



## International Civil Aviation Organization

### DRAFT MINUTES

DRAFT  
C-MIN 200/5  
10/1/14

### COUNCIL — 200TH SESSION

#### SUMMARY MINUTES OF THE FIFTH MEETING

(THE COUNCIL CHAMBER, FRIDAY, 29 NOVEMBER 2013, AT 1000 HOURS)

#### OPEN MEETING

President of the Council: Mr. Roberto Kobeh González

President-Elect of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Mr. Raymond Benjamin, Secretary General

#### PRESENT:

Argentina	— Dr. N. Luongo (Alt.)	Malaysia	— Mr. Y.-H. Lim
Australia	— Ms. K. Macaulay	Mexico	— Mr. D. Méndez Mayora
Bolivia (Plurinational State of)	— Mr. I. Arellano (Alt.)	Nicaragua	— Mrs. E. A. Aráuz Betanco
Brazil	— Mr. M. Da Costa (Alt.)	Nigeria	— Mr. P.O. Alawani (Alt.)
Burkina Faso	— Mr. M. Dieguimde	Norway	— Mr. K.M. Skaar
Cameroon	— Mr. E. Zoa Etundi	Poland	— Ms. M. Polkowska
Canada	— Mr. M. Allen	Portugal	— Mrs. M.H. Faleiro T. de Almeida
Chile	— Mr. W.H. Celedón	Republic of Korea	— Mr. Choi, D.
China	— Mr. Tao Ma	Russian Federation	— Mr. A.A. Novgorodov
Dominican Republic	— Mr. C.A. Veras Rosario	Saudi Arabia	— Mr. T.M.B. Kabli
Egypt	— Mr. A. Mahmoud	Singapore	— Mr. T.C. Ng
France	— Mr. O. Caron	South Africa	— Mr. L. Mabaso
Germany	— Mr. U. Schwiercinski	Spain	— Mr. V.M. Aguado
India	— Mr. P.N. Sukul	United Arab Emirates	— Mr. R.A. Al Kaabi (Alt.)
Italy	— Mr. E. Padula	United Kingdom	— Mr. M. Rodmell
Japan	— Mr. T. Koda	United Republic of Tanzania	— Mr. R.W. Bokango
Kenya	— Mr. H.K. Kioko	United States	— Mr. D. Woerth
Libya	— Mr. M. Sayeh Eltayf	Venezuela (Bolivarian Republic of)	— Mr. D.A. Blanco Carrero

#### ALSO PRESENT:

Mr. C.M. Vallarino (Alt.)	— Argentina
Mr. M. Deslisle (Alt.)	— Canada
Mr. Chunyu Ding (Alt.)	— China
*Mr. F. Zizi (Alt.)	— France
Ms. M. Furuhata (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mr. Hwang, S.-Y. (Alt.)	— Republic of Korea
Mr. Kang, M. (Alt.)	— Republic of Korea
Mr. A. Korsakov (Alt.)	— Russian Federation
Mr. D.C. Behrens (Alt.)	— United States

#### SECRETARIAT:

Mr. D. Azema	— DC/OSG
*Ms. N. Graham	— D/ANB
Dr. Fang Liu	— D/ADB
*Mr. B. Djibo	— D/ATB
*Mr. J. Augustin	— A/D/LEB
*Mr. O. Myard	— C/EAO
*Mr. J. Weich	— DD/HR-ADB
*Mr. B. Verhaegen	— SELO
*Mrs. L. Comeau-Stuart	— C/POD
*Ms. K. Balram	— C/SEA
*Ms. H. Jackson	— EAO
*Mr. M. Leitgab	— ADADB
Mr. A. Larcos	— ACC
Miss S. Black	— Précis-writer

\*Part-time

Representatives to ICAO

Afghanistan  
Colombia  
Ecuador  
Ethiopia  
Greece  
Iran (Islamic Republic of)  
Morocco  
Mozambique  
Peru  
Turkey  
Uganda  
European Union (EU)

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

### **Policy on Secondments**

1. The Council resumed (200/4) and completed its consideration of this subject, documented in two papers: C-WP/14073, in which the Secretary General, in response to the request made during its earlier review (199/7) of a proposed revision of *The ICAO Service Code* (Doc 7350), presented a recommendation to maintain Staff Regulation 4.28 in its current form and to revise Staff Regulations 4.29 and 4.30, and provided details on the organizational policy to be promulgated with respect to seconded personnel from third parties outside ICAO; and C-WP/14088, a report thereon by the Human Resources Committee (HRC). The HRC agreed that Staff Regulation 4.28 should remain unchanged and supported the proposed revision of Staff Regulation 4.29. The Committee presented two options for the revision of Staff Regulation 4.30 in paragraph 2.2 of its report.

2. In light of the Council's deliberations during its last meeting, and following consultation with the Secretary General, the President of the Council proposed, and the Council agreed, that the revised text for Staff Regulation 4.30 proposed by the HRC in paragraph 2.2.1 (Option 1) of C-WP/14088 be amended as follows: that the second paragraph thereof be modified by replacing the phrase "submitted to the Human Resources Committee for review and approval" with the phrase "posted on the Council website with all support documentation"; and that a new third paragraph be added which would read: "Secondments at a higher level than P5 will have to be submitted to the Council for consideration and approval, on the understanding that they cannot fill established posts.".

3. In then taking action on the basis of the executive summary of C-WP/14088, the Council:

- a) as recommended by the HRC, endorsed Staff Regulation 4.28 as currently presented in *The ICAO Service Code* (Doc 7350);
- b) as recommended by the HRC, approved the revised text for Staff Regulation 4.29 as proposed by the Secretary General in paragraph 2.1 of C-WP/14073 and reproduced below:

"A special contract will be issued to such seconded personnel. All seconded personnel are subject to the authority of the Secretary General and, in the exercise of their functions, are responsible to him for the duration of their work with ICAO.";

- c) approved the revised text for Staff Regulation 4.30 as proposed by the HRC in paragraph 2.2.1 (Option 1) of C-WP/14088 and amended in paragraph 2 above, which reads as follows:

"Secondment arrangements shall be at no additional cost to ICAO except for mission travel and related costs as well as minimal cost-sharing arrangements, that may be negotiated for remuneration purposes, of up to 5 per cent of the yearly standard costs at the Professional level that corresponds to the Terms of Reference.

"Seconded personnel should not be given financial and/or policy decision-making responsibility and should not be at a level higher than P4 of the professional evaluation standard. Secondments at P5 levels should be posted on the Council website with all support documentation.

“Secondments at a higher level than P5 will have to be submitted to the Council for consideration and approval, on the understanding that they cannot fill established posts.

“Seconded personnel may, in the interest of their assignment, be given operational supervisory functions described in Terms of Reference based on a specific delegation of authority by the Secretary General and periodic monitoring by the Supervisor.”; and

- d) noted that the *Policy and Guidelines on Secondments* would be amended accordingly and promulgated by the Secretary General for the operational implementation of the provisions of Staff Regulations 4.28, 4.29 and 4.30 of *The ICAO Service Code* (Doc 7350).

4. It was understood that the above Council decisions regarding Staff Regulations 4.28, 4.29 and 4.30 would be reflected in the revised version of *The ICAO Service Code* (Doc 7350) approved previously (199/7) for implementation with effect from 1 January 2014.

5. With regard to paragraph 3 d) above, the Council agreed to a proposal by the Representative of Italy that the following statement be included in the revised *Policy and Guidelines on Secondments*: “This revision does not affect the well-established processes, such as the Junior Professional Officer (JPO) Associate Expert Programme, where the funding of positions is regulated through bilateral agreements between the donor Government and ICAO. The JPO Associate Expert Programme is regulated separately and is distinct from the provisions that concern secondees.”.

**Subject No. 7: Organization and personnel**

**Subject No. 7.2: Recruitment policy**

**Subject No. 7.4: Conditions of service**

#### **Revision of the *Policy on Contracts of Individual Consultants/Contractors***

6. The Council had for consideration: C-WP/14074, in which the Secretary General presented the revisions which had been made to the *Policy on Contracts of Individual Consultants/Contractors* pursuant to the request made by the Council (199/6) following its review of the Policy’s implementation and the results of the audit thereof by the Evaluation and Internal Audit Office (EAO); and an oral report thereon by the Human Resources Committee (HRC), which had considered the paper at its First Meeting of the current session on 24 October 2013. The said revisions addressed the main topical areas of: delegation of authority, Terms of Reference, employment of retirees, competitive selection and institutional monitoring/reporting of consultants. A copy of the revised Policy was available on the Council website.

7. In its deliberations, the HRC had discussed aspects related to transparency in the recruitment of consultants, as well as the evaluation of contracts after completion of the assignment. It had been agreed that an audit should be performed on the practice of contracting small firms, i.e. of one to two persons, which were beyond the scope of the existing policy.

8. Discussions had also been held in relation to terminology and whether the revised document should be called a “Policy”. Some Members had noted that it was the prerogative of the Council to approve policies for ICAO. The Secretary General, however, believed that the promulgation of certain policies in administrative areas fell under his responsibility. It had been agreed to bring this matter before the Council for further deliberation.

9. The Secretary General, in his remarks, had agreed to performing an audit on small companies in due course and would consider the request to post Terms of Reference and qualifications of individual consultants online. He had confirmed that a “cooling-off” period would be mandatory for interns, consultants

and secondees after the expiration of their contracts before they could apply and be considered for a post within ICAO.

10. In conclusion, the Committee had recommended that the Council: note the revised *Policy on Contracts of Individual Consultants/Contractors*; and request the Secretariat to perform an external audit on the practice of contracting small firms that were not covered under that policy, and to report the results to the Council.

11. The First Vice-Chairperson of the HRC recalled that, during the Council's earlier consideration of the Work Programme of the Evaluation and Internal Audit Office (EAO) for the year 2014 (cf. C-WP/14071; 200/3), the Secretary General had confirmed that the proposed internal audit of the procurement of goods and services for ICAO Headquarters' needs would include small firms as described in the Committee's oral report.

