

Civil Society Space Report

Contribution of the International Civil Aviation Organization

1. In its ongoing mission to support and enable a global air transport network that meets or surpasses the social and economic development and broader connectivity needs of global businesses and passengers, and acknowledging the clear need to anticipate and manage the projected doubling of global air transport capacity by 2030 without unnecessary adverse impacts on system safety, efficiency, convenience or environmental performance, the International Civil Aviation Organization (ICAO) has established five comprehensive Strategic Objectives: enhance global civil aviation safety; increase the capacity and improve the efficiency of the global civil aviation system; enhance global civil aviation security and facilitation; foster the development of a sound and economically-viable civil aviation system; minimize the adverse environmental effects of civil aviation activities.

The procedures and practices in respect of civil society involvement with ICAO

2. Given this mission and these strategic objectives, a number of procedures and practices for civil society involvement with ICAO have been developed. The Standing Rules of Procedure of the ICAO Assembly provide that meetings of the Assembly, its commissions and sub-commissions shall be held in public unless any such body decides that any of its meetings shall be held in private. A similar provision is found in the Rules of Procedure for the Council, whereby meetings of the Council shall be open to the public unless the Council rules by a majority of votes cast that any particular meeting or part thereof be closed.

3. Additionally, two ICAO Assembly Resolutions are relevant.

- i) By Resolution A1-10 (Relations with public international organizations) the Assembly authorizes the Council to make appropriate arrangements with public international organizations whose activities affect international civil aviation, particularly with regard to technical collaboration, attendance at meetings and such other matters as may promote effective cooperation.
- ii) By Resolution A1-11 (Relations with private international organizations), the Assembly authorizes the Council to make appropriate arrangements with private international organizations whose activities affect international civil aviation, and
 - a) which have a wide and well-established international representation and possess a governing international body having a permanent character and authorized representatives;
 - b) whose aims and objectives are not in conflict with the general principles laid down in the *Convention on International Civil Aviation*.

4. This cooperation may be in the form of reciprocal representation and participation in the work of technical meetings, committees or working groups, and is governed by the degree to which specific matters within the respective responsibilities of the two organizations are of interest to both. Upon request, the Council of ICAO decides whether an organization should be included in the list of organizations that may be invited to attend suitable ICAO meetings. Each request to be included on the list is considered in light of the specific facts and circumstances. The list is divided into four sections covering the United Nations, Specialized Agencies, other inter-governmental organizations and non-governmental organizations (NGOs).

5. **Aviation Security and Facilitation-related:** Eight NGOs (Airports Council International, Civil Air Navigation Services Organisation, Global Express Association, International Air Transport Association, International Business Aviation Council, International Coordinating Council of Aerospace Industries Associations, International Federation of Airline Pilots' Associations and The International Air Cargo Association) regularly interact with ICAO on matters relating to the development of aviation security best practices and guidance.

6. NGO interaction in the various ICAO meetings is primarily through *ad hoc* observer status, including to the ICAO Aviation Security Panel, an advisory body to the Council on security matters. Participation in meetings is the primary method of NGO involvement, although some may provide more specific and regular contribution through participation in ICAO working groups.

7. **Environment-related:** The International Coalition for Sustainable Aviation (ICSA) is an observer to the ICAO Committee on Aviation Environmental Protection (CAEP). ICSA was established in 1998 by a group of national and international environmental NGOs and since then has contributed to the work of ICAO CAEP.

8. CAEP Observers are experts nominated by States, international NGOs, United Nations bodies and regional State organizations to bring their specific views that would not otherwise be available to the work of CAEP. CAEP Observers have the right to take part in discussions of the CAEP but without the right to vote, move or second motions or amendments. The nomination of observer representatives to CAEP is approved by the Council.

The contribution of civil society to the work of ICAO

9. **Aviation Security and Facilitation-related:** The broad scope of the work ICAO does under the umbrella of Annex 9 – *Facilitation* touches on many areas that might be considered relevant to civil society, which include, amongst other things:

- Combating human trafficking;
- Ensuring the protection of passenger data regarding Advance Passenger Information and Passenger Name Record;
- Supporting the access to air transport by persons with disabilities;
- Enabling the well-being of minors when travelling by air;
- Supporting the victims and families of aircraft accidents; and
- Preventing the spread of communicable diseases.

10. Recognizing the importance of aviation development to ICAO's global mandate and the new United Nations Sustainable Development Goals (SDGs), the Organization has begun to more actively engage States and donor/development stakeholders and to map its work against SDG deliverables, including ICAO's work under the ICAO Traveler Identification Programme (TRIP) Strategy. This Strategy supports the attainment of SDG 16 (promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels) with a specific focus on Target 16.9: *By 2030, provide legal identity for all, including birth registration*. The World Bank has taken the lead in this area with an ambitious goal to develop shared principles for digital identity by building a partnership across multiple key stakeholders in the public sector, private sector and development agencies. Advancing this agenda in a collective manner is an objective shared by ICAO.

