodies and its many sovereign governments, the United States being no exception. The United States' Congress was increasingly interested in having standards for auditing and transparency, and the Organization's auditing functions could have significant consequences if nations were not satisfied with auditing results. The work being carried out was satisfactory, and the Representative of the United States especially appreciated the most recent efforts which had been made to respond to a query from his Government.

25. The Representative of France noted that some of the older recommendations listed in the Appendix to C-WP/13814 dated back as much as six years. It might be worthwhile for EAO to look at those recommendations more closely to determine if they were still of any use to implement. The Representative of France also suggested that for the 2012 audit report, more detail be provided on the substance of the audits and the conclusions drawn, especially when it came to missions, since they entailed not just cost, but the absence of staff members from Headquarters. There was a need to get mission travel down to an appropriate scale.

26. Commenting on the information which paragraph 2.2 provided on the selection for evaluation of Cooperative Development of Operational Safety and Continuing Airworthiness Programmes (COSCAPs), the Representative of Burkina Faso indicated that COSCAPs were a good tool in his region, which he wished to promote in two ways. Firstly, he wished to encourage the development of recruiting systems, especially in the COSCAP *Union économique et monétaire ouest africaine* (UEMOA). The Representative of Burkina Faso also wished to encourage the way forward among Member States of the *Agence pour la sécurité de la navigation aérienne en Afrique et à Madagascar* (ASECNA) in merging COSCAPS into a regional oversight organization. The Representative of Burkina Faso asked to be kept informed of further evaluations on this subject.

27. The Representative of Spain wished to be associated with the concerns expressed by the Representative of the Russian Federation with respect to the quality of translations at ICAO, and also wished

to highlight the comments which had been offered by the Representative of France regarding the need for future reports to provide more detail and substantive information on the audits. While recognizing that some of the audits were of an internal administrative nature, the Representative of Spain observed that some, such as the audit of IT security, availability and continuity, might be of interest to some Council Members. The Representative of Spain therefore wished to know how these documents could be accessed.

28. The Representative of Canada also supported the comments which had been made by the Representative of France regarding the time it was taking to implement some of the recommendations. Another characteristic of the chart at the Appendix to C-WP/13814 which concerned him had to do with the fact that all of the recommendations appeared to be equal in importance. It was important to look at not just the quantitative, but also the qualitative outcomes from an audit and evaluation perspective. The Representative of Canada sought assurances that there was horizontality on how these results were applied. Discussions had taken place on performance indicators which were important from a safety perspective as well as an economic perspective, and the audit and evaluation functions could help the Organization think about how it identified those indicators and measured them.

29. In responding to the points raised during the discussion, the Secretary General gave assurances that he would follow up on all of the suggestions which had been offered. The situation in EAO had been very difficult in 2011 because of the staff shortage in that Office, but whereas there had only been two Professional staff in the Office during that year, it was expected that there would be five Professionals in EAO by June of 2012. The resource problems which had been levied in the past on the lack of resources in EAO had now been rectified, demonstrating the importance which he attached to the internal audit function.

30. The Secretary General confirmed that the audit reports were available and could be consulted in the offices of EAO. Some of them had been placed on the Council website, but in the interest of not overburdening that website, Representatives interested in looking at the reports were encouraged to put forward their requests.

31. Future reports on this subject would reflect three changes in particular. Old recommendations which had not been implemented, either because they were obsolete or not applicable, would be reviewed by C/EAO. Future reports would endeavour to cover audits that were not more than two years old. The Secretary General agreed that not all recommendations were equal in importance, and this matter would also be reviewed by C/EAO, who would concentrate on essentials in order to ensure that the content was concrete and not just dealing with percentages. Future reports would thus offer Representatives an opportunity to better understand the contents of the audits.

32. As regards the issue of translations, the Secretary General was fully cognizant of the fact that from time to time the quality was not what one would hope for. There were many ways to rectify the situation, and the Secretary General asked that C/EAO not be requested to pay particular attention to this subject, which the Secretary General was working on actively.

#### **Subject No. 42: Technical cooperation**

##### **Report of TCC – Management Plan for the Technical Co-operation Programme**

33. The Council noted an oral report on the Management Plan for the Technical Co-operation Programme, presented by the Chairperson of the Technical Co-operation Committee (TCC).

34. The TCC had considered an oral report by the Chairperson of the *Ad Hoc* Group, presenting the conclusions of the Group's deliberations on the Technical Co-operation Bureau (TCB) Management Plan process and reporting requirements, as well as its recommendations on the way forward, which were fully endorsed. Above all, the Committee had agreed that, as an integral part of the ICAO Business Plan, the TCB Management Plan be aligned with the Rolling Business Plan process adopted for the Regular Programme, and that a Plan focussing on the next three years on a rolling basis be presented to the TCC for information during each Fall Session. The Committee had deliberated on the content of the draft Management Plan developed for the 2012-2014 triennium under the auspices of the *Ad Hoc* Group.

35. On the whole, the Committee was satisfied with the draft Management Plan. In particular, it supported the Group's recommendation for introducing a more efficient and transparent approach to present the triennial forecast for the Technical Co-operation Programme and Administrative and Operational Services Cost (AOSC) projected expenditure, as reflected in Sections 3 and 4 of the draft Plan. It was noted, in this regard, that an update of the Programme forecast and budgetary estimates for 2012 would be presented to the Council through the TCC and the Finance Committee (FIC) during the Spring (June 2012) Session, whereas the complete Management Plan for the 2013-2015 triennium would be submitted in the Fall (October/November 2012).

36. In response to concerns expressed over references to the technical assistance policy in the Management Plan, the Secretary of the Committee had clarified that the policy was currently being finalized for the Council's consideration and decision in the next (196th) Session, and for that reason the Plan did not assume any financial implication for the Regular Budget. Accordingly, the estimated AOSC expenditures for the years 2012 to 2014 would be further reduced, should the Council decide to transfer selected TCB core posts to the Regular Budget upon adoption of the technical assistance policy.

37. The Secretary had informed the Committee that the work force would be reduced by a further 10 per cent in 2012. Furthermore, preliminary results of the cost recovery survey carried out by TCB seemed to indicate a potential decrease in the costs to be recovered from the AOSC Fund for support services provided by Regular Programme staff. This issue would also be tabled for discussion at a joint TCC and FIC meeting during the upcoming (196th) session.

38. The Committee had acknowledged the need for ICAO to increase the Technical Co-operation Programme's outreach in view of its importance for assisting developing countries to achieve the desired levels of flight safety, and had reiterated the importance of developing key performance indicators (KPI) for measuring Programme and project outputs as reflected in the Management Plan.

39. In conclusion, recognizing the prevailing challenges and TCB Management's commitment to a successful implementation of the proposed Management Plan, the Committee had expressed full support for the actions planned or currently being taken by TCB Management to ensure the Bureau's continuous quality improvement.

40. Under general comments, the Representative of Argentina observed that the subject had taken a number of meetings for the Committee to analyze and reach the conclusions reflected in the final product now before the Council. It was his understanding that this was the first time in ICAO's history that the Council had before it such a thorough document identifying specific objectives and explaining how different issues would be approached. Not everything had been fully defined, however, and a few elements remained outstanding. A very important issue which remained concerned the definition of "technical