12. The Representative of India highlighted the need for the Council to have an overall picture of the way in which the Organization was being restructured and of the future human resources policy before it considered the policy for consultants/contractors, secondees and interns. Noting that ICAO was top-heavy, he underscored that that left fewer resources available for the lower Professional categories. This led to a compromise on Professional staff and a consequent reduction in possibilities for their engagement. Secondees and consultants were recruited as they could do the work of Professional staff at a lower cost. The Representative of India cited, as an example, the Information and Communication Technology Section (ICT), where there was a very large number of consultants and very few Professional staff.

13. In endorsing the HRC's recommendation that an external audit be done on the practice of contracting small firms, the Representative of India emphasized that the risk factor was slightly higher for companies than for individuals being contracted for the simple reason that the checks which were thought to be done for individual contractors did not need to be carried out for companies. He had found, to his dismay, that such checks were being waived in the case of individual contractors as well as for companies. The Representative of India stressed that there were a few cases where even an external audit would be insufficient and a detailed investigation would be needed. He would write to the Secretary General regarding those cases.

14. The President of the Council noted that the tentative schedule of meetings for the next (201st) session included an informal briefing on the restructuring of the Organization (cf. President's memorandum PRES RK/2253 dated 29 November 2013).

15. Responding to the concerns raised by the Representative of India, the Secretary General emphasized that the headcount freeze imposed during the current triennium had led to the recruitment of a large number of consultants. This constraint would not, however, exist in the next triennium. He recalled that, at the request of the Council, and in the interest of full transparency, two documents setting forth, respectively, consultancy expenses during 2011, 2012 and 2013, and the number of consultants used by location, Bureau and length of contract during each of those years, had been posted on the Council website under "HR Information" so that Representatives would have a clear understanding of the scale of the consultancies. The Secretary General noted that there were two fields of activity where Representatives, through their various interventions, had indicated that they would understand that the work would be done mainly by consultants: ICT and the Ancillary Revenue Generation Fund (ARGF). He underscored that the use of consultants in those two fields was beneficial for ICAO as the nature of the work required outsourcing or consultancy and the tasks varied constantly. In addition, it enabled the Organization to benefit from the latest specialized knowledge and/or expertise in ICT which existing staff might not necessarily have.

16. In reiterating that there would not be the constraint of a headcount freeze during the coming triennium, the Secretary General indicated that he had issued instructions to drastically reduce the number of consultants as there would be fewer funds available therefor. He had also issued new rules for consultancies,

according to which: the maximum duration of contracts would normally not exceed six months; contracts would contain precise Terms of Reference and expected outputs; and contracts would not be renewed without the Secretary General's specific approval. There would no longer be any delegation of authority to Bureau Directors to renew consultancy services. In addition, the work and performance of consultants would be evaluated and monitored on a regular basis, as well as on completion of the assignment.

17. The Secretary General further indicated that, as he had informed the HRC, he would be issuing a new rule, for implementation from 30 March 2014, whereby no intern, consultant or secondee shall apply for a Secretariat post without a "cooling-off" period of six months after the expiration of his contract. Moreover, the Secretary General was also contemplating a considerable reduction in the use of retirees.

18. In stressing that small firms were covered under procurement and not consultancy rules, the Secretary General reiterated his commitment to have an audit done of such firms and to put the report thereon at the disposal of Representatives. He did not consider that they needed to be overly alarmed by the use of small firms as the Organization was not taking any risks. The Secretary General would be pleased to provide Representatives with any additional information that they might require.

19. In commending the Council's earlier decision regarding secondments (cf. paragraph 3 above), the Secretary General noted that it provided transparency and offered Representatives the opportunity to raise questions regarding any decision taken relating to secondments.

20. While recognizing that the said artificial constraint of the headcount freeze had made it necessary for the Secretary General to recruit consultants to address the resultant staff shortage, the Representative of the Russian Federation agreed with the Representative of India that it would be beneficial to analyze the situation so as to avoid a recurrence. Although the consultants had done good work, in many cases their use had not been the most efficient way in which to solve the Organization's problems. There should therefore be an indepth analysis of the efficiency of using the services of consultants. In underscoring that the envisaged informal briefing on the restructuring of the Organization should likewise be indepth, the Representative of the Russian Federation stressed that the recent reduction in the number of Professional posts had decreased the Organization's efficiency and consequently its ability to fulfill its mandate. Recalling the earlier suggestion (200/3) by the Representative of Burkina Faso that an informal briefing be given on the micro- and macro-management of ICAO, he indicated that the respective roles and authority of the Council and the Secretary General should also be discussed, possibly in an informal briefing.

21. In then drawing attention to the action proposed in the executive summary of C-WP/14074, the Representative of the Russian Federation suggested that it be amended to invite the Council to approve, rather than note, the revised Policy.

22. The Representative of Mexico observed that, given the situation, some Representatives were inclined to think that there should be a more indepth analysis and broader perspective of all of the revisions made to the Policy, which could have a considerable impact on the management of the Organization. Recalling that many of the changes had been implemented, in part, to respond to budgetary constraints, he noted, as an example, that throughout the current triennium, and possibly in the previous triennium, a number of essential Regular Programme posts had been funded by the ARGF, *inter alia*. This was a cause for concern. The Representative of Mexico stressed the need to proceed more cautiously in this area as there could be increased risks to ICAO.

23. Referring to the point raised by the HRC regarding the title of the revised document, the Representative of Mexico suggested that the Council provide guidance to the Secretary General to the effect that any policies relating to the administration of the Organization be called "Directives" or "Procedures" approved by the Secretary General so as to clearly distinguish them from ICAO policies promulgated by the Council under its authority.

24. The Representative of the United States indicated that his State's goal was to: understand the existing internal control mechanisms for all the various ways in which ICAO contracted its services, including the recruitment of consultants/contractors and procurement; have them tightened; and ensure that they were being implemented to the Council's satisfaction. In citing, as an example, the case of a Memorandum of Understanding (MOU) which contained a business proposition, he underscored that a MOU should not be a substitute for the procurement process.

25. In then raising the related issue of rising staff costs, the Representative of the United States recalled that the International Civil Service Commission (ICSC) set the floor net salary level for staff in the Professional and higher categories by reference to the corresponding base net salary level of officials in the comparator, the United States federal civil service. The said floor net salary level ranged between 10 and 20 per cent higher than that of the comparator. Since 1988, the United Nations (UN) General Assembly had repeatedly reaffirmed that range for the margin, on the understanding that the margin would be maintained at a level around the desirable midpoint, which was 15 per cent above the salaries of the comparator. Due to a number of factors, however, the current one-year margin was some 19.8 per cent and was projected to be some 22 per cent within a year, which was outside the UN's mandate.

26. The Representative of the United States informed the Council that some sister organizations in the UN common system had adopted resolutions instructing that the concerns of their Member States regarding the impact of rising staff costs on the financial sustainability of their organizations be conveyed to the ICSC, *inter alia*, and requesting that the ICSC take action to address the situation, particularly in the context of its ongoing comprehensive compensation review. He indicated that his State would probably present a paper to the Council during the next (201st) session inviting the Council to endorse the action taken by the said sister organizations and to adopt a similar resolution.

27. The Representative of Venezuela (Bolivarian Republic of) observed, from the discussion, that there were four important components of human resources policy: transparency in the selection process, whether for the recruitment of personnel, accredited consultants or interns; competency in the functions to be carried out; compliance with the rules of the institution; and discharge of duties. Accredited consultants had made, were making, and would continue to make valuable contributions to the fulfillment of the Organization's mandate. In light of the budgetary constraints referred to by the Secretary General, consideration should be given to the importance of ICAO having its own, independent workforce, which would avoid the risk of dependence on external personnel. In sharing the concerns expressed by the Representatives of Mexico, the Russian Federation, India and the United States, the Representative of Venezuela (Bolivarian Republic of) emphasized that they should be taken into consideration and that actions should be taken to avoid risks. Agreeing with the Representative of Mexico on the need to differentiate between policies emanating from the Council and those emanating from the Secretary General, he suggested that the latter be denominated "Directives", "Rules" or "Regulations" to avoid confusion.

28. The Representative of Malaysia welcomed the revision of the *Policy on Contracts of Individual Consultants/Contractors* and the firm assurances given by the Secretary General in response to the issues raised by the Representative of India. He highlighted that the Secretary General had minimized the discrepancies in the said policy and improved the clarity of Terms of Reference for individual consultants/contractors, which would effectively increase the efficient use of resources. The Representative of Malaysia recalled that in its audit report on the implementation of the original Policy, EAO had indicated that some consultants had been utilized to perform assignments of a continuous nature which could be carried out by staff members and that alternative contractual arrangements should therefore be considered, such as the issuance of temporary or fixed-term contracts (cf. C-WP/14011; 199/6). The review and revision of the said policy had thus enabled the rectification of deficiencies in the policy on human resources.

29. Noting that individual consultants/contractors were recruited on the basis of their expertise for assignments which were of a temporary nature and which could be performed within a limited and finite period

of time, the Representative of Malaysia stressed that their Terms of Reference should be fine-tuned to ensure that their contracts for service would not be used to misinterpret and circumnavigate the said policy by allowing the appointed consultants/contractors to outsource or sub-contract their work.

30. Observing that in the action paragraph of the executive summary of C-WP/14074 the Council was invited to provide any additional advice that may be required, the Representative of Malaysia proposed that an evaluation be done of performance management and risk management to ensure that projects assigned to individual consultants/contractors were carried out in a more cost-efficient manner. He highlighted, in this context, ICT projects which had a system lifecycle recommended by the consultants/contractors but which failed to recover costs during the projects' lifespan. The Representative of Malaysia therefore suggested that a penalty clause be included in the contracts for service, in addition to the existing performance evaluation form.