11. Aviation sector NGOs contribute to ICAO's aviation security work programme in a number of ways, ranging from co-organizing international meetings to active participation in the development and

formulation of Standards and Recommended Practices (SARPs) contained in Annex 17 – *Security* to the *Convention on International Civil Aviation* and related guidance material.

12. With regard to SARPs and associated guidance, a new amendment to Annex 17 was recently adopted, and includes a new provision on behaviour detection techniques at airports. ICAO recognizes the importance of ensuring timely availability of guidance material, especially those associated with provisions. ICAO continuously seeks the contributions of ICAO's partners, including NGOs, on developing and/or updating guidance on evolving areas of aviation security, such as appropriate behaviour detection techniques, in order to avert discriminatory practices and uphold passengers' privacy and fundamental human rights.

13. The ICAO Aviation Security Assistance and Capacity Building Strategy lays out a framework under which the aviation security needs of Member States are identified, and a roadmap to an effective national aviation security system compliant with ICAO SARPs is implemented. ICAO engages with Member States at a national and local level to promote the application of effective and efficient aviation security programmes and procedures in order to protect the travelling public from threats and acts of unlawful interference. In engaging with Member States on improving their aviation security operating environments, ICAO creates Aviation Security Implementation Plans (ASIPs). ASIPs are a multi-phase assistance strategy that ICAO develops collaboratively with a State, and it is tailored to the State's specific needs to address local security concerns. Member States must pledge support and commitment to improving their aviation security, and the end goal is to build and implement sustainable capacity in aviation security.

14. Furthermore, ICAO collaborates with the United Nations Counter Terrorism Implementation Task Force (CTITF) to support the implementation of Security Council resolutions 1373 (2001), 1624 (2005), 2178 (2014) and 2309 (2016), which aim to counter the threat from terrorism and thereby contribute to international security.

15. ***Environment-related:*** As an observer to CAEP, ICSA nominates technical experts to CAEP sub-groups on Aircraft Noise, Emission, Airports and Operations, Modelling, Alternative Fuels and Global Market Based Measure (GMBM). ICSA consistently participates in CAEP and Steering Group meetings, and meetings of CAEP sub-groups.

16. ICSA has contributed to the work of ICAO CAEP on technical issues to reduce emissions and noise, including the development of the first ICAO CO₂ Standard, and has played a role in ICAO's work on the development of a Global Market Based Measure. ICSA played an important role in the development of ICAO's carbon calculator.

The ICAO challenges and best practices in this regard

17. ***Security and Facilitation-related:*** In terms of the mechanisms mentioned above the challenges are: firstly, the membership and capacity of the Aviation Security Panel as an advisory body of the Council is restricted; secondly, ICAO, as an inter-governmental organization, is an entity composed of Member States, and thus most input is provided by governments with limited input from civil society actors; finally, the nature of aviation security work often involves confidential and security sensitive information, much of which cannot be shared with non-State entities.

18. ***Environment-related:*** The challenges for ICAO are that the appropriate parts of civil society are engaged, particularly as ICAO's work on environment covers Aviation Noise, Local Air Quality, and Climate Change. The diversity of these topics represents challenges for the appropriate civil society stakeholders to be connected through ICSA.

19. ***Economic development-related:*** In June 2015, the Council of ICAO adopted core principles on consumer protection as policy guidance. These high-level, non-binding principles are aimed at increasing global convergence and compatibility of consumer protection regulations, in particular with respect to information on air transport products and prices, as well as assistance during the travel, especially in situations of massive travel disruptions. Massive disruptions in this regard typically result from circumstances outside of air operators' control and are characterized by numerous flight cancellations or delays. Such circumstances can include hurricanes, volcanic eruptions, earthquakes, floods, political instability or similar events, usually resulting in large numbers of passengers being stranded away from their home. Persons with disabilities should, according to the principles, have access to air transport in a non-discriminatory manner and to appropriate assistance. ICAO will continue to (i) promote, and enhance awareness of, the core principles; and (ii) encourage States and stakeholders to follow or apply them in their regulatory and operational practices. The principles are expected to be kept current and responsive, based on feedback from States, industry and users. ICAO publishes information on consumer protection at: http://www.icao.int/sustainability/pages/eap_ep_consumerinterests.aspx. ICAO has initiated informal exchanges with an association representing consumers of civil aviation services, for cooperation on consumer protection matters.
