



A TRADE UNION GUIDE TO ICAO

Second edition

ABBREVIATIONS

ANC	Air Navigation Commission
ATConf	Worldwide Air Transport Conference
ATRP	Air Transport Regulation Panel
CAPSCA	Collaborative Agreement for the Prevention and Management of Public Health Events in Civil Aviation
CORSIA	Carbon Offsetting and Reduction Scheme in Aviation
EASA	European Aviation Safety Agency
ECOSOC	Economic and Social Council
ETF	European Transport Workers Federation
EU	European Union
FOC	Flags of Convenience
FRM	Fatigue Risk Management
FTL	Flight time Limitations
GATs	General Agreement on Trade in Services
ICAO	International Civil Aviation Organisation
ICSG	ICAO Cabin Safety Group
IEA	International Energy Agency
ILO	International Labour Organisation
ITF	International Transport Workers Federation
MFN	Most Favoured Nation
PA	Paris Climate Agreement
PANS	Procedures for Air Navigation Services
SARPS	Standards and Recommended Practices
SCCM	Senior Cabin Crew Member
SDG	Sustainable Development Goal
SUPPs	Regional Supplementary Procedures
TASAs	Template Air Services Agreements
TISA	Trade in Services Agreement
UN	United Nations
WTO	World Trade Organisation

FOREWORD

Welcome to the second edition, of the International Transport Workers' Federations (ITF) guide to the International Civil Aviation Organisation (ICAO). First published in 2019, this guide has been updated with additional information on the COVID 19 pandemic, lobbying skills, ICAO and the Sustainable Development Goals (SDG's), updates of work done with ICAO, key entry points for aviation unions and ICAO and the green plan.

As an agency of the United Nations, ICAO has had to react and adapt to the ongoing global health emergency caused by COVID-19 throughout 2020 and 2021. The pandemic has had devastating and lasting effects on the aviation industry; with unprecedented numbers of flights cancelled and large-scale job losses felt across the world.

The industry's unpredictable recovery path from immense challenges of COVID 19 is a distressing issue for all workers and trade unions. The ITF has undertaken extensive work to ensure a safe workplace is created with the gradual roll-out of the various vaccines, and when international travel once again becomes viable. With the aviation and tourism industry being directly and indirectly so vital to the livelihoods of millions of workers around the world, the recovery of travel when there is a safe environment to do so is of paramount importance to both the ITF and ICAO.

The ITF would also like to take this opportunity to introduce Kris Major and the crucial work he is undertaking in conjunction with the federation and ICAO. Kris believes passionately that passengers and crew are safer because of the trade union movement measures and the continued work with all stakeholders for safety and social issues that affect us in aviation.

Kris has been flying for over 20 years as a Senior Cabin Crew Member (SCCM) at both BMI Airlines and British Airways in the UK. As a cabin safety trainer at BMI, he has also designed and implemented an international training course for both the European Transport Workers' Federation (ETF) and the ITF on various regulatory and social issues relating to aviation personnel. At the time of writing, Kris is the current Chair of the Joint Aircrew Committee at the ETF and sits on the ICAO Cabin Safety Group. He is a specialist in the European Flight Time and Rest Requirements limitations and is the current chair of the European Aviation Safety Agency's (EASA) own Flight Standards subgroup on FTL and Fatigue Risk Management (FRM). Kris has the passion, experience, and expertise, making him the ideal candidate to staunchly advocate for ICAO policies that align with the ITF's responsibilities and duties to its affiliates.

From all of us at the ITF, we hope that this guide provides a clear and detailed account of ICAO's work and structure and how the ITF works alongside the organisation to ensure the best results for affiliates.

Gabriel Mocho Rodriguez
ITF Civil Aviation Section Secretary

The ITF has undertaken extensive work to ensure a safe workplace is created with the gradual roll-out of the various vaccines, and when international travel once again becomes viable.



INTRODUCTION

This resource's primary aim is to introduce some relevant and critical aspects of the International Civil Aviation Organisation (ICAO) to the ITF affiliated civil aviation unions from a trade union perspective. It allows aviation unions to discover what ICAO is; how it works and how it may be relevant.

ICAO is a specialised agency of the United Nations (UN) that classifies international air navigation principles and facilitates the planning and development of international air transport to ensure safe and orderly growth.

With its headquarters in Montreal, Canada, the ICAO comprises 193 members (192 states and the Cook Islands) and is instrumental in governing and regulating airlines to ensure the fair treatment of the women and men in all areas of work within civil aviation.

On the other hand, with more than 250 affiliated aviation unions in more than 135 countries worldwide, the ITF has an unrivalled reach and understanding of aviation workers' issues on a global scale.

The ITF has official observer status at ICAO, enabling the ITF and its affiliates to participate in ICAO's activities and initiatives.

In May 2018, to ensure a strong presence, and the most effective two-way communication, between the ITF and ICAO, the ITF opened the ITF ICAO Liaison Office in Montreal. This office aims to help the ITF ensure that workers' rights and equality issues are at the forefront of the conversation at ICAO.

We hope that this handbook will support our common struggle to promote good regulation of global aviation through a stronger voice at ICAO to protect national regulation, resist social dumping and Flags of Convenience (FOCs).

Here we provide you with an efficient tool to empower you to participate in our ICAO work or to extend your participation in it. If you need any further clarification, please do not hesitate to contact us at: montrealicao@itf.org.uk



ICAO: A SHORT BACKGROUND

As described above, ICAO is the UN specialised agency dealing with international civil aviation.

ICAO was born at the end of the Second World War, in an era of rapid political change, social upheaval, and technological innovation. The war demonstrated the importance of civil and military aviation and international cooperation in its development.

ICAO was established by the Convention on International Civil Aviation (Chicago Convention), signed at Chicago on 7 December 1944 by fifty-two states.

By October 1947, ICAO had been ratified, and it became a specialised agency of the UN-linked to Economic and Social Council (ECOSOC).

As a branch of the United Nations, ICAO was created and primarily controlled by a small group of powerful states – the victors of the Second World War – but it evolved into a truly diverse and global international organisation in the following decades.

The Chicago Convention itself was the outcome of policy disagreement between the powers of the day over how liberal or restrictive international civil aviation regulation should be. This dilemma has persisted throughout the years and decades. Over the last two decades, the issue of liberalisation has gained momentum within ICAO.

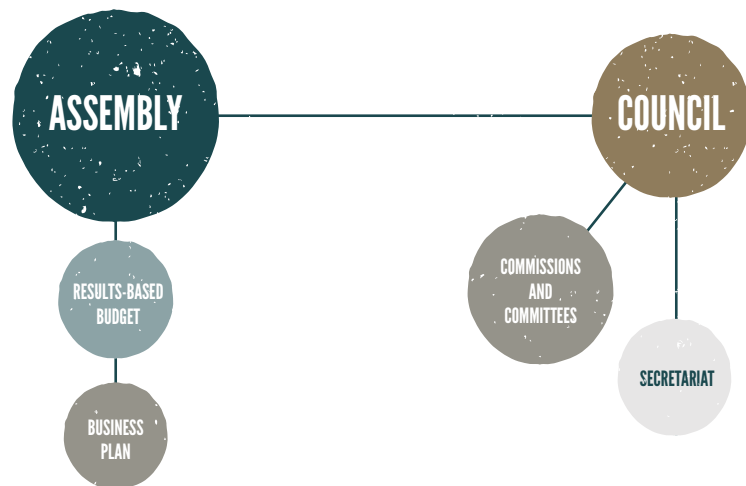
The ITF believes that the Chicago Convention's regime has served the aviation community well over the years. The bilateral regime has protected the industry from FOCs and free-riders while achieving an exceptional safety and security level. Simultaneously, the requirement for "equality of opportunity" in the provision of international air transport services has safeguarded connectivity.