31. Welcoming the envisaged informal briefing, the Representative of Spain concurred with the Representative of India that it was necessary to first understand the general aspects of human resources before going into the details. He affirmed that, while all organizations needed consultants and seconded personnel, they should only be used in a specific context and within reasonable limits. Such limits should be analyzed by the Council.

32. In agreeing on the need to use different terms in order to clearly differentiate between policies promulgated by the Council and those promulgated by the Secretary General, the Representative of Spain indicated that if the Council were prepared to take a decision thereon during the present meeting, then he would support the suggestions made in that regard by the Representatives of Mexico and Venezuela (Bolivarian Republic of). Otherwise, a taxonomy could be done of the various policies and submitted to, for example, the Working Group on Governance and Efficiency (WGGE) for consideration.

33. In noting that the said informal briefing would provide a full picture of his intentions vis-à-vis the restructuring of the Organization, the Secretary General indicated that it would be up to Representatives to decide whether or not they agreed with them. As the Secretary General had mentioned during the HRC's First Meeting, he had not informed the Council of some recent restructuring in the Air Navigation Bureau (ANB) as the situation had become urgent and there had consequently been no time to do so. The Secretary General reiterated that he was always open to guidance from the Council.

34. Fully agreeing with the Representative of the United States on the need to tighten internal controls and to understand the constraints under which the Organization was operating, namely, those of the UN, the Secretary General indicated that all information related to costs and the ICSC deliberations would be provided to the Council once received through the UN Secretary-General.

35. Referring to the comments raised regarding his issuance of policies, the Secretary General averred that it was not merely a question of terminology; rather, it was a more substantive issue. He had looked into it, with the assistance of the Legal Affairs and External Relations Bureau (LEB), which had done a thorough analysis of the situation in the UN. While the issuance of policies by the UN Secretary-General had been discussed in the UN, no conclusion had been drawn. It was a grey area, one which was dependent upon the subject. The Secretary General underscored that the question of whether or not he could issue policies was linked to his functions. It was only within the scope of those functions, and his authority, that the Secretary General could issue "Policies".

36. The Secretary General noted, in this context, that his Charter Letter dated 13 March 2012 from the President of the Council on behalf of the Council (cf. PRES RK/2059 dated 23 March 2012), described his role as follows: "As the Secretary General, you are the Chief Executive Officer of ICAO and responsible to the Council. You are in charge of the **overall administration of the ICAO Secretariat** (emphasis added), ensuring it is functioning in a fair, transparent and efficient manner while delivering the programme of work approved by the Assembly and the Council. You are expected to assist the Council in its deliberations and

decision-making on a range of policy and operational matters. ... You will need to deliver sound corporate oversight of the Organization, identify key strategic issues and apply sound judgement to solve a wide range of problems. ... You will be required to show executive and managerial leadership skills and diligent oversight and analysis of complex legal, human resources, financial and administrative management policy and programme issues. ...”.

37. Within that specific framework, the Secretary General could issue policies or similar documents. However, his functions and powers were not only the ones which were so codified, but also the ones which were based on past practice and precedent. The Secretary General recalled, in this regard, that all of his predecessors had issued for decades documents denominated “Circular”, “Manual”, “Guidance Material”, “Policy”, and “Policy and Guidance Material”. While the Assembly or the Council could, at any time, limit or circumscribe the Secretary General’s ability to issue such documents, currently he could do so, on the basis of past practice and precedent. Moreover, the Secretary General could change the title of any document that was issued under his authority and denominate it as he wished. The real issue was not the title of such documents but whether they were submitted to the Council for approval, or for information and noting purposes.

38. Noting that he was in the process of issuing a policy on the use of conference services, the Secretary General indicated that he could instead denominate it “Guidelines” or give it any other title he wished. As he would not be submitting the document to the Council, he questioned why calling it a “Policy” on the use of conference services would create a problem. Reiterating that there was a very grey area which had been discussed at length in the UN context, the Secretary General indicated that he could disseminate to Representatives copies of the UN’s deliberations thereon. There had not been a final answer, however.

39. In then referring to the HRC’s recommendation that an external audit be done on the practice of contracting small firms that were not covered under the *Policy on Contracts of Individual Consultants/Contractors*, the Secretary General noted that EAO’s 2014 Work Programme already included an internal audit of the procurement of goods and services for ICAO Headquarters’ needs which would cover small firms with discrete services (cf. C-WP/14071; 200/3). As the internal audit would be conducted in early 2014, the results would soon be available. If the Council decided that an external audit should be carried out, then it would be necessary to request the new External Auditor of ICAO, Corte dei Conti of Italy, to include it in its envisaged work programme for 2014, which would extend the length of the process.

40. The President of the Council underscored that, as the External Auditor was accountable to the Council, the latter could request him to include in his work programme any issue of interest to it. It was important to consider that, if the Council agreed to the recommended external audit, then the External Auditor should be requested to add it to his work programme before the latter was finalized, to avoid any additional costs.

41. The Representative of India reiterated that, while he had no objection to the practice of contracting small firms being part of the said internal audit, he would prefer it if an external audit were done of the entire issue of procurement of goods and services, especially of the services of consultants where small firms were involved.

42. Referring to the statement made by the Secretary General, the President of the Council noted that most, if not all, of the documents published by the Secretary General were policies approved by the Assembly or the Council. In the present case, it was an internal policy for the administration of the Organization, and not a policy of ICAO, that was under discussion. In reiterating the need for clarity, the President of the Council indicated that if the title “Policy” for the revised document created a problem — and several Representatives had raised that issue — then it could be changed by the Secretary General. The sole intention was to avoid confusion.

43. In light of comments made, the Secretary General agreed to amend the title of the said document by replacing the term “Policy” with the term “Administrative Instructions”. It was understood that the titles of other internal administrative policies promulgated under the authority of the Secretary General would be reviewed by the latter and revised, as appropriate, to avoid confusion with ICAO policies promulgated under the Council’s authority.

44. In then taking action on the basis of the HRC’s recommendations, the Council:

- a) noted the revised *Administrative Instructions on Contracts of Individual Consultants/Contractors*; and
- b) requested the new External Auditor of ICAO, Corte dei Conti of Italy, to include in its envisaged work programme for 2014, at no additional cost to the Organization, an audit of ICAO’s practice of contracting small firms that are not covered under the said Administrative Instructions and to present the results to the Council in its annual report.

45. With regard to sub-paragraph b) above, it was understood that, in accordance with customary practice, the External Auditor’s annual work programmes would be posted on the Council website, for the purpose of transparency. The Council noted that the internal audit of the procurement of goods and services for ICAO Headquarters’ needs, to be carried out in early 2014, would cover small firms with discrete services (cf. C-WP/14071; 200/3).

46. The Council also noted that a paper relating to the ICSC methodology for determining salary scales might be presented by the Representative of the United States during the next (201st) Session. The Secretary General confirmed that all information related to costs and the ICSC deliberations would be relayed to the Council once received through the UN Secretary-General.

47. It was further noted that, as requested by the Representative of the Russian Federation, the text of the Secretary General’s upcoming (C 201) informal briefing on the restructuring of the Organization would be circulated in advance to Representatives.

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

**General Work Programme of the Legal Committee**

48. Tabled for the Council’s consideration was C-WP/14068, in which the Secretary General presented the actions taken by the recent 38th Session of the Assembly with regard to the General Work Programme of the Legal Committee. The Assembly had removed two items in relation to which the Legal Committee had already completed its work, namely item 1) “Compensation for damage caused by aircraft to third parties arising from acts of unlawful interference or from general risks” and item 6) “International interests in mobile equipment (aircraft equipment)”. In addition, the Assembly had amended the title of item 7) to read “Promotion of the ratification of international air law instruments” and had raised the priority of item 5) “Consideration of Guidance on Conflicts of Interest” to number 2). Furthermore, the Assembly had introduced a new item “Study of legal issues relating to remotely piloted aircraft” with priority 6).

49. In taking the action proposed in the executive summary of C-WP/14068, the Council confirmed and approved the General Work Programme of the Legal Committee as set out in paragraph 4.1 of the paper, including the prioritization of items, and reproduced below:

- 1) Acts or offences of concern to the international aviation community and not covered by existing air law instruments;

- 2) Consideration of Guidance on Conflicts of Interest;
- 3) Safety aspects of economic liberalization and Article 83 *bis*;
- 4) Consideration, with regard to CNS/ATM systems including global navigation satellite systems (GNSS), and the regional multinational organisms, of the establishment of a legal framework;
- 5) Promotion of the ratification of international air law instruments; and
- 6) Study of legal issues relating to remotely piloted aircraft.

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

**Appointment of the President of the Air Navigation Commission (ANC)**

50. This subject was documented for the Council's consideration in C-WP/14075, presented by the President of the Council.

51. In accordance with Rule 16 c) of the *Rules of Procedure for the Council* (Doc 7559), the President had invited the Members-Elect of the Air Navigation Commission (ANC), under cover of PRES RK/2247 dated 18 November 2013, to declare to him in writing, before the close of business on 21 November 2013, their candidacies for the post of President of the Commission for the year 2014. At the time of the close of nominations, Mr. Farid Zizi was the sole candidate for the post. Mr. Zizi's curriculum vitae was reproduced, in English only, in the Appendix to C-WP/14058 posted on the Council website and the ICAO-NET. The main qualities needed by the future President of the ANC were set forth in C-WP/14002, as further elaborated by the Council on 29 May 2013 (199/5).

52. A recommendation by the Representative of India that Mr. Zizi be appointed by acclamation as he was the sole candidate for the Presidency of the ANC was endorsed by the Representatives of Argentina, the Russian Federation, the United Republic of Tanzania, Libya, Saudi Arabia and Venezuela (Bolivarian Republic of).

53. Taking into account that there was only one candidate for the Presidency of the ANC, the Council then: unanimously decided to waive the requirement set forth in paragraph 1 of Appendix D of its Rules of Procedure for a secret ballot for the appointment of the President of the ANC; and, acting on the above-mentioned recommendation by the Representative of India, and in accordance with Article 56 of the *Convention on International Civil Aviation* and Rule 16 c) of its Rules of Procedure, the Council appointed, by acclamation, Mr. Zizi as the President of the ANC for a period of one year commencing on 1 January 2014.

