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Promoting Global Trade Through Air and Maritime Transport – Some Recent Transformational ICAO and IMO Plans

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Abstract

Air and maritime transport constitute foundational pillars in advancing international trade, providing mechanisms for efficient and extensive movement of goods, linking remote markets, and bolstering economic interdependence among nations. Air transport is indispensable for the expeditious carriage of high-value, time-sensitive commodities, such as pharmaceuticals, electronics, and perishable goods. By reaching geographically isolated regions, air transport serves industries with stringent delivery timelines, meeting essential market demands. Conversely, maritime transport underpins global trade due to its economic advantage in transporting bulk and containerized cargo. Accounting for over 80 percent of global trade volume, maritime operations encompass the movement of diverse commodities, from raw materials like oil and coal to finished goods and agricultural produce. This dual facilitation of cost reduction in transport and expansion of market access allows countries to capitalize on their comparative advantages, fueling economic growth and connectivity.

ICAO's principal function is to harmonize international aviation standards, encompassing safety, security, and environmental regulations to ensure equitable and efficient air transport operations. Similarly, IMO performs a critical regulatory function in the maritime sector, focusing on maritime safety, environmental preservation, and fair-trade conduct on navigable waters. It implements and enforces international standards governing vessel operations, addressing maritime pollution prevention and safe navigation channels. In both

Organizations, their Secretariats play a crucial and important role in recommending policy to their governing bodies that would enhance the advancement of international trade through transportation. This article inquires into the effectiveness of the transformation plans of ICAO and IMO to this end.

Keywords: ICAO; IMO; The ICAO plan; The IMO plan; Transport policy

1. Introduction

Air transport plays a crucial role in fostering economic growth and development. It supports integration into the global economy and offers essential connectivity at national, regional, and international levels.[1] The International Air Transport Association (IATA) records that air cargo acts as a key driver of trade, supporting global economic development and generating millions of jobs.[2] The global economy relies on the capacity to deliver high-quality products at competitive prices to consumers around the world. Air cargo transports goods valued at over $6 trillion, making up about 35% of global trade by value.[3]

In the maritime context, ships are responsible for transporting more than 80% of the world's trade by volume and about 70% by value. The global fleet involved in maritime trade includes dry bulk ships, containerships, and oil tankers, each specializing in different types of products. These vessels can be divided into two categories: those that follow fixed routes, similar to buses, and those with flexible routes, akin to taxis. Containerships fall into the first category, while gas/oil tankers and dry bulk ships belong to the second. Dry bulk ships, which handle roughly half of seaborne trade and make up 45% of the global fleet, primarily transport commodities like grain, ore, and coal. Due to their flexible routes, they are often referred to as "ocean taxis."[4]

Both industries are overseen by two United Nations specialized agencies: the International Civil Aviation Organization (ICAO) and the International Maritime Organization (IMO). In recent times both these agencies have developed plans to transform the two Organizations with a view to increasing effectiveness and efficiency.

While ICAO hints at the necessity for such a plan to rectify the cumbersome nature of the Organization, IMO ascribes the necessity of its plan as conforming to certain directives concerning coordination of the work of the committees by the Council, considering the views of the committees on priorities and their responsibilities for substantive technical and legal matters.

As the following discussion will reflect, it can be surmised that both ICAO and IMO have adopted transformational plans with a view to increasing the efficiency of

their secretariats due to several critical factors. The primary rationale revolves around the need to enhance operational effectiveness, ensure resource optimