



C-DEC 233/8
8/11/24

COUNCIL — 233RD SESSION

EIGHTH MEETING

(COUNCIL CHAMBER, WEDNESDAY, 6 NOVEMBER 2024 AT 1000 HOURS)

SUMMARY OF DECISIONS

OPEN MEETING

Recent Correspondence from the Russian Federation

1. The Council considered this item on the basis of an oral report from the Secretary General.
2. Following consideration, the Council:
 - a) affirmed that this matter was added to the Work Programme for the 233rd Session in view of certain correspondence and statements from the Russian Federation which while referencing a pending Article 84 dispute between Australia and the Kingdom of the Netherlands and the Russian Federation, was separate and distinct from any of the proceedings submitted to the Council under Article 84 of the *Convention on International Civil Aviation* (Chicago Convention);
 - b) recalled the correspondence received from the Agent of the Russian Federation, dated 17 June 2024, which conveyed the intention of the Russian Federation to end its participation in the proceedings before the Council in the matter involving Australia and the Kingdom of the Netherlands (Applicants), and the Russian Federation (Respondent), (C-DEC 232/7 and C-DEC 233/1, refer);
 - c) noted that the Russian Federation had yet to respond to the correspondence from the President of the Council dated 21 June 2024 and 18 July 2024, in which the Russian Federation was invited both to resume its participation in the proceedings referred to in b) above, and to submit its replies to the questions posed by the Council to the Parties over the course of the oral hearings held on 18 and 20 June, and 9 and 11 October 2024;
 - d) further noted the correspondence from the Russian Federation addressed to the Secretary-General of the United Nations, dated 8 April 2024, in relation to the proceedings referred to in b) above as well as to the Significant Safety Concern (SSC) identified in the Russian Federation, and which was subsequently circulated to the Council on 29 October 2024 (SG Memo 2792/24, refers), and in this connection deemed this correspondence to be unacceptable in both substance and language;
 - e) further noted that while the Russian Federation had indicated its intention to end its participation in the proceedings under Article 84 in relation to its disagreement with

Australia and the Kingdom of the Netherlands and had not yet responded to the President of the Council's correspondence in this respect, the Russian Federation had nonetheless chosen to maintain proceedings under Article 84 on a separate matter regarding its disagreement with 37 Member States, and in this regard, expressed concern at this contrasting and apparently selective approach to its participation in the Council's consideration of Article 84 disputes;

- f) recalling that the Russian Federation had been invited to participate in the Council's consideration of the matter on the grounds of their special interest, in accordance with Article 53 of the Chicago Convention and Rule 31 of the *Rules of Procedure for the Council*, took note of the statement of the Alternate Representative of the Russian Federation, in which he reaffirmed the decision of the Russian Federation to withdraw from the proceedings under Article 84 in the matter involving Australia and the Kingdom of the Netherlands, while continuing to participate in the separate Article 84 proceedings relating to its dispute with 37 Member States, and elaborated on the Russian Federation's rationale for its approach to these matters;
- g) also noted the clarifications provided by the Secretary General with respect to the efforts taken by the Secretariat to engage with the Russian Federation to resolve their outstanding SSC, while acknowledging that the President of the Council had also invited the Russian Federation to provide evidence to support their assertion that they had taken action to resolve this SSC, but that no such evidence had yet been received by ICAO to this effect;
- h) invited the President of the Council to send a follow-up letter to the Russian Federation conveying the Council's concerns with the contradictory approach being applied by the Russian Federation to the Article 84 disputes to which it is a party, with a view to inviting the Russian Federation to reconcile its position on these matters, and instead to engage constructively and in a spirit of collaboration with ICAO; and
- i) took note of the request by some Members in relation to whether there could be any legal implications arising from this decision vis-à-vis a pending Article 84 dispute, and in this connection, requested the Secretariat to provide clarification at a subsequent meeting of the current session.

Resource Mobilization and Voluntary Funds

3. The Council considered this item on the basis of C-WP/15610, which presented an amendment to the ICAO *Resource Mobilization (RM) Policy*, in order to streamline the framework for the management of ICAO voluntary funds, with a view to enhancing resource mobilization efforts. The Council also had for consideration an oral report thereon from the Finance Committee (FIC).

4. Following consideration, the Council:

- a) took note of the information contained in C-WP/15610, together with views expressed by the FIC thereon, as reflected in its oral report, and in doing so, approved the revised ICAO *Resource Mobilization Policy*, as modified by the FIC and appended to its oral report; and
- b) agreed to the proposal of the FIC to rename the "Resource Mobilization Fund" to the "Capacity Building and Implementation Fund".

Draft ICAO Business Plan for 2026-2027-2028

5. The Council considered this item on the basis of C-WP/15608, which presented the draft Business Plan 2026-2027-2028. The Council also had for consideration a joint oral report thereon from the Finance Committee (FIC) and the Committee on Governance (COG).

6. Following consideration, the Council:

- a) took note of the information presented in the working paper, as well as the comments made by the FIC and COG thereon, as contained in their joint oral report; and
- b) agreed to endorse, in principle, the Business Plan 2026-2028 Matrix, as appended to the FIC/COG joint oral report, which would serve as the basis for the finalization of the Business Plan and for the budget elaboration process; and
- c) requested that the Secretariat present a revised iteration of the Business Plan for further consideration by the Council during the 234th Session, noting that the Council Consultative Group remained available to continue to collaborate with the Secretariat in this regard, as needed.

Cost Recovery for the Provision of Space Weather Information Services

7. The Council commenced its consideration of this item on the basis of an oral report from the Air Transport Committee (ATC), which presented a summary of the Committee's consideration of the Concept Note developed by the Small Group on Cost Recovery for the Provision of Space Weather Information Services (SWIS).

8. Taking into consideration the comments expressed by the Council Representatives over the course of the proceedings, the Council, on the basis of a proposal by the President of the Council, agreed to postpone finalizing its decision on this matter, on the understanding that a proposal would be circulated by the President of the Council in this regard, for further consideration by the Council at a subsequent meeting.

Any other business

Centennial Commemoration Honouring the legacy of Dr. Assad Kotaite

9. Considering this item on the basis of an oral report from the President of the Council, the Council recognized the significant impact that Dr. Kotaite had on international civil aviation over the course of his 50 year career with ICAO, the last 30 of which were in his capacity as President of the Council.

10. In honour of Dr. Kotaite's remarkable legacy and in appreciation of his steadfast leadership of ICAO, the Council, acting on a proposal by the President of the Council, unanimously agreed that the ICAO Conference Block be renamed the "Assad Kotaite Conference Centre/Centre de Conférences Assad Kotaite". It was noted that a celebration commemorating what would have been Dr. Kotaite's 100th birthday would take place later that afternoon, at 1430 hours in the Council Chamber, to be followed by a ceremony inaugurating the newly renamed ICAO Assad Kotaite Conference Centre.