54. In congratulating Mr. Zizi on the honour which the Council had thus bestowed upon him, the President of the Council expressed complete confidence that he would serve both the Commission and ICAO well and that he would make an outstanding contribution in his new role as President of the ANC.

55. The Representative of Spain observed that the Council's appointment of the President of the ANC by acclamation sent a signal to the Commission that it supported the selection that the Commissioners had made amongst themselves, Mr. Zizi having been the sole candidate. He affirmed that it was a good practice.

56. Further to a suggestion then made by the Representative of Spain, the President of the Council requested that the consolidated text of the above-mentioned main qualities required of the President of the ANC be posted on the Council website. In addition, the Representative of Poland requested that a press release

be issued announcing Mr. Zizi's appointment as President of the ANC, in accordance with customary practice. These requests were noted by the Secretary General.

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

**Work Programme of the Council and its Committees for the 201st Session**

57. The Council considered this subject on the basis of: C-WP/14076, presented by the President of the Council and the Secretary General; and an oral report thereon by the Working Group on Governance and Efficiency (WGGE).

58. With regard to the WGGE's recommendation that the activities of the envisaged Environment Advisory Group (EAG) be included in the Work Programme of the Council and its Committees for the 201st Session, it was recalled that the Council had only agreed in principle to the group's establishment (200/4) and that the EAG had not yet been constituted. The Council would return to this issue during the next session when it considered the paper on the establishment of the EAG presented by the President of the Council, with the assistance of the Secretary General and in consultation with the four co-sponsors of related C-WP/14087. Noting that the majority of Representatives had favoured assigning the EAG tasks and not Terms of Reference, the President of the Council recommended that the EAG not have sessional work programmes and that instead a report by the EAG be included in the Council's sessional work programmes.

59. With respect to the WGGE's recommendation that an informal briefing be given during the next session on upcoming safety- and security-related Annex amendment proposals, it was noted that the tentative schedule of meetings for the 201st session (cf. PRES RK/2253 dated 29 November 2013) included an informal briefing of Council Representatives and Air Navigation Commissioners on the issue "Safety and Security SARPs — Today and the Future".

60. The Council also noted that the following supplementary items would be added to its Work Programme for the 201st Session as a result of the decisions that it had taken during the current session, and that the consequent changes would be made to the Work Programmes of the relevant Committees:

- an item relating to the review of the Evaluation and Audit Advisory Committee (EAAC) (cf. C-DEC 200/3, paragraph 14);
- an item relating to a proposal by the Air Navigation Commission (ANC) to amend the *Directives for Panels of the Air Navigation Commission* (Doc 7984) (cf. C-DEC 200/4, paragraph 1); and
- an item relating to the establishment of the EAG [cf. C-DEC 200/4, paragraph 6 c)].

61. The Council further noted that, pursuant to its earlier decision (200/4) that environment-related issues would no longer be considered by the Air Transport Committee (ATC), Item 29 (Review of Assembly resolutions and decisions – *Environmental protection*) and Item 30 (Environmental Protection – Recent developments in other United Nations bodies and international organizations) of the Council's Work Programme would be amended by deleting the reference to an oral report by the ATC.

62. Subject to these changes, the Council approved its Work Programme for the 201st Session set forth in Appendix A to C-WP/14076.

63. In addition, the Council approved the Work Programme of the ATC for the 201st Session presented in Appendix B to the paper, subject to the deletion of Item 4 (Review of Assembly resolutions and decisions – Environmental protection) and Item 5 (Environmental Protection – Recent developments in other

United Nations bodies and international organizations). It also approved the Work Programmes for the 201st Session of: the Joint Support Committee (JSC); the Finance Committee (FIC), subject to the addition of an item on the review of the EAAC; the Committee on Unlawful Interference (UIC); the Technical Co-operation Committee (TCC); and the Human Resources Committee (HRC), subject to the deletion of Item 5 [Review of Vacancy Notice for the post of ICAO Regional Director, Middle East Office, Cairo (MID)], and the addition of two items, the Report of the Joint Inspection Unit (JIU) entitled “Review of Individual Consultancies in the United Nations Systems” (C-WP/14082) and the Report of the JIU entitled “Staff Recruitment in United Nations System Organizations: A Comparative Analysis and Benchmarking Framework: Overview” (C-WP/14084) [cf. Appendices C to G, respectively, of the paper].

64. It was understood that a revised version of C-WP/14076 would be issued reflecting the additional items and changes agreed to by the Council in the course of its deliberations during the current session.

## **Any other business**

### **Council working papers presented for information**

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

- **C-WP/14079** — *Resolutions of the 67th Session of the United Nations General Assembly* — circulated under cover of PRES RK/2241 dated 7 November 2013, with a deadline of 20 November 2013 for comments;
- **C-WP/14078** — *Financial situation of the Organization* — circulated under cover of PRES RK/2242 dated 12 November 2013, with a deadline of 22 November 2013 for comments; and
- **C-WP/14077** — *Report on activities during the recess* — circulated under cover of PRES RK/2243 dated 15 November 2013, with a deadline of 22 November 2013 for comments.

## **Subject No. 14: Subjects relating to air navigation**

### **Freedom of overflight over the high seas and air defense identification zones (ADIZs)**

66. On behalf of his Government, the Representative of Japan then made a brief statement on the freedom of overflight over the high seas and air defense identification zones (ADIZs). He underscored that freedom of overflight over the high seas was a general principle of international law which was of vital importance for the order and safety of international civil aviation. Ensuring freedom of overflight over the high seas was a common interest of all Member States of ICAO. ADIZs were established by States as their internal measures to defend their national security. If a State went as far as to unilaterally impose obligations in its airspace on aircraft simply flying over the high seas without any intention of approaching its territorial airspace, then it would create unnecessary workload and confusion in relation to matters pertaining to flight information regions (FIRs) established under ICAO. Moreover, if a military aircraft of that State took an enforcement measure in its ADIZ against a civil aircraft routinely flying on an established international route over the high seas, due to its non-compliance with the rules set forth unilaterally by that State, the order and safety of international civil aviation was likely to be endangered.

67. In this regard, the Government of Japan suggested considering, *inter alia*, having a future discussion in an appropriate setting, such as the ICAO Council, regarding how ICAO could contribute to issues

like this one as the Organization tasked with international aviation safety. It requested the Council to take note of this matter in this session.

68. Endorsing the concluding comments of the Representative of Japan that the Council should, at this time, take note of the matter of freedom of overflight over the high seas and ADIZs, the Representative of the United States emphasized that it was a serious one around the world and had been for a long time. As someone who had flown over every ocean and every sea in every part of the world, including FIRs and ADIZs, he knew that it was impossible to debate such a complex subject quickly. The Representative of the United States underscored that, if the Council were to discuss it — and he considered that the Council, in its judgment, could do so at a future time, as suggested by the Representative of Japan — then it would need a thorough understanding thereof from the Air Navigation Commission (ANC), as well as from the Legal Affairs and External Relations Bureau (LEB), to be fully versed in how ADIZs operated, how ICAO functioned with its responsibilities vis-à-vis FIRs, and how those issues were inter-related.

69. In providing some information regarding ADIZs, the Representative of China recalled that since the 1950s more than 20 States had established such zones. He affirmed that the establishment of the ADIZ over the East China Sea had a very solid legal basis: it was in line with international common practices and was in conformity with the *Charter of the United Nations*. It neither changed the legal nature of the relevant airspace, nor did it affect the normal flight activities of international flights within the said ADIZ. The current international flight operations and the control of airspace had not been changed in any way. The Air Traffic Management Bureau of the Civil Aviation Administration of China (CAAC) had issued a NOTAM to that effect in the past week. Civil aviation operations over the East China Sea had been normal and the freedom of overflight of civil aircraft of different States had not been affected. The Representative of China hoped that the Council could take note of this information.

70. Addressing some points on this issue, the Representative of the Republic of Korea indicated that his Government took note, with concern, of the event which had recently happened in North East Asia regarding the establishment of an ADIZ. He stressed, in that regard, that the establishment of the ADIZ should not interrupt the freedom of aircraft navigation over the high seas, which was enshrined in the *United Nations Convention on the Law of the Sea* and was now considered to be customary international law. The ADIZ should not, in any case, compromise the order and the safety of international civil aviation. The Government of the Republic of Korea expected this matter to be resolved by dialogue between the concerned parties. The Representative of the Republic of Korea called upon ICAO to take note of this issue, with caution, and expect, if need be, any appropriate response for the orderly and safe development of civil aviation.

71. The Representative of the United Kingdom joined previous speakers in thanking the Representative of Japan for drawing the Council's attention to this matter and inviting it to take note thereof. As the Representative of the United States had indicated, this was an important matter in terms of the relationship between FIRs and ADIZs. Furthermore, as the Representative of the Republic of Korea had pointed out, it was an area that must be addressed with caution to ensure that ICAO stayed within its own remit of ensuring the free movement of civil aviation carrying out lawful activities. The Representative of the United Kingdom therefore supported the comment made by the Representative of the United States with respect to information on the relationship between ADIZs and FIRs, to be made available in due course, so that the Council could understand this general question more clearly.

72. In also expressing appreciation to the Representatives of China and Japan for providing information to the Council on this subject, the Representative of the Russian Federation noted that there were many issues which should be considered by the Council. He indicated, in this context, that his Government intended to present, probably during the next (201st) session, information on flights of military aircraft over the high seas that had crossed international airways several times without prior notification to, or communication with, the Vladivostok Air Traffic Control (ATC) Centre, which was responsible for the safe flow management in that area over the high seas. While this issue had no direct connection to the issue raised by the

Representative of Japan, there were a few common elements which merited consideration by the Council in order to formulate a legal recommendation to ICAO Member States for the sake of international flight safety.