On the other hand, 74 years after the signing of the Chicago Convention, a very different geopolitical, social and economic landscape has emerged. For the ITF, the question is how best to modernise international civil aviation regulation without jeopardising the merits of the Chicago regime, but instead capitalising on and magnifying them.

ICAO'S GOVERNING BODIES

The three main organs of ICAO are:

- The Assembly,
- The Council,
- The Secretariat headed by the Secretary-General.



The ICAO Assembly comprises all member (contracting) States of ICAO, meets not less than once in three years and is convened by the Council at a suitable time and place. An extraordinary meeting of the Assembly may be held at any time upon the Council's call or at the request of not less than one-fifth of the total number of Member States.

Since 1995 the ITF has had observer status at ICAO and has been sending a delegation to ICAO Assemblies. (Officially ICAO classifies observers as "organisations able to be invited to ICAO Meetings.")

The 41st ICAO Assembly is set to take place in 2022 and the 42nd in 2025.

The ICAO Council: It is a permanent body of the Organisation responsible to the Assembly. It is composed of 36 Member States elected by the Assembly for a three-year term. The ICAO President chairs the ICAO Council.

States on the ICAO Council sit for one 3-year term (between Assemblies). There are three groups of states that make up the ICAO Council: 1) States of chief importance in air transport, 2) States which make the most considerable contribution to the provision of facilities for international civil air navigation, 3) States ensuring geographic representation.¹

The Council has numerous functions, notable among which are to submit annual reports to the Assembly, carry out the Assembly's directions, and discharge the duties and obligations laid on it by the Chicago Convention. It also administers ICAO's finances; appoints and defines the Air Transport Committee's responsibilities and the Committee on Joint Support of Air Navigation Services, the Finance Committee, the Committee on Unlawful Interference, the Technical Co-operation Committee, and the Human Resources Committee. It appoints the

Air Navigation Commission members, and it elects the members of the Edward Warner Award Committee. Another critical function of the Council is to appoint the Secretary-General.

As one ICAO's two governing bodies, the Council gives continuing direction to ICAO's work. In this regard, one of its principal duties is to adopt international Standards and Recommended Practices (SARPs) and to incorporate these as Annexes to the Chicago Convention. The Council may also amend existing Annexes, as necessary.

The Secretariat: It is headed by a Secretary-General, is divided into five main divisions.

- Air Navigation Bureau,
- Air Transport Bureau,
- Legal Affairs and External Relations Bureau,
- Administration Bureau,
- Technical Cooperation Bureau.

The Secretariat's work reflects a genuinely international perspective, and professional-level personnel are recruited on a broad geographical basis.

ICAO has seven regional offices in different parts of the world.² These offices are not very large and operate under the supervision of the headquarters in Montreal while also play a critical technical role in ICAO in helping members in each region implement the organisation's standards and procedures and acting as a kind of information liaison between local governments and the headquarters. Each office is staffed by administrative personnel and specialists in a wide variety of technical areas. They also conduct research on the existing state of local navigational facilities, hold seminars and workshops to discuss regional issues, provide secretarial services for various groups within the region, and produce regional plans to facilitate improvements.

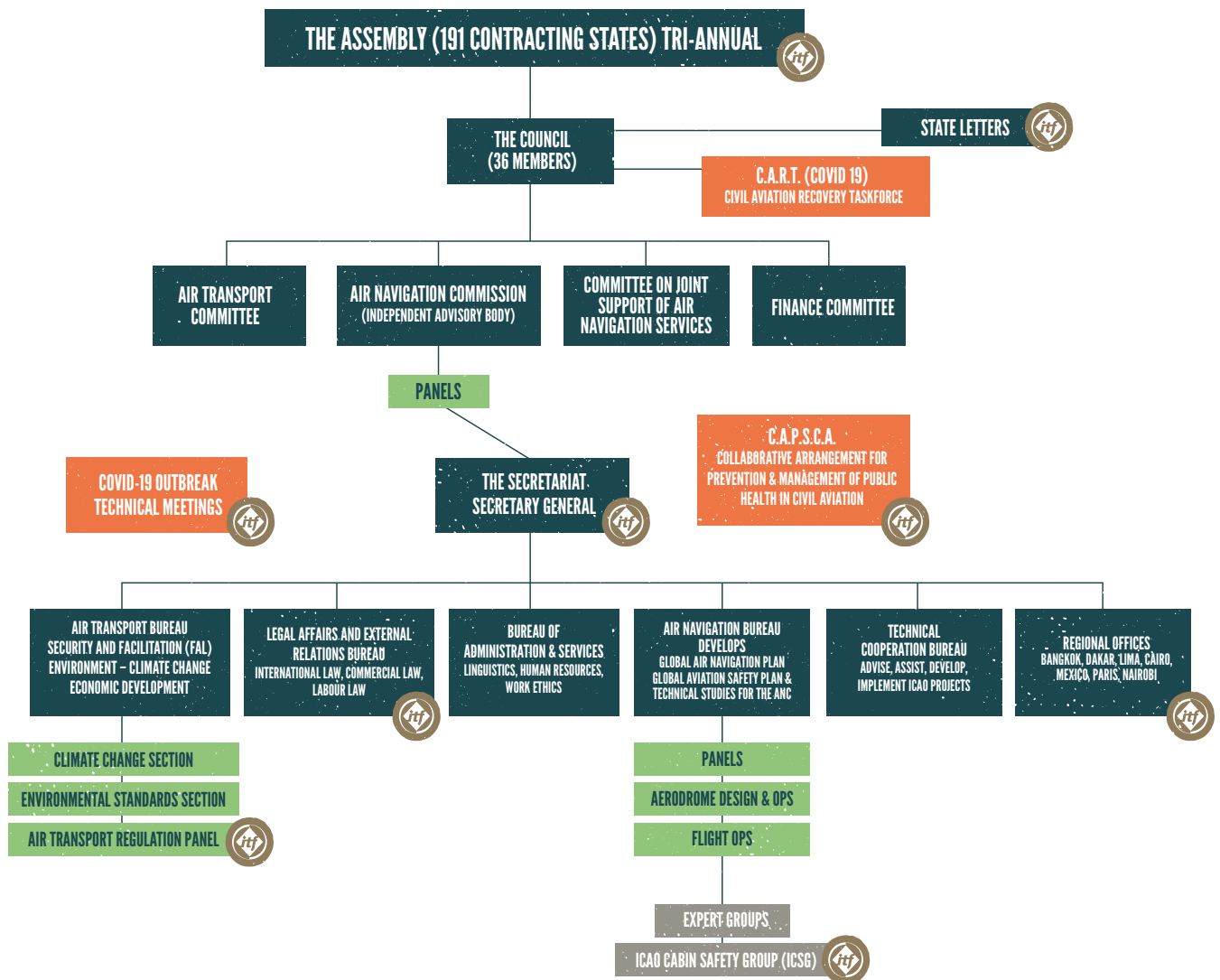
1. See full list of member states for Assembly period 2019-2022 in Annex X.
 2. See Annex XY for a list of ICAO regional offices

INFLUENCING ICAO

This structure is important for the ITF and its affiliates in terms of identifying where we need to focus our lobbying efforts:

- The Assembly,
- The Council,
- The Secretariat and the Air Navigation Bureau,
- The Regional Offices,
- Air Transport Regulation Panel (ATRP), ICAO Cabin Safety Group (ICSG) and similar relevant (either permanent or ad hoc) formations.