73. The Representative of Australia noted, with thanks, the interventions made by both the Representative of Japan and the Representative of China. In underscoring that she would like to see the tensions managed down, she expressed the hope that the issues could be resolved through peaceful means. As mentioned by the Representative of the United States, and supported by the Representative of the United Kingdom, the Representative of Australia believed that consideration of this matter in ICAO should be limited to issues around the safety and efficiency of civil operations in aviation. She agreed that further clarification on the interaction between the said two types of airspace, ADIZs and FIRs, and their procedures, etc. could be considered by the Council at a future time.

74. In the absence of further comments, the Council took the action requested by the Representative of Japan and took note of the matter of freedom of overflight over the high seas and ADIZs.

**Subject No. 42: Technical cooperation**

**Legal opinion on ICAO Project UNP/12/801 to assist the UN Secretariat in transitioning their solicitation process for air charter services from an Invitation to Bid (ITB) methodology to a Request for Proposal (RFP) methodology**

75. Further to an earlier request (200/2) by the Representative of the Russian Federation, the Acting Director of the Legal Affairs and External Relations Bureau (A/D/LEB) provided the following legal opinion on ICAO Project UNP/12/801:

“I understand the issue to be in two parts.

“The first is whether the report that was delivered to the UN pursuant to ICAO Project UNP/12/801 to assist the UN Secretariat in transitioning their solicitation process for air charter services from an Invitation to Bid (ITB) methodology to a Request for Proposal (RFP) methodology should have been characterized as a consultant report or a Technical Cooperation Bureau (TCB) report, as opposed to an ICAO report. The Legal Affairs and External Relations Bureau (LEB) believes that the characterization of the report as an ICAO report was appropriate and consistent with the legal framework that prompted its production.

“Assembly Resolution A36-17 (*Consolidated Statement of ICAO policies on technical cooperation*) consistently refers to the Technical Cooperation Programme as the ICAO Technical Cooperation Programme and refers to ICAO as the executing agency.

“This particular project was undertaken in accordance with a Management Services Agreement (MSA) entered into by ICAO and the UN in 2009. The MSA serves as an umbrella agreement for the provision of certain management and technical support services by ICAO to the UN. Such services are to be provided on the basis of ‘Specific Agreements’ executed between ICAO and the UN. However, under the terms of the MSA, ICAO remains ‘fully responsible’ for the performance of the services and all its obligations under any Specific Agreements.

“The project document in this case was signed by the ICAO Secretary General and UN officials on 18 June 2012. TCB was responsible for carrying-out ICAO’s obligations under the agreement; specifically, to provide consultancy services regarding the UN air charter service solicitation process. However, the contracting party to both the MSA and the Project is ICAO, as is the case of MSAs and the Project Documents with States. Note that the other party is the UN, not a department of the UN.

“Because the report in question was produced under the authority of the Secretary General of ICAO and in fulfillment of the Organization’s contractual obligations vis-à-vis the UN, ICAO itself is responsible for its content. Moreover, LEB believes that taking into account Assembly Resolution A36-17, the provisions of the MSA whereby ICAO remains ‘fully responsible’ for the performance of the services and all its obligations under any Specific Agreements, and of the Specific Agreement itself, whereby the UN retains ICAO (the Organization) as a consultant, as well as general principles of contract and agency law, together demand that the deliverables that were to be provided to the UN under this framework be identified as ICAO products.

“The second but related issue is whether the project document concluded in 2012 and the corresponding project report should have been presented to the Council or Assembly prior to issuance.

“There previously existed a delegated authority of the President of the Council, to approve, on the basis of recommendations of the Secretary General, technical assistance to requesting States using funds from the Technical Assistance Fund. It should be emphasized that this authority did not extend to the approval or vetting of individual project deliverables, such as studies, reports or technical specifications.

“Having said that, it should be recalled that Council, during its 178th Session in 2006 decided to no longer retain the aforementioned authority. In addressing this point at the time, the President of the Council expressly emphasized that the approval of technical cooperation projects was the responsibility of the Secretary General and that the President of the Council neither signed nor approved technical cooperation projects [see C-DEC 178/10, para.4]. The mere fact that in this instance the recipient entity for assistance was another international organization as opposed to an individual State does not call for a different treatment, also given that Assembly Resolution A36-17, expressly welcomed the expansion of technical cooperation activities to public non-State entities.

“In the same vein, and consistent with the foregoing, the General Secretariat Instructions entitled ‘MOUs and Similar Agreements’ exclude CAPS Agreements, Management Service Agreements, Project Documents and Trust Fund Agreements from the requirement of having to be approved by the President of the Council.

“ICAO has concluded Management Services Agreement with 29 States and has on-going Country Projects in 15 States which are members of the current or previous Council and none of these States have conveyed to ICAO the need to have the project deliverables submitted to the governing bodies of ICAO.

“Resolution A36-17 points out that the Council has agreed that greater operational flexibility should be accorded to TCB, with appropriate oversight and control.

“Such oversight over technical cooperation activities is exercised at different levels, from internal oversight monitoring and control mechanisms of the State itself to TCB management and administration of projects with financial controls by the Finance Branch; LEB’s review of legal issues; contract and agreements; strict application of the Procurement Code; Contracts Board’s procurement process reviews; ISO 9001 internal audits; ICAO internal audits and evaluations; yearly financial and performance audits by the External Auditor, in addition to the governance exercised by the Council through its Finance Committee and Technical Cooperation Committee in the review of Programme planning and financial and operational results, in accordance with established reporting requirements.

“For the afore-mentioned reason, LEB is of the opinion that neither the project document nor any of the technical deliverables related to the activity concerned required prior presentation to the governing bodies of ICAO.”

76. The President of the Council requested that the above legal opinion be posted on the Council website so that it could be reviewed by Representatives in detail.

77. While thanking A/D/LEB for the indepth legal opinion, and expressing gratitude that it would be posted on the Council website, the Representative of the Russian Federation voiced disagreement therewith. He requested that this issue be discussed in greater detail during the next (201st) session on the basis of a paper to be presented by his State. Noting that the recommendations contained in ICAO Project UNP/12/801 were of a policy nature, he expressed surprise that they had not been presented to the Council for consideration prior to the submission of the document to the UN Secretariat. This led him to expect that in future Annex amendment proposals setting forth new or revised Standards and Recommended Practices (SARPs) — another policy matter — would no longer be presented to the Council for adoption.

78. The Representative of the Russian Federation had also been surprised that he had not been permitted by TCB to consult ICAO Project UNP/12/801 as it was a confidential document. DD/TCB had nevertheless discussed the contents with him and reiterated that TCB, or any consultant engaged to perform work for TCB, had the right to express an official ICAO position at UN Headquarters — a view which he could hardly endorse. Expressing dissatisfaction with the legal opinion, both as a Representative of the Russian Federation and as a Council Member, he affirmed that it was not in accordance with Article 54 (*Mandatory functions of Council*) of the *Convention on International Civil Aviation*.

79. In sharing the concerns expressed by the Representative of the Russian Federation, the Representative of India indicated that he was also surprised by the confidentiality of ICAO Project UNP/12/801. Underscoring the need to carefully consider what information could be denied to Council Representatives and the reasons therefor, he supported the action suggested by the Representative of the Russian Federation.

80. The Representative of France indicated that it was his understanding that the UN had solicited the ICAO Secretariat's assistance, and requested its views, regarding contractual practices in the field of air charter services. Affirming that it was quite normal for the UN to turn to ICAO in that context, he had no objection thereto. It was also his understanding that this assistance had been deemed to be very useful and that the UN wished to continue to benefit therefrom. Emphasizing that that would only be normal relations between the two Secretariats within the UN common system, the Representative of France underscored that it should be faithfully pursued. With regard to how to qualify or describe that collaboration, he considered that the two organizations should agree on the appropriate manner to work together, according to their sensitivities.

81. While the Representative of Spain would have to read the extensive legal opinion in detail, he had no doubts, at this time, regarding the legal aspects of the process. In agreeing with the Representative of France that such collaboration between UN organizations was normal, he indicated that at issue was a problem of semantics and of how to present information to third parties. The Representative of Spain underscored that it would be useful if, in future, such information was conveyed in a transparent and precise manner so as to reflect the work that had been carried out and its author.

82. Emphasizing that the use of the Organization's logo in any situation fell under the remit of the relevant ICAO body, the Representative of Spain agreed with the Representative of the Russian Federation that that should be taken into account. In nevertheless endorsing the work which had been done by TCB, he noted that its recommendations had been more or less accepted by the UN. In recommending that the Organization pursue its collaboration with the UN, he stressed the need for ICAO to be careful, in future, in denominating its work.

83. In also endorsing the comments made by the Representative of France, the Representative of the United Kingdom stressed the importance of organizations within the UN family being able to effectively work together and share expertise, such as in the present case involving the UN's procurement of long-term air

charter services. He therefore found the substance of TCB's work to be entirely unobjectionable. It was his understanding that the recommendations emerging therefrom were very much consistent with best practices in procurement generally, which was good.

84. Concurring with the Representative of Spain that it was always necessary to be a little careful about the way in which the name of the Organization was presented, the Representative of the United Kingdom emphasized that if there had been any controversy over that, then the issue should be clarified to ensure that it was being used correctly and that there was no reputational issue arising from the work being done. He hoped that that did not detract from the importance of that work, which enabled ICAO, a UN Specialized Agency, to contribute to the effective and efficient work, and delivery of the important objectives, of other parts of the UN family.

85. The Representative of Australia agreed that TCB's document and the recommendations contained therein represented nothing more than a best practice approach to procurement for long-term air charter services. She would like to think that Representatives did not diminish the integrity of TCB's document and its recommendations through their comments on the manner in which it had been released and the approval authority. In voicing support for the said recommendations, the Representative of Australia underscored that they were intended to enhance procurement operations in the UN. In expressing the hope that they would be accepted and implemented within the UN in due course, she indicated that she would also like to think that relevant recommendations were being applied within ICAO.

86. The Representative of Canada expressed gratification that ICAO was recognized as a best practice leader within the UN family. He noted that there were other fora in the UN Headquarters, including the Fifth Committee, where procurement practices were discussed.

87. The Representative of Italy underscored that what was occurring was cooperation between two UN organizations. Even if there were no contract or agreement to provide such technical assistance, that was the main framework that had to be taken into account. As such, the Representative of Italy did not see any major problems and did not consider that there had been any violation of any rules whatsoever. Some of the issues raised by the Representative of the Russian Federation could, nonetheless, be addressed in future by the Council and some fine-tuning done. In general, however, the Representative of Italy supported the comments made by the Representatives of France and the United Kingdom.

88. In agreeing with the Representative of Spain that it was a problem of semantics, the Representative of the Russian Federation emphasized that what was being questioned was not TCB's recommendations but rather their presentation to the UN Secretariat as "ICAO's main recommendations" without having been discussed beforehand by the Council or any other ICAO body. He likened it to a Council Representative speaking on behalf of the Secretary General when the latter was not in agreement with the Council Representative's position.

89. Responding to the comments made by the Representatives of Spain and the Russian Federation, the Secretary General underscored that the legal opinion had made it clear that the TCB project document produced for the UN was an ICAO deliverable. That would continue to be the case, in accordance with the commitment made in the said MSA concluded between ICAO and the UN in 2009. With regard to the issue of confidentiality, the Secretary General emphasized that, as the project document was to be delivered to the UN, it was for the UN to make it public to whomever it wished. It was not for ICAO to provide copies of the project document to anyone making a request therefor.

90. The President of the Council noted, in this context, that all TCB project documents were confidential and that ICAO never published the results of TCB projects until the parties concerned decided accordingly.

91. In the spirit of transparency, the Secretary General informed the Council that the UN, through a mission which had visited ICAO a few days earlier, had requested to continue working with the Organization on the issue of procurement of long-term air charter services. ICAO had committed to doing so. Recalling the comments made by the Representative of Australia, the Secretary General stressed that ICAO was providing technical advice to assist the UN in taking a decision with regard to procurement of long-term air charter services. He confirmed that the legal opinion on ICAO Project UNP/12/801 would be immediately disseminated to all Council Representatives via the Council website.

92. While agreeing with the comments made by the Secretary General, the Representative of Spain indicated that there were some other aspects which could be addressed by the Council at a later date.

93. Noting that the Council was currently not in a position to discuss this issue further and take a decision, the President of the Council indicated that some concerns remained to be clarified and considered in the future.

#### **Technical assistance provided by ICAO third parties**

94. The Representative of Poland noted that her Delegation had been reviewing technical assistance to various States offered by ICAO third parties. It had received signals that some of the projects that had been duly accepted, with full Terms of Reference and full financing available, had never been successfully completed or had been purely and simply abandoned. Without going into details, she knew of situations where: approved projects had commenced; experts had been sent to the recipient States; in a few cases, the majority of studies or proposals had been submitted for consideration by ICAO and the States concerned; the experts' conclusions had been accepted; and yet, after such a first phase of assistance, for unknown reasons, the experts' conclusions had not been followed or implemented, and the projects had been interrupted *sine die*, discontinued, or simply abandoned.

95. The Representative of Poland considered that there may be possible important fields in which substantial funds and energy could be saved in the cases that had similar causes of repetitive disappointment. She had asked the Technical Co-operation Bureau (TCB) whether there were statistics showing the number of such projects, the reasons for non-completion, and the amount of money that had not been used. The Representative of Poland understood that there might be projects which would end without completion for a number of reasons. What she wished to know was the number of such projects and the amount of money that had been unused for identical or similar reasons. The Representative of Poland was afraid that there might be common causes to many failures, causes which were unfamiliar and potentially preventable, allowing scarce resources to be saved. She wished the Secretariat to consider whether, in view of the diminishing financial resources, it was not advisable to examine such abandonment of five technical assistance projects to determine whether there existed common causes in order to prevent a repetition of money, time and expertise going astray. It was necessary for her to be realistic in her request, however, and not ask for statistics from past decades. Recalling that some of the abandoned projects had initially been undertaken some five years ago, the Representative of Poland indicated that going back five years seemed to be reasonable to ascertain whether there were preventable common causes and possibilities of substantial savings in the resources provided for technical assistance. She would be grateful if this problem were noted and seriously considered.

96. The Secretary General invited the Representative of Poland to come to his Office after the meeting so that he could provide her with the necessary explanations. He noted that he would be presenting a full report on technical assistance projects that were funded by Regular Programme activities, the Regular Programme Budget, and Trust Funds at a future Council session.

**Tribute to the Representative of the United States, Ambassador Duane E. Woerth**

97. The Council paid tribute to the Representative of the United States, Ambassador Duane E. Woerth.

**Special farewell to the President of the Council, Mr. Roberto Kobeh González**

98. The Council bade a special farewell to its President, Mr. Roberto Kobeh González, whose tenure would end on 31 December 2013.

99. The First Vice-President of the Council, the Representative of Spain, commenced with the following speech:

“Don Quixote said, ‘Among the sins committed by man, some say the greatest is pride. I say it is ingratitude.’

“Napoleon said, ‘I hate ingratitude.’

“We do not want to commit such a mistake or sin today, and we wish to use these last minutes of the last meeting of the 200th Session of the Council to give a special farewell.

“It is not often that we say farewell to a President of the Council.

“In the near 70 years of ICAO’s existence, this is only the fourth such occasion, and we wish all the best to the fourth President of the Council of ICAO, Roberto Kobeh.

“The word *farewell* means *have a good journey*, and this is my wish. I wish our President, Roberto Kobeh, a good journey beyond the Council of ICAO. Because that journey will inevitably take place in an ever smaller world, I am certain we will meet again.

“In his own words, Roberto Kobeh embarked on his voyage in aviation by chance, but judging by the number of years he has dedicated to the field, over 47, it was more than a mere coincidence. It was an arrow to the heart and a love story. The love was certainly requited by destiny, as his career makes clear, and the relationship was rock-solid. Gathering from what we have seen of his relationship with aviation, and especially international aviation, it is sure to last.

“Initially, I thought that all 36 members of the Council might take the floor to say a few words, but for the sake of efficiency, I was compelled to limit the number of speeches.

“And yet, I know that my speech alone would not suffice for such a special send-off, so if our President will allow me to manage our time, I would like to invite other colleagues to speak on our behalf.”

100. The Representatives of Singapore, the Russian Federation, Cameroon [also in his capacity as Coordinator of the African (AFI) Group], Saudi Arabia, Argentina and Canada then took the floor to pay tribute to the President of the Council, as did the President-Elect and the Secretary General.

101.        The Representative of Singapore

“It is my privilege and honour to say a few words about you Mr. President. I want to specifically extol your knowledge and institutional memory of ICAO. When I first came here three years ago, I found myself somewhat overwhelmed by the number of papers and issues in the Council. And to make matters even more complicated (as I’m sure we’ve all learnt in our own ways), sometimes what matters is not what’s said, but what’s unsaid. And often it’s not what happens in the chamber, but what happens outside the chamber and in between Council meetings that’s pivotal. So somebody told me, go read up the past papers, but there’s so many to read. It was then that I made a courtesy call on President Kobeh. After all, you are Doctor Kobeh González. And fortunately for me, the Doctor was in. ‘Mr. President’ I said, ‘I’m bewildered. How does one hope to keep abreast of all these things that are going on?’

“And I remember what you said to me.

“In your true typical candidness, he said, ‘You will NEVER be able to finish reading everything. Come over and discuss whenever you need to.’

“And so Mr. President I have done so, and I appreciate all the advice over the years that you have given.

“And I know I’m certainly not alone. Over the past years, whenever we the Council have any need for advice or recommendations on how best to proceed on a particular issue, whether it’s delicate or political, we’ve always come to you. You are like our guru, and you always make sense, and you’re like a walking encyclopedia and in a few very broad brush strokes you will paint in clear colours how we should proceed, and so after that navigating the C-WPs became relatively painless.

“ICAO is chiefly concerned with the safety, security, efficiency, orderliness and sustainability of air transport. In this regard, we have been very privileged to have you, President Kobeh, your knowledge and experience in safety, policy, air navigation, avionics, air transport, training, international relations and so on and so forth. You have provided clarity and focus on the issues deliberated here, and we thank you for your leadership.

“Mr. President, we will miss you. I want to wish you a happy retirement as President of the Council. And I hope you will continue to avail your knowledge and experience to the leadership of civil aviation.”

102.        The Representative of the Russian Federation

“*Muy estimado*, Mr. President,

“Everyone, who is participating in this meeting, had teachers. We also, as Council Members, learned a lot from you, Mr. President.

“We learned that any desired result can be achieved if our thoughts are fair, if we can go together beyond our national or regional interests.

“We also learned that consensus-building requires mutual and coordinated efforts of all parties based on mutual respect of all opinions without exceptions, that any conflict can be avoided, if we strictly adhere to the spirit and letter of our Bible – the Chicago Convention.

“It is not a secret that many of us, including you, Mr. President, have sought the advice of our *President Emeritus* – Dr. Assad Kotaite. I do believe that you will also be available for the Council and new President for sharing your experience and wisdom.

“I remember your words, Mr. President, that ICAO is not a political organization. I would be happy to believe that is true. Nevertheless, today the Organization is facing an extremely complicated political challenge – a creation of the global MBM scheme. It is obvious that it can be achieved on the basis of global consensus only. Let me express, Mr. President, a sincere hope that you will continue your efforts in this direction under the blue sky of your beautiful country.

“On behalf of my international colleagues, I would like to wish you a safe and secure return to your home – Mexico, but at the same time, we hope that you will leave your experience and wisdom with us.

“*Muchas gracias*, Mr. President.”