These are not separate areas but are closely interlinked and making progress at one of them could always open new opportunities at other layers.



Our office in Montreal helps us to foster and grow our links and relationship with the ICAO Secretariat, representatives of the ICAO Member States and other stakeholders of the global aviation industry.

The Assembly

Before establishing our liaison office in Montreal, some ITF civil aviation unions used to lobby their governments on key worker and industry issues in the run-up to the ICAO Assemblies. With our new ICAO Working Group, we will continue this vital work.

However, we need to ensure that affiliates adopt a much more systematic approach in identifying their government's ICAO liaison, to explain the purpose of the ITF proposals to the ICAO Assemblies to gain their support.

Moreover, we need to improve the flow of communication between the ITF Secretariat and affiliates.

Irrespective of the status or size of your union, establishing close contact with a State's ICAO representative is an asset for the ITF aviation family. Even if we cannot convince them to agree with us on every single issue, a long-term close relationship will mean a proper flow of information for us.

This process is essential for the ITF and its affiliates in terms of identifying where we need to focus our lobbying efforts (see annex XZ, "The Basics of the Lobbying Process").

The Council

The points mentioned above are also relevant for the Council members. The Council member states have a more significant say in ICAO as it has evolved as the central institution in ICAO's framework. Within a few years after ICAO's inception, the council essentially became a permanent body meeting in continuous session, with each council member appointing a permanent representative and establishing an office at the headquarters in Montreal. Each state has a vote, and council states generally can bring a following of other smaller states or neighbouring states. Therefore, we need to increase our focus on these States.

The Secretariat

We have already managed to establish a good relationship with the ICAO Secretariat. We also have close contacts at different levels of the ICAO's Secretariat hierarchy. We need to expand this network of relationships in the future. Fulfilling this task requires substantial involvement and commitment of aviation unions.

The Regional Offices

Moreover, at a regional level, the involvement of affiliates will be crucial in attaining successful results. Affiliates on each region have expert local knowledge that the ITF Secretariat may not be aware of. This knowledge and the networks that our affiliates have made in their region are key to influencing the regional offices and ICAO.

Air Navigation Bureau

The Air Navigation Bureau manages the Safety and Air Navigation Capacity and Efficiency strategies of ICAO in a partnership with aviation stakeholders. This work is carried out within a framework with the following elements:

- Policy and Standardization,
- Safety and Infrastructure Monitoring,
- Safety and Infrastructure Analysis, and
- Safety and Infrastructure Implementation.

The ANB also leads ICAO's efforts related to crises and contingencies.

Taking part in the Air Navigation Bureau activities is a significant challenge for us. But we need to make progress on this front to implement the ITF's policies, by influencing the development of ICAO SARPs.

The **Air Traffic Management Operations Panel** is a technical panel under the ICAO Air Navigation Commission. The ATMOPSP is tasked to develop strategy and coordinate solutions for air traffic management, i.e. air traffic services (ATS), airspace management (ASM), air traffic flow management (ATFM). Consistent with the need to ensure a harmonised global ATM operational environment, the ATMOPSP shall develop and maintain Standards and Recommended Practices (SARPs), Procedures for Air Navigation Services (PANS) and guidance material for:

- a) air traffic services
- b) air traffic flow management
- c) procedures and phraseology for air traffic control
- d) airspace management
- e) civil-military coordination

The **Remote ATS Sub-Group** is reporting to the ICAO ATMOPSP.

The RATS-SG is tasked to monitor developments related to planning and implementing remote Digital Aerodrome ATS and providing updates to the ATMOPSP. The ICAO Global Air Navigation Plan states that 'safe and cost-effective air traffic services (ATS) may be provided from locations/facilities without direct visual observation to one or more aerodromes, where the provision of an on-site conventional ATS tower may not be cost-effective or sustainable', i.e. Remote Towers. Therefore, the Sub-Group shall develop guidance addressing the

introduction of DAATS (Remote Towers), identify any need for the development of applicable standards, recommended practices and procedures, and draft the needed documentation for the ATMOPSP.

Policy and Standardization

Under the organization's Safety and Infrastructure Policy and Standardization strategy, the Air Navigation Bureau develops and maintains the Global Aviation Safety Plan and the Global Air Navigation Plan. These are put into action by all the sections within the ANB, all the Regional Offices of the organization as well as through Regional Aviation Safety Groups (RASGs) and Regional Planning and Implementation Groups (PIRGs) both of which include States and Aviation Partners from within a defined region.

Air Transport Bureau

The Air Transport Bureau supports the implementation of the Strategic Objectives of ICAO in particular: Security and Facilitation; Economic Development of Air Transport; and Environmental Protection. This Bureau also contributes towards Safety.

The Bureau works under the direction of the Council, Air Transport Committee, the Committee on Unlawful Interference and the Committee on Joint Support of Air Navigation Services. Secretariat support is provided to the Committee on Aviation Environmental Protection (CAEP), which is a Committee of Council.

Aviation Security and Facilitation

ICAO plays an essential leadership role in the field of aviation security with the ultimate goal of enhancing civil aviation security worldwide. To this end, its efforts are focused primarily on developing and coordinating an effective global policy and legal framework in response to the evolving threat to civil aviation, conducting audits that identify aviation security shortcomings, and assisting States in implementing security Standards and resolving deficiencies.

Environment

In the environmental area, ICAO's overall objective is to enhance the sustainability of international aviation operations by minimizing aircraft noise and the impact of engine emissions on local air quality and the global climate. In this field, ATB focuses on: quantifying the impact of aviation on the environment through the development of methodologies, tools, models and databases; and establishing policies, standards and recommended practices to address the impact of aviation on the environment through technological, operational and market-based measures.

Economic Development

The Bureau's activities in the economic fields are linked to the sustainability of air transport development. In this regard, the Bureau is responsible for developing, promoting and disseminating policies and guidance materials on major regulatory issues linked to the economic regulation and liberalization of international air transport and to the economics of airports and air navigation services. Of paramount importance is the availability of a wide range of reliable and robust aviation data. Towards this purpose, ATB manages the Statistics Programme, the forecasting activities and the economic studies, enabling the provision of authoritative information on present and future air transport development.