103.        The Representative of Cameroon and Coordinator of the African (AFI) Group

“It is with great emotion combined with sadness, considering that most any departure is accompanied by sadness, that I take the floor in my capacity as Permanent Representative of Cameroon and Coordinator of the AFI Group to expound upon the great qualities and abilities of an exceptional person who, for seven years, has led the work of the Council of ICAO cheerfully and with a masterful hand. This person is President Roberto KOBEH GONZÁLEZ, present here today. Indeed, since Monday, 2 October 2006, the date of the first meeting of the 179th session of the Council, President Roberto KOBEH GONZÁLEZ has made his mark on the conduct of the work of the Council by exhibiting the following eminent qualities:

- a sense of organization and method;
- perfect handling of the issues at hand;
- a great capacity for listening, and an analytical and open mind;
- diplomacy and impeccable politeness to his colleagues;
- a spirit of consensus during the debates;
- and finally, constant vigilance to ensure that the agenda items were completed by the prescribed deadlines, thereby demonstrating streamlined time management worthy of our distinct admiration.

“It is for all of these qualities and abilities, and many others as well, that, dear colleagues, with your kind permission, I confer a SPECIAL DISTINCTION upon the outgoing President of our august Council. Mr. President Roberto (please allow me to call you my friend), we will miss you. We will have lasting memories of your term marked by the stamp of your effectiveness as President of the Council of ICAO. THANK YOU VERY MUCH. GOD BLESS YOU AND MEXICO.”

104.        The Representative of Saudi Arabia

“There is no doubt that saying farewell is difficult in any situation, especially to a respected leader, a trusted colleague and a dear friend.

“There is much that can be said about Mr. Kobeh. Having known Roberto since my tenure began as Representative of Saudi Arabia on the Council, please, allow me to highlight a few things that set him apart as a leader and an integral part of ICAO.

“In his capacity as Council President, Mr. Kobeh has continually demonstrated his keen organizational and analytical skills in the day to day functioning of the Council and the implementation of its recommendations, policies and practices. His leadership of the Council also played a major role in the historic success of the 38th ICAO Assembly.

“Most importantly, Mr. Kobeh has endeavoured to facilitate cohesion and consensus within the Council by bringing together without prejudice, different ideas from different parties for the betterment of Global Civil Aviation.

“As you all know, we as a Council have faced many challenges in recent years which we have successfully overcome under Roberto’s guidance. His tact, diplomacy, discretion and insight have set an example which we can all be proud of.

“Finally, let us take a moment to recognize the well-deserved honour bestowed upon Mr. González by the Government of Canada by naming of Conference Room 3 after his Excellency. It will serve as a constant reminder to all of us of Mr. Kobeh’s immense achievements at ICAO and the Global Civil Aviation community at large.

“Before I end, I would like to take a moment to say a special thanks to Norma Kobeh, sister of the President of the ICAO Council Mr. Roberto Kobeh González, who with her warmth and caring nature has made great contributions in supporting Mr. Kobeh at the ICAO Spouses Club. I wish her the best of luck.

“Mr. Kobeh, your contributions to ICAO have been immeasurable and will have a lasting impact on the future of ICAO and Global Civil Aviation; for this we thank you sincerely. You will be dearly missed and I wish you the best of luck in your future endeavours.”

105.                   The Representative of Argentina

“Thank you, Victor, for giving me this opportunity. I thank my colleagues on the Council for allowing me, on their behalf, to say a few words which I am sure will achieve the fastest consensus in Council memory, not because I speak them of course, but because they describe some of the many virtues of our President.

“I would like to refer to one very special aspect of the work of Mr. Roberto Kobeh González as President of the Council. It is only fitting that I should highlight his ceaseless endeavours to strengthen and expand relations between ICAO and the rest of the world.

“As if the daily business of the Council and the Organization were not enough to keep him busy, he took on the herculean task of managing interaction between ICAO and the other international and multilateral organizations.

“Obviously, this is an undertaking of capital importance that calls for the dual qualifications of professional skills and personal attributes.

“Indeed, the job is far from being one of simple protocol. On the contrary, the brunt of the work consists of leading negotiations that are usually very arduous and complex, involving partners that are entities of the greatest importance and clout on the world scene as well as considerable stakes.

“Therefore, without giving an exhaustive list but rather an illustration, I need only recall the large number of agreements that ICAO has signed with other international organizations during the Presidency of Mr. Kobeh, the productive meetings with the various civil aviation regional conferences and commissions that our outgoing President skilfully hosted and led, and the trying relations with the Panel on Climate Change and other entities in the United Nations system and industry, to name but a few.

“His tireless and admirable efforts proved decisive in our Organization’s bid to gain international stature and, thanks to his work in concert with the Secretariat, ICAO has enhanced its presence and influence to an unprecedented degree, in response to the challenges of a globalized world.

“Proof of this is the growing interest among a wide range of international organizations and institutions in becoming ICAO partners and their strong desire to take part in its many activities.

“For someone with a heavily technical background such as Roberto Kobeh to have become the ambassador of ICAO worthy of the highest titles of diplomacy is no doubt a testament to his skills as a negotiator, but also to his undeniable charisma.

“Thanks to his personal commitment, our Organization has earned prestige, appreciation and respect wherever Mr. Kobeh has gone, making ICAO one of the heavyweights in the international arena.

“These achievements have not only benefitted our Organization, but also the States that make it up and the people who live in them. We all know that the goal of ICAO is the safe and equitable development of this wonderful mode of transport that has changed the world. Therefore, to promote ICAO is to secure those benefits for all those who use it either directly or indirectly, to wit, the entire planet.

“Mr. Roberto Kobeh González will always be remembered for helping ICAO to attain such great significance, and so it is with great pleasure and emotion that I add my modest voice to the collegial chorus to tell you:

“Thank you, Mr. President, for your unstinting efforts to disseminate the objectives, mission and work of our Organization in the world! ICAO and the international community are happy to be indebted to you!”

106.        The Representative of Canada

“This is about a departure, but let me begin with an arrival. President Kobeh often tells of his first arrival in Montréal as a young aeronautical engineer for his very first panel meeting in the 1960s. A subsequent arrival, as the Permanent Representative of Mexico in the 1990s, of course coincided with that memorable ice storm. His election and elevation to the Presidency in 2006 required no new arrival, but it encapsulated his full dedication to ICAO, first expressed all those years earlier by one of the hundreds if not thousands of dedicated and clever young experts which this Organization gathers together each year to drive forward its high standards. There are, no doubt, other future Presidents among them.

“As President, and as others have noted, Roberto Kobeh has demonstrated his full dedication to ICAO by building bridges within and around this Organization. He regularly builds bridges between the Member States and regions that require his good offices to find their way forward together. He has built an important bridge between the Council, ICAO’s governing body, and the Secretariat, its internal engine, which has well served the Organization as a whole; and he has worked to strengthen ICAO’s bridge with us, the host authorities, including by facilitating a process which has established a new Committee of the Council on Relations with the Host Country. In Montréal, we hold good bridge builders in the highest esteem!

“I have always appreciated President Kobeh’s personal warmth, accessibility and advice and, on behalf of Canada, Québec and Montréal, wish him and Norma the very best in their future pursuits. And of course we trust you will continue to include ICAO in these plans.”

107. The First Vice-President of the Council, the Representative of Spain, then offered these concluding remarks on behalf of the Council:

“Well, dear colleagues, Roberto, it falls to me to conclude by saying a little bit about your personal qualities.

“And for this, I shall use an analogy.

“I am sure that, in addition to his family (Norma and all his siblings) and co-workers, everybody knows what his fondest passion and favourite sport is. He plays it regularly when the weather is good.

“It is a game in which you place a ball about 2cm in diameter on top of another ball about 12,500 km in diameter. The aim is to hit the little ball without touching the big one, and our President is very keen on it.

“It is commonly said that the way a person behaves on the golf course is how they behave in life. I can vouchsafe that this saying applies to Roberto Kobeh to a T.

“In the preceding speeches, we have heard about many of the human qualities that are so apparent in Roberto.

“He shows tact, eschewing vulgarity.

“He is discreet as opposed to ostentatious.

“He is cordial.

“Sensible.

“He shows modesty and not vanity.

“What is more, he is gentlemanly, dignified and straightforward.

“But particularly important to the Council, he is perfectly impartial. He has been even-handed and independent, and unfettered by any constraints that might have influenced his mandate.

“To come back to the golf analogy, as in life, his demeanour has always been cordial. He has always been up to par with the best and the worst, following through with a swing (know-how) that is elegant, well-paced and fluid, without forcing the shots.

“Let us imagine him on the course, at one of the holes, par 4 or 5, which might be likened to one of the challenges before the Council.

“He never misses his first shot, although as he himself admits, his starting strength has diminished somewhat over the years. The ball doesn’t hit trees, sand or water, but always flies straight to fall in the middle of the range.

“The second shot usually covers less distance, but demands greater accuracy. His swing is still elegant and well-paced, and it is at this point that the other players begin to think they might lose.

“The third shot coming onto the green never misses, and he lands the ball very close to the hole.

“Finally, with the kind of precision that only one specialized in geometry and geodesics can have, he confounds everyone by effortlessly putting the ball in the hole.

“The most amazing thing is that, if ever his shots are not as good as I just described, which is rarely the case, our man does not lose his temper, throw his club or bang it on the ground to vent. He simply carries on playing with his wry sense of humour, probably cracking a joke.

So, in golf as in your personal and professional life, you have shown us many a good example that we will not soon forget.

And at the end of the round, as 17th century Spanish writer Baltasar Gracián said, “At each stage in life, both personal and professional, more care should be taken to achieve a happy ending rather than a memorable beginning. The important thing is not the applause at the opening, which comes easily enough, but rather the acceptance and recognition of everyone at the end, which is less common.”

“Roberto Kobeh, you will be glad to know that you have our recognition. We wish you all the best, and as another popular saying goes:

“Old golfers never die. They just stroll to a greener course.”

“Thank you, Mr. President.”