In addition to supporting the Strategic Objectives above, ATB administers:

- the Joint Financing Agreements with Denmark and Iceland for the provision certain North Atlantic air navigation services (DEN/ICE);
- the Arrangement on the Joint Financing of the North Atlantic Height Monitoring System (HMS);
- the Agreement on the Sharing of Costs of the Satellite Distribution System for information relating to Air Navigation (SADIS); and
- the ICAO Public Key Directory is the main global distribution point for public signing key certificates from all issuers of ePassports.

Bureau of Administration and Services

The Bureau of Administration and Services (ADB) is responsible for providing the administrative support required by the Organization and plays a leading role in its effective and efficient administrative management. ADB guides ICAO towards results-based management and a performance-oriented organizational culture to meet the needs of Member States, industries and other customers as well as the general public.

The Bureau performs its functions through:

- Providing high-quality human resources and services as well as efficient administrative and management processes.
- Applying the highest standards of work ethics and conduct and advancing human resource management to meet changing needs of the Organization.
- Using results-based management skills and tools to support the Organization in achieving its strategic objectives.

Legal Affairs and External Relations Bureau

Legal functions

The Bureau provides advice and assistance to the Secretary General and through him to Council and other bodies of the Organization and to ICAO Member States on constitutional, administrative and procedural matters, on problems of international law, air law, commercial law, labour law and related matters. The Bureau also conducts research and studies in the field of private and public international air law, prepares documentation for, and serves as the Secretariat of the Legal Committee: relevant bodies of the Assembly; and Diplomatic Conferences which adopt multilateral treaties on international air law.

External Relations functions

The Bureau is responsible for reviewing, advising on and coordinating ICAO's relations with member and non-member States, the Organizations of the United Nations Common System and with other international organizations.

The Bureau monitors activities of the international system which are of mutual interest to ICAO, the United Nations and other international organizations, directs attention to international affairs and political developments which may affect ICAO, and makes arrangements for the representation of the Organization at meetings of other organizations.

Technical Cooperation Bureau

ICAO's Technical Co-operation Programme provides advice and assistance in the development and implementation of projects across the full spectrum of civil aviation aimed at the safety, security, environmental protection, and sustainable development of national and international civil aviation. The Programme is conducted under the broad policy guidance of the ICAO Assembly and of the Council. Subject to general guidance by the Secretary General, the Technical Co-operation Programme is executed by the Technical Co-operation Bureau (TCB).

ATRP, ICSG and similar relevant (either permanent or ad hoc) formations in ICAO

The Section has been successfully taking part in the ICAO Cabin Safety Group (ICSG), a joint industry-regulatory effort composed of cabin safety experts from civil aviation authorities, airlines, aircraft manufacturers and international organisations, for more than six years. At the time of drafting this document, our experts have contributed to the guidance listed below. These have been translated into Arabic, Chinese, French, Russian and Spanish:

- Doc 10002 Cabin Crew Safety Training Manual
- Doc 10062 Manual on the Investigation of Cabin Safety Aspects in Accidents and incidents.
- Doc 10148 Handbook for Cabin Crew Recurrent Training during Covid-19
- Doc 10086 Manual on Information and Instructions for Passenger Safety
- Doc 10111 Manual on the implementation and Use of Cabin Electronic Flight Bags
- Doc 10072 Manual on the Establishment of Minimum Cabin Crew Requirements
- Doc 10049 Manual on the Approval and Use of Child Restraint Systems
- Cir 344-AN/202 Guidelines on Education, Training and Reporting Practices related to Fume Events.
- Cir 340 Guidelines for the Expanded Use of Portable Electronic Devices
- Cir 356 Guidelines on Digital Learning for Cabin Crew Training
- Cir 352 Guidelines for Training Cabin Crew on Identifying and Responding to Trafficking in Persons
- Cir 300 Human Factors Digest No.15
- Covid-19 Quick Reference Guidance Variations to Existing Flight and Duty Time Limitations
- Covid-19 Quick Reference Guidance Cabin Crew Recurrent Training Requirements
- Covid-19 Quick Reference Guidance Minimum Cabin Crew Requirements when Transporting Cargo in the Passenger Cabin

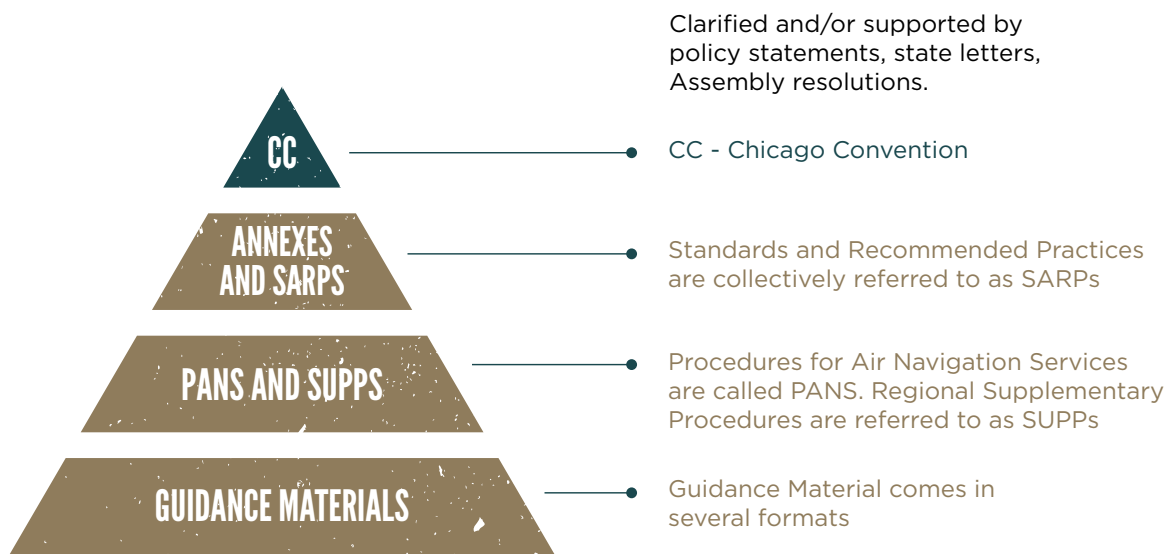
In March 2013, the 6th Worldwide Air Transport Conference of ICAO mandated the ICAO Air Transport Regulation Panel (ATRP) to consider and develop multilateral international agreements in the liberalisation of market access and further liberalisation of air cargo services, as well as create an international agreement in the liberalisation of air carrier ownership and control. The ITF actively intervenes in ICAO's work in this area to ensure that there will be no further liberalisation without adequate safeguards for labour and safety is not compromised by economic considerations and, consequently, that safety and economic regulation are not treated in isolation.

Continuing our excellent work inside the ICSG, ATRP and taking part in similar ICAO work is crucial.

In a nutshell, our challenge is to create extra capacity to expand our lobbying activities at the national, regional, and global levels and to participate effectively in the above summarised and mostly Montreal-based ICAO activities with the best use of our limited resources. Therefore, our affiliates must be highly involved in both the ITF's practical and political ICAO elements.

HOW DOES ICAO DEVELOP STANDARDS?

Today, ICAO manages over 12,000 SARPs across the 19 Annexes and five Procedures for Air Navigation (PANS) to the Chicago Convention, many of which are constantly evolving in concert with latest developments and innovations.