108. Acting on a proposal by the First Vice-President, the Representative of Spain, the Council then unanimously adopted the attached resolution of gratitude conferring on Mr. Kobeh, upon his retirement, the honorary title of *Lifetime Goodwill Ambassador of ICAO* in recognition of his outstanding contribution to international civil aviation. It was noted that, as requested by the Representative of China, the speeches made would be consolidated and posted on the Council website in recognition of Mr. Kobeh’s many achievements.

109. The President-Elect of the Council, the Representative of Nigeria, then expressed his appreciation to the President of the Council, as follows:

“I would like to say a big thank you to the First Vice-President of the Council for organizing the farewells and speeches on behalf of the Council. I want to say a few words of my own. Our colleague from Canada talked about your first arrival. I want to talk about my own first arrival. When I arrived in the Council in January 2005 and I assumed office, of course I had a lot of concerns. But I called my predecessor and he told me, ‘Do not worry, you will be fine. You will be fine because you will be sitting side-by-side with the Representative of Mexico.’. And I asked him the question, ‘What is special about the Representative of Mexico?’ He said simply, ‘He is a wise man.’.

“As we all know, wisdom is revered, not because it is fearsome, but because it invokes respect. It does not jump into your face — it is reserved. Wisdom is revered because it is great to listen, but still to speak. When it speaks, it does not speak with many words, but with important words. Wisdom is not selfish — it is selfless. It is not bossy — it is true service to others. That you have demonstrated to this Council, that I have learned from you. It was a privilege, since the first day that I sat beside you in this

Council. You have opened your heart to me, you have opened your doors to me. Now I think I am a little bit wiser, that when I am in doubt I should go back to the wise man that is Roberto Kobeh González.

“A lot has been said about your knowledge and institutional memory, about your ability to build consensus and your leadership skills to direct the Council, about your diplomatic and negotiation skills, about your building bridges between ICAO and other organizations. All that is true. The honour that is being done to you by the Council, by the excellent Resolution to name you ‘Lifetime Goodwill Ambassador’ of the Organization — you deserve that, and you deserve even more. It has been a privilege to sit beside you in the Council, as Representative of Nigeria sitting with the Representative of Mexico. It is an honour for me to be here today, sitting beside you yet again. I want to thank you for being what you are — a good friend of mine. God bless you.”

110. The Secretary General joined in the tribute to the President of the Council in the following statement:

“I would like to start by thanking you, Mr. President, for all of the help that you have given me since I assumed office on 1 August 2009. You have spared neither your time nor your advice. On several occasions, you have told the Council that we are a team. It has been a privilege for me to be on your team and work for the good of the Organization.

“Aside from our professional relations, Mr. President, I have also had the privilege of finding in you a friend possessed of many personal qualities, notably a great kindness and a good sense of humour.

“Mr. President, I wish you good luck in your new life, and your sister Norma as well. I will not say ‘*adieu*’ but rather ‘*au revoir*’, as I will undoubtedly see you again very soon.”

111. In response, the President of the Council addressed the Council, as follows:

“Dear friends and colleagues,

“It is with mixed emotions that I address you today. I am deeply touched by your words of friendship and your good wishes as I prepare to step down as President of the Council.

“I am proud of all that we have accomplished together since I assumed the Presidency in August of 2006. The world of aviation is safer, more secure and more sustainable than ever before and this Council has made a major contribution to this remarkable achievement.

“I am grateful for your unfailing support and encouragement through the years. Your sound advice and opinions, shared personally or in this Chamber, made it possible for me to fulfill my responsibilities in the best interests of the travelling public, the air transport industry and the community of nations we are here to serve.

“I am thankful for the generous assistance I received from the Government of Canada, the Province of Québec and the City of Montréal ever since I was appointed Representative of Mexico on the Council in 1998.

“And I am deeply appreciative of the hard work and dedication of the Secretary General and the Secretariat, including our highly efficient interpreters, Members of the Air Navigation Commission and industry observers to the Commission, and all other stakeholders of the world aviation community who have helped me further the work of the Organization worldwide.

“As I look back over the past seven years, I realize how much of a privilege it is to occupy the post of President of the Council. In my case, it has been an even greater honour to follow in the footsteps of Dr. Assad Kotaite. He remained a constant source of inspiration and wisdom in dealing with some of the major issues that confronted aviation and the Organization.

“The Presidency brought me to the four corners of the world. On every continent, I have met men and women totally committed to ensuring the safety and efficiency of air transport in their respective countries and regions. This was a time for beginning new relations and solidifying old ones, a time for promoting ICAO programmes and policies, and a time for building bridges within the aviation community and with industry organizations.

“The Presidency sensitized me to the complexity of channeling the divergent views and interests of Member States and stakeholders towards a common purpose. In a rapidly evolving global society, dialogue and cooperation are not only essential; they are the only effective way of resolving differences and moving forward.

“And finally, the Presidency made me aware of the exemplary professionalism of the staff of this Organization, at Headquarters and in the Regional Offices under the leadership of the Secretary General. As with administrations of Member States around the world, ICAO is under financial pressure to keep doing more with less. The men and women of ICAO have risen to the challenge, and I have no doubt that they will ensure that ICAO remains one of the most efficient agencies within the United Nations system.

“That is what makes our jobs so worthwhile, whether in the Council, the Air Navigation Commission or the Secretariat. How many people can get up in the morning and tell themselves that they help to protect the lives and promote the well-being of hundreds of millions of people around the world. We are indeed fortunate. Very few people can say that they work for so many.”

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

**Solemn Declaration by the President-Elect, Dr. Olumuyiwa Benard Aliu**

112.      The President of the Council observed that the time had come to officially welcome the new President, Dr. Olumuyiwa Benard Aliu. Before proceeding with the ceremony, he recalled the responsibilities of the President as described in Article 51 of the *Convention on International Civil Aviation*.

113.      That Article stipulated that the President of the Council shall serve as representative of the Council and carry out on behalf of the Council the functions which the Council assigns to him. Additionally, in accordance with the Delegation of Authority, the President of the Council may at any time meet with States, international organizations and other bodies relevant to aviation in order to explain to such interlocutors ICAO’s policy on any issue and to explain why ICAO has adopted that policy; discuss aviation developments on which it is likely that the Council will have to form a view; and gain an insight into the views, thinking and plans of the interlocutors about current and future aviation developments, with a view to relaying these to the Council.

114. At the President's invitation, Dr. Aliu pronounced the solemn declaration of the incoming President of the Council reproduced below:

"I solemnly undertake to exercise in all loyalty, discretion and conscience, the functions entrusted to me as President of the Council of the International Civil Aviation Organization; to discharge these functions to the best of my ability and to regulate my official conduct with the interest of the Organization alone in view; to abide by the rules laid down by the Organization; during the term of my service in the Organization, or following the termination of my service, not to disclose any information of a confidential nature; and not to seek or accept from any Government or other authority external to ICAO any instructions in regard to the discharge of my official responsibilities, so help me God."

115. The President of the Council then gave the following speech:

"Benard, it gives me great pleasure to hand over to you the President's gavel, along with the wise words of Walter Binaghi handed down to me by Dr. Kotaite when I myself became President of the Council.

"Use the gavel only to open and close a meeting. Never use it in an attempt to impose your views. Let the Council impose its views on you.'

"Mr. Binaghi also said: 'As long as there is a permanent Council, there will be the need for a President who is an international official, who is completely independent, and who can act as a link, a mediator, between Council Member States, whose interests will at times inevitably conflict'.

"Benard, please accept my very best wishes for success and happiness in your new role. May you enjoy the same generous assistance and encouragement that I was fortunate to receive from the Council during the period that I occupied this seat.

"If I had a bit of advice, it would be this: cultivate the virtue of patience and listen more than you speak. Strive to promote dialogue and cooperation towards the common good. And above all, maintain a good sense of humor, especially during Council sessions!

"Dear colleagues, in closing, I would like to pay special tribute to my sister Norma for her active participation in ICAO activities and especially for her constant personal support that enabled me to focus all of my attention on fulfilling my responsibilities as your President.

"And to all of you on the Council, my sincere appreciation for making my tenure as President such an exciting, enriching and enjoyable part of my life. I wish you every success in your respective careers and I look forward to seeing all of you in the coming years.

*"Muchas gracias y hasta luego."*

116. It gave the President of the Council great pleasure to then hand over to Dr. Aliu the President's gavel, with the exhortation to use it in the way that he had suggested.

117. The meeting adjourned and the session ended at 1310 hours.

-----

## ATTACHMENT

### **RESOLUTION OF GRATITUDE TO MR. ROBERTO KOBEH GONZÁLEZ**

*Whereas* Mr. Roberto Kobeh will end his tenure as President of the Council of ICAO on 31 December 2013;

*Whereas* the Council of ICAO holds the last meeting of its 200th Session on 29 November 2013;

*Whereas* Mr. Roberto Kobeh has shown a profound dedication to the mission entrusted to the International Civil Aviation Organization as enshrined in the Chicago Convention;

*The Council:*

*Recognizing* Mr. Roberto Kobeh's outstanding contribution to international civil aviation:

1. *Resolves* to express its profound gratitude for the services rendered to international civil aviation throughout his career, in particular during his tenure as President of the Council of ICAO from 1 August 2006 to 31 December 2013;
2. *Resolves* to pay tribute to his personal qualities of integrity, humility and deep commitment to ICAO and international civil aviation; and
3. *Declares* that, upon his retirement as President of the Council of ICAO, Mr. Roberto Kobeh will hold the honorary title of *Lifetime Goodwill Ambassador of ICAO*.

Montréal, 29 November 2013

Honorary Title of

#### **Lifetime Goodwill Ambassador of ICAO**

conferred by the Council  
of the  
International Civil Aviation Organization  
on

**Mr. Roberto Kobeh González**

in recognition of his outstanding contribution to  
international civil aviation

As President of the Council of ICAO, and with his personal qualities of integrity, humility and deep commitment to the Organization, he rendered eminent services to international civil aviation in advancing the principles and objectives of the *Convention on International Civil Aviation*.

— END —