SARPs and PANS are critical to the ICAO Member States and other stakeholders, given that they provide the fundamental basis for harmonised global aviation safety and efficiency in the air and on the ground, the worldwide standardisation of functional and performance requirements of air navigation facilities and services, and the orderly development of air transport.

The development of SARPs and PANS follows a multi-staged process – often known as the ICAO “amendment process” or “standards-making process” – involving several technical and non-technical bodies which are either within the Organisation or closely associated with ICAO.

Typically, it takes approximately two years for an initial proposal for a new or improved Standard, Recommended Practice, or procedure to be formally adopted or approved for inclusion in an Annex or a PANS. Occasionally, this timescale can be expanded or compressed depending on the nature and priority of the proposal under consideration.

KEY ENTRY POINTS FOR AVIATION UNIONS

The ICAO Assembly and high-level conferences: The ITF and its aviation affiliates have been attending these important meetings over the last 25 years. Although non-State stakeholders are not permitted to be an ICAO member, the ITF can be an observer. It offers technical support in the ICAO committees from a labour perspective. The Civil Aviation Section coordinates aviation unions' contributions, including for ICAO triennial assemblies, and maintains a dialogue with key international partners in preparations for major ICAO events.

State Letters and relevant communications: The Civil Aviation Section and its committees coordinate common elements of reply to ICAO State letters and other relevant ICAO communications deemed strategic interest for aviation labour.

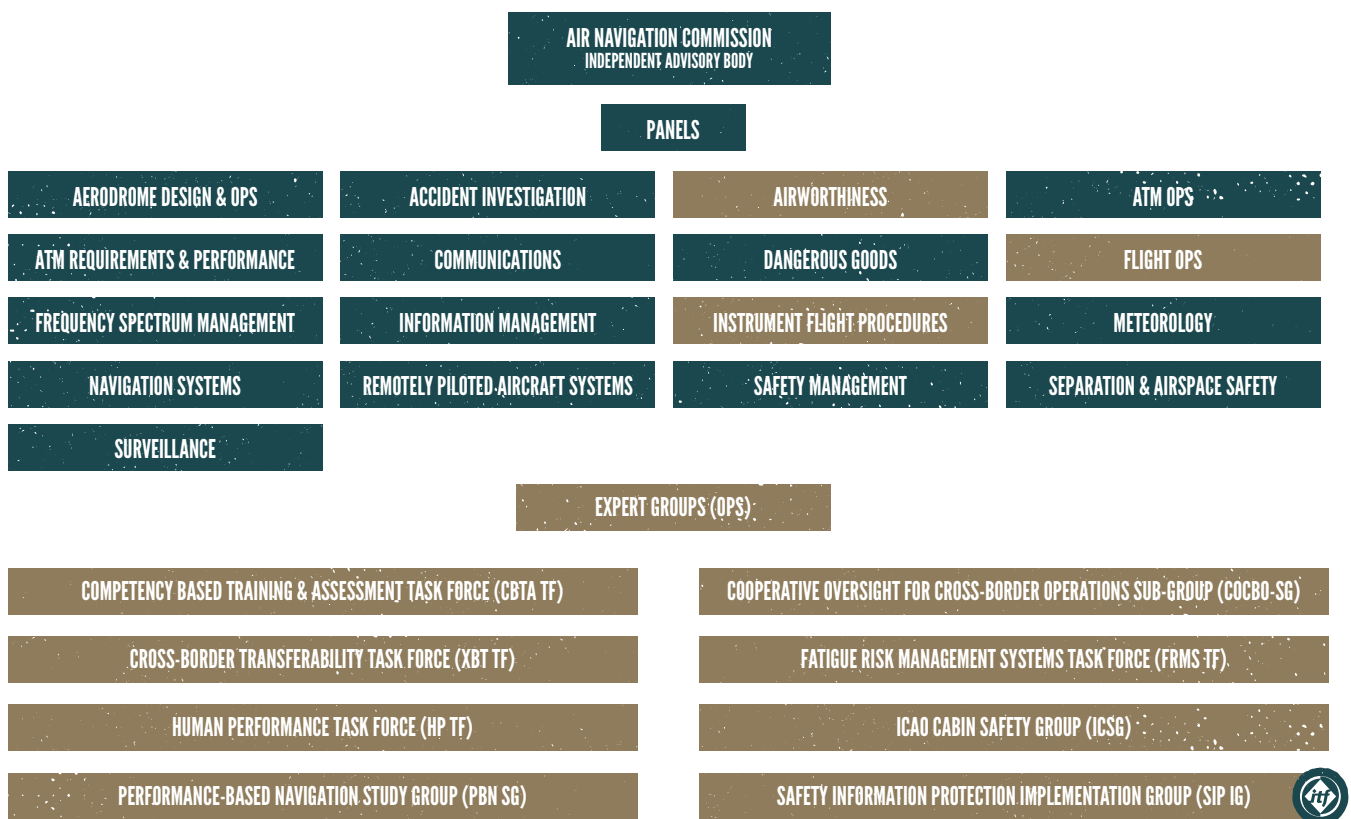
ICAO panels and study groups: Panels are technical groups of qualified experts aiming to advance, within specified time frames, the solution of specialised problems which cannot be solved adequately or expeditiously by the

established facilities of the Secretariat of ICAO. On the other hand, study groups are small groups of experts made available by States and organisations to assist the Secretariat of ICAO, in a consultative capacity, in advancing the progress on selected technical tasks. At present, the ITF and its ICAO Working Group members are actively participating the following ICAO panels, committees, or study groups: (1) The ICAO Cabin Safety Group (ICSG); (2) Collaborative Arrangement for the Prevention and Management of Public Health Events in Civil Aviation (CAPSCA); (3) The Legal Committee; (4) The Air Transport Regulation Panel (ATRP); (5) The Remote ATS Sub Group; (6) The Air Traffic Management Operations Panel (ATMOPSP); and (7) Ground Handling Task Force (GHTF).

We hope to become part of the Air Navigation Commission (ANC), which considers and recommends SARPs and Procedures for Air Navigation Services (PANS) for the ICAO Council's adoption or approval.

The Civil Aviation Section systematically informs all ITF aviation unions concerning its activities in ICAO.

Figure 1 An example of expert groups within the 3 highlighted (in gold) Flight operations panels



ICAO'S LONG MARCH TOWARDS LIBERALISATION AND DEREGULATION

In 1994, at the 4th Worldwide Air Transport Conference (ATConf/4)³, the mood of ICAO's member states was largely against the abolition of the bilateral system.

The 5th Worldwide Air Transport Conference (ATConf/5) held in 2003 marked a turning point. At ATConf/5 the majority of the States moved towards embracing the mantra of liberalisation on air services negotiations and with respect to the ownership and control laws.

ATConf/5 had adopted a Declaration on Global Principles for the Liberalisation of International Air Transport, 14 Conclusions and two Recommendations, i.e., one on the liberalisation of air carrier ownership and control and the other on the future role of ICAO, including its relations with the World Trade Organisation (WTO), and seven model clauses for use at States' discretion in air services agreements.

In addition, ATConf/5 adopted 67 Conclusions for inclusion in its report, which covered the full spectrum of topics and issues on the agenda. Among the Conclusions was the conference's approval for the concept and content of the Template Air Services Agreements (TASAs), one for bilateral and the other for regional situations, for use in air transport relationships. Throughout the Declaration, Recommendations, and Conclusions are numerous references to actions to be taken by States and by ICAO.

This pro-liberalisation tendency continued at a global symposium on liberalisation in Dubai in September 2006.

Thereafter, the 36th ICAO Assembly in September 2007 followed the same line.

Both meetings embraced bilateral so-called "open-skies" agreements derived from the US. And even the idea of expanding the reach of Air Transport Annex to the WTO General Agreement on Trade in Services (GATS)⁴ was brought forward.

The adoption of a conscious liberalisation/deregulation agenda marked a substantial departure from ICAO's traditional thinking.

In 2010, a draft of a Multilateral Convention on Foreign Investment in Airlines was discussed at the 37th Session of the ICAO Assembly.

The Council, at the 8th meeting of its 196th Session in June 2012, approved ICAO's revised Vision and Mission Statements, as well as the new set of five Strategic Objectives of the Organisation for 2014–2016. Under these two statements come ICAO's new Strategic Objectives:

- A. Safety: Enhance global civil aviation safety
- B. Air Navigation Capacity and Efficiency: Increase capacity and improve efficiency of the global civil aviation system.
- C. Security and Facilitation: Enhance global civil aviation security and facilitation.
- D. Economic Development of Air Transport: Foster the development of a sound and economically viable civil aviation system
- E. Environmental Protection: Minimise the adverse environmental effects of civil aviation activities.

With Strategic Objective D (Economic Development of Air Transport) ICAO has acquired legal justification to interpret the original aim in Article 44 of the Chicago Convention in a manner that means that ICAO assumes more responsibility and leadership in economic regulation.

3. ICAO holds the Worldwide Air Transport Conference (ATConf) approximately once every 10 years.

4. For more information on GATS see: https://www.wto.org/english/tratop_e/serv_e/gatsqa_e.htm



Photo: Skyler Smith/Unsplash

Based on these (the Declaration, Conclusions, and Recommendations), the 6th Worldwide Air Transport Conference (ATConf/6) held in 2013, decided to continue to assist States in their liberalisation efforts by enhancing the “marketplace” facility offered to States; continue to update the TASAs to keep pace with regulatory evolution; undertake and promote the development of additional training courses, regional seminars, or similar activities for the benefit of States, in accordance with available resources; continue to monitor regulatory developments, conduct studies on major issues of global importance, and provide policy guidance and assistance to States; and continue to develop relevant databases such as the Database of the World’s Air Services Agreements, as well as case studies of liberalisation experiences.

At this conference, pro-liberalisation delegates mulled over “achievements” since the ATConf/5.

In 2013, the 38th Session of the ICAO Assembly requested the Council to initiate work on an international agreement to liberalise air carrier ownership and control.

In June 2015, the ICAO Council adopted its long-term vision for liberalisation:

We, the Member States of the International Civil Aviation Organisation, resolve to actively pursue the continuous liberalisation of international air transport to the benefit of all stakeholders and the economy at large. We will be guided by the need to ensure respect for the highest levels of safety and security and the principle of fair and equal opportunity for all States and their stakeholders.

39th ICAO Assembly held in 2016 adopted a resolution on continuing ICAO policies in the air transport field:

Assembly Resolution on continuing ICAO policies in the air transport field (A39-15)

“The Assembly: Reaffirms the primary role of ICAO in developing policy guidance on the regulation of international air transport.”

“Reaffirms the need for ICAO to continue to explore future regulatory arrangements and develop recommendations and proposals to meet the challenges facing international air transport, responding to the internal and external changes affecting it;”

Over the last four years, the ATRP is working on developing international agreements for liberalisation.

ICAO VS GATS, TISA AND SOME OTHER INTERNATIONAL TRADE AGREEMENTS

In broad terms, the ITF is a strong supporter of the role of ICAO.

Aviation unions should know amendment of the Chicago Convention to achieve liberalisation is not an easy task and an attempt would face several political and legal obstacles.

One major difficulty is the level of consensus which is required within ICAO for an amendment to take effect.⁵

As summarised above, at the national level our affiliates need to continually reinforce through our membership the need to retain and reinforce a global economic and safety regulatory regime, and the views of our member unions can be influential on national government policy towards ICAO. There have been several alternative attempts to liberalise/deregulate the aviation industry outside the purview of ICAO – particularly at times when doubts increase regarding materialisation of the required number of ratifications to achieve liberalisation and deregulation inside ICAO.

One such major attempt to liberalise international civil aviation outside of ICAO came during the 1990s through inclusion of market access in the WTO GATS.⁶

At the time of the negotiations, it was recognised that the bilateral exchange of traffic rights based on reciprocal advantage had served the needs of international civil aviation well. Moreover, it was considered that a fundamental principle of the GATS system, namely the most-favoured-nation (MFN) treatment principle, was at

odds with bilateral reciprocity. Under the MFN principle, each GATS Member State must accord treatment no less favourable than it accorded to like services and service suppliers of any other country to services and service suppliers of any other Member State, and this has to happen immediately and unconditionally.

On the other hand, nowadays there is a new kid on the block: The Trade in Services Agreement (TiSA). TiSA's Annex on Air Transport Services covers six areas of international air transport: aircraft repair and maintenance, computer reservation system services, selling and marketing of air transport services, ground handling, airport operation services, and speciality air services. In other words, TiSA would significantly expand coverage of air transport services beyond the GATS annex on air transport.

As international trade agreements are shaped behind the closed doors in secrecy, we could hear of a new trade agreement including market access in its annex on air transport services at any time.

The Section Secretariat and aviation affiliates must stay vigilant.

The ITF's key concern regarding the GATS, TiSA and any other similar international agreement relates to the impact of breaking the link between economic regulatory and safety and security regulatory functions that a transfer of responsibility would represent. The ITF believes that through ICAO there needs to be an organic link between safety and economic regulation.

5. Article 94(a) of the Convention stipulates, "[a]ny proposed amendment...must be approved by a two-thirds vote of the Assembly and shall then come into force in respect of States which have ratified such amendment when ratified by ... [no]... less than two-thirds of the total number of contracting States".

6. This attempt failed and at present GATS Air Transport Annex covers three so-called "soft" rights: aircraft repair and maintenance, selling and marketing of air transport, and computer reservation system (CRS) services

ICAO AND THE UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS (SDGS)

UN SDG		ICAO STRATEGIC OBJECTIVE*				
		Safety	CAP/EFF	SEC/FAL	ECON	ENV
1	End poverty in all its forms everywhere					
2	End hunger, achieve food security and improved nutrition, and promote sustainable agriculture					
3	Ensure healthy lives and promote well-being for all at all ages					
4	Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all					
5	Achieve gender equality and empower all women and girls					
6	Ensure availability and sustainable management of water and sanitation for all					
7	Ensure access to affordable, reliable, sustainable and modern energy for all					
8	Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all					
9	Build resilient infrastructure, promote inclusive and sustainable industrialization, and foster innovation					
10	Reduce income inequality within and among countries					
11	Make cities and human settlements inclusive, safe, resilient, and sustainable					
12	Ensure sustainable consumption and production patterns					
13	Take urgent action to combat climate change and its impacts by regulating emissions and promoting developments in renewable energy					
14	Conserve and sustainably use the oceans, seas and marine resources for sustainable development					
15	Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss					
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					
17	Strengthen the means of implementation and revitalize the global partnership for sustainable development					



ICAO's Strategic Objectives are strongly linked to 15 of the 17 United Nations Sustainable Development Goals (SDGs). The Organization is fully committed to work in close cooperation with States and other UN Bodies to support related targets.

ICAO is also an official observer on the Inter-agency and Expert Group on Sustainable Development Goal Indicators and is the custodian agency of global indicator 9.1.2 Passenger and Freight Volumes, by Mode of Transport within the 2030 Agenda framework. ICAO continuously contributes to monitoring efforts of the 2030 Agenda and other development frameworks as appropriate.

A separate document for each category exists that covers the elements of the SDG's under that remit.

In line with its pro-liberalisation and pro-deregulation agenda, the ICAO Secretariat's main focus concerning SDGs is increasing investments, developing better infrastructure, and ensuring the industry's rapid growth. Unfortunately, in our opinion the ICAO Secretariat does not take a strong enough stance on SDG 8 and therefore, we must provide decent and compelling evidence to affect change.

The implicit assumption is that the "trickle-down" will bring positive outcomes for all. Our ICAO Working Group

is asking ICAO to pay more attention to the SDG 8 targets. Without this balanced approach, rapid growth can even instigate and exacerbate inequalities. The SDGs envisage sustained, inclusive, and sustainable development.

Moreover, the SDG 8 targets are closely intertwined with the goals of the ILO. The reference in SDG 8 to "full and productive employment and decent work for all" borrows terminology from the ILO's Decent Work Agenda. Inclusive growth and decent work for all women and men constitute the social dimension of SDG 8. Progress in that dimension is measured in terms of equality, fairness and justice within societies. The evidence suggests that most countries still have a long way to go.

Such a balanced and holistic approach is vital as there are the dynamic inter-linkages between SDG 8 targets and those of other SDGs and the SDG 8 lies at the heart of the 2030 Agenda. In other words, sustainable development's economic, social and environmental dimensions are inextricably linked to many different goals. This means that failure to make headway on SDG 8 would impede progress towards other goals.

Based on these arguments, we will remind ICAO Secretariat and ICAO representatives of states that the ILO has an immense wealth of knowledge and experience and ask them to make use of this rich resource.

ICAO AND THE CLIMATE

According to the [International Energy Agency \(IEA\)](#), the Civil aviation industry emits 3 per cent of human-made carbon dioxide, that share is expected to rise to 5-9 per cent by 2050.

In 2013 the European Union (EU), intending to curb these emissions, added international aviation to its emissions-trading programme. This program included tariffs for flights connecting EU airports to those outside the union. The industry retaliated with strong resistance. In an attempt to find a compromise, ICAO devised the [Carbon Offsetting and Reduction Scheme](#) for International Aviation (CORSIA)⁷.

CORSIA intends to align with the [UN Paris Climate Agreement \(PA\)](#), which establishes the global target of limiting temperature rise to no more than 2 degrees - requiring urgent action from all industries.

The Scheme commenced in 2021, but it is not mandatory until 2027.

However, other serious questions also remain over CORSIA's environmental integrity.

First, CORSIA omits domestic flights responsible for around a third of the industry's emissions.

Secondly, companies mainly rely on a new generation of less polluting planes with updated engines, aerodynamic modifications and fittings that weigh less—among them tablets to replace heavy pilot manuals. They do not want to take any steps that will go beyond that. The ITF suspects that ICAO will not be willing to take any steps to hurt the bottom line of aviation companies. This is the reason why the CORSIA scheme lacks ambition beyond offsetting emissions.

Thirdly, there are severe claims that offsets airlines can buy are ineffective. A [report in September 2019](#) by two respected think-tanks, the NewClimate Institute and the Stockholm Environment Institute, found that 80 per cent of CORSIA's potential offsets are unlikely to have any additional benefit to the climate. Although ICAO has limited the availability of junk offsets in the scheme in response to this report, many believe it has not gone far enough.

Moreover, finally, most private jets are excluded from CORSIA scheme, which means that their emissions are to a great extent unregulated. Private jets are highly polluting. And even worse, in many parts of the world, they benefit from tax breaks, which are even more generous than those provided for ordinary airlines. Their environmental effects are dire. For example, according to TerraPass, a carbon-offset firm, a flight from London to Paris on a half-full jet produces ten times as much carbon emissions per passenger as a scheduled flight.

7. CORSIA agreement was reached to establish a global offsetting scheme that will commit participants to carbon-neutral growth above 2020 emission levels. CORSIA is an offsetting carbon scheme that calls on airlines to buy offset credits for a portion of pollution above 2020 levels to compensate for future growth.



Photo: Markus Winkler/Unsplash

THE ARGUMENTS WE OFFER TO STATES

Inside ICAO as well as against GATS, TISA or any other international trade agreement covering the air transport industry -either fully or partially- the ITF argues the following:

- States should have a policy of active management of the exercise of air traffic rights and market access based on country and route specific decisions taken on a case-by-case basis,
- States should pursue liberalisation at their own choice and own pace,
- Any extension of “open skies” agreements or other means of market access liberalisation need to be accompanied by effective measures to prevent anti-competitive behaviour,
- In determining their policies on air traffic rights, States should have due regard for reciprocity, a balance of benefit, and the protection of the public interest dimension,
- ICAO should always play a leadership role around economic regulation.
- States and ICAO should incorporate social and human factors into agreements in pursuit of the United Nations Sustainable Development Goals (SDGs) to which they are signatory.

A CHECKLIST FOR AVIATION UNIONS

Here is a checklist to assist and inspire aviation unions in engaging the ITF's ICAO work:

- Appoint a coordinator for ICAO work.
- Follow the relevant circulars/e-mails sent out by the Section Secretariat carefully.
- Identify who represents your government at ICAO events. Find out their names, e-mail addresses, phone numbers and other contact details.
- If you have any contacts with the ICAO Secretariat people, share those contacts with the Section Secretariat.
- When asked by the Section Secretariat to send template letters to your government and ICAO representatives of your country, send them in a timely fashion.
- If possible, try to be part of your government's delegation in major ICAO events.
- Be part of the ITF delegation to ICAO meetings. Keep in mind that your main task at the ICAO meetings will be to lobby your government. Therefore, choose your delegate(s) accordingly.
- Ask your union to post ITF's ICAO work-related new stories on your union website or in the union journal, newsletter or newspaper.
- Keep your own organisation and your members updated about ITF's ICAO work.
- Inform and update the Secretariat if you have a meeting with your government.
- Where possible, engage yourself in the work of your ICAO Regional Office.
- Do not hesitate to contact the Section Secretariat if you have any questions or need additional information.

HERE ARE SOME EXAMPLES OF OUR ICAO WORK

[ITF warns against aviation 'flags of convenience.'](#)

10 Jul 2014

The ITF is to deliver a warning about the growth of 'flags of convenience' in aviation to the sixth ICAO (International Civil Aviation Organization) Air Transport Conference in Montreal, which begins on 17 March.

[ITF sounds aviation 'flags of convenience' warning](#)

17 Jul 2014

The ITF (International Transport Workers' Federation) is to deliver a warning about the growth of 'flags of convenience' in aviation to the sixth ICAO (International Civil Aviation Organization) Air Transport Conference in Montreal, which begins on Sunday.

[Lobbying underway by ITF civil aviation unions over the 'big issues.'](#)

21 Jul 2014

ITF civil aviation unions worldwide are lobbying their governments on key worker and industry issues in the run-up to the latest ICAO (International Civil Aviation Organization) meeting.

[New ICAO guidelines a 'big achievement' for ITF](#)

24 Feb 2016

After years of campaigning for safe cabin air quality, the ITF has welcomed the new International Civil Aviation Organization (ICAO) Guidelines on education, training and reporting of fume events.

[ITF opens liaison office at ICAO](#)

09 May 2018

The International Transport Workers' Federation (ITF) has cemented its commitment to be a growing and substantial presence within the civil aviation transport sector.

[ITF at the centre of global aviation summit](#)

25 Sep 2019

An ITF delegation is at the 40th assembly of the International Civil Aviation Organisation (ICAO), ensuring that aviation workers influence the global airline industry's highest rule-making body.

ANNEX X – MEMBER STATES OF ICAO COUNCIL 2019-2022

The following States were elected from among ICAO's 193 Member States to the Organization's 36 Member Governing Council during the 2019 ICAO Assembly.

PART I – States of chief importance in air transport

Australia, Brazil, Canada, China, France, Germany, Italy, Japan, Russian Federation, United Kingdom, and the United States.

PART II – States which make the largest contribution to the provision of facilities for international civil air navigation

Argentina, Colombia, Egypt, Finland*, India, Mexico, Netherlands*, Nigeria, Saudi Arabia, Singapore, South Africa, and Spain.

PART III – States ensuring geographic representation

Costa Rica*, Côte d'Ivoire*, Dominican Republic*, Equatorial Guinea*, Greece*, Malaysia, Paraguay*, Peru*, Republic of Korea, Sudan*, Tunisia*, United Arab Emirates, Zambia*.

* States which were newly included in 2019

ANNEX XY – ICAO REGIONAL OFFICES

- Bangkok, Thailand (Asia and Pacific Office)
- Cairo, Egypt (Middle East Office)
- Dakar, Senegal (Western and Central African Office)
- Lima, Peru (South American Office)
- Mexico City, Mexico (North America, Central America and Caribbean Office)
- Nairobi, Kenya (Eastern and Southern African Office)
- Paris, France (Europe and North Atlantic Office)

ANNEX XZ: THE BASICS OF THE LOBBYING PROCESS

Lobbying and establishing direct contact with your national ICAO representatives and civil aviation policymakers are critical components of our ongoing advocacy campaigns. Lobbying at a national level is crucial in achieving our desired policy changes.

Please keep in mind that one of the most persuasive forms of lobbying is a face-to-face meeting with your national officials or her/his staff, about the issues at stake.

Lobbying builds relationships with your national aviation officials and educates them about labour's needs and concerns. Lobbying also serves as a complement to network- or base-building and media advocacy – all three strategies work together to create a successful advocacy campaign.

During such meetings, you should be clear about your messages and your ultimate "ask". To this end, the ITF Civil Aviation Section has produced a "Lobbying guidelines for aviation unions at a national level". Please study it carefully. And please bear in mind that as mentioned in the guidelines, the Civil Aviation Secretariat updates it from time to time.

LOBBYING GUIDELINES FOR AVIATION UNIONS AT NATIONAL LEVEL

This memo aims to provide support to civil aviation affiliates of the International Transport Workers' Federation (ITF) that are willing to lobby their national governments regarding the further liberalisation of air transport by the International Civil Aviation Organization (ICAO).

When the ICAO's Air Transport Regulation Panel (ATRP) issues its draft proposals for further liberalisation regarding key areas of the economic regulation of international air transport, including market access and the liberalisation of air carrier ownership and control, the civil aviation section will produce new guidelines focusing on this document.

The 6th ICAO Air Transport Conference in March 2013 adopted important conclusions in key areas of the economic regulation of international air transport such as: market access, the liberalisation of air carrier ownership and control, fair competition and consumer rights.

These conclusions are also reflected in the decisions taken by the assembly in the context of ICAO's work programme later in September – October 2013.

What is happening now?

During the post-conference period ICAO is expected to deliver results on the following issues:

- Adopt a "long-term vision" for market access liberalisation, including development of a multilateral agreement;
- Make progress on a multilateral agreement to liberalise air carrier ownership and control;
- Update guidance rules on fair competition, which was confirmed by the conference as an 'important general principle in the operation of international air services';
- Develop core principles on consumer protection.

The ITF believes that progress in these key areas can contribute to further development of the global economic regulatory framework for international air transport. However, views of all stakeholders, including labour, should be given due consideration. Respecting social and labour rights should be an indispensable part of this process. The last ICAO conference and the assembly highlighted that very clearly.

The position of the ITF

Experience: In the maritime sector, ships and fleets can be 'flagged out' to countries (including land-locked nations with no maritime tradition) that offer lower-cost safety and labour standards and conditions, and

inadequate safety supervisory and inspection structures. 'Flagging out' is generally driven by the desire to save costs (including paying lower wages and benefits to workers) or to escape effective regulatory control by the state in which the vessel or fleet is beneficially owned.

Flags of convenience (FOCs): The ITF has not been alone in expressing concerns about 'flags of convenience' entering the air transport industry, or in raising questions about the capacity of the nationally based regulatory structures to provide effective safety oversight of globalising air transport operators and multinational enterprises. This tendency could worsen in a deregulated environment where the registries start to "compete" with each other for more registered aircraft creating an unstoppable race to the bottom.

Sustainability: Airlines are using this new deregulated environment to choose creatively whether to be regulated and supervised by local or home-based regulation, opening the civil aviation sector to the risk of social dumping, safety dumping, and reduced oversight. As a result, the sustainability of the air transport industry is now in jeopardy with increasing turmoil and worker resistance to such employer tactics.

International Labour Organization (ILO): The ITF believes that there is a better way. After a period of accelerated aviation deregulation and liberalisation, it is now time for a new approach that combines a healthy civil air transport industry capable of offering the necessary safe services for society and business, and that offers fair and acceptable working conditions to its employees. There should be a global consensus on the principle that there should not be competition on social matters neither between countries nor between business models. This requires that ICAO work co-operatively with other United Nations agencies on issues of mutual interest, particularly with the ILO. Some of that co-operative work has already begun at the February 20-22, 2013 ILO Global Dialogue Forum on the Effects of the Global Economic Crisis on the Civil Aviation Industry.

What are we asking for?

While implementing their follow-up work, concerned ICAO bodies (like the Air Transport Committee [ATC]) should adopt recommendations concerning the ILO Declaration on Fundamental Principles and Rights at Work (1998). There should be no further liberalisation without this step taken. Moreover, this is crucial in terms of fair competition and to combat social dumping.



If you have any comments or suggestions, please let us know: civilaviation@itf.org.uk

Please keep us posted about your national lobbying work and let us know if we can help you with your lobbying work in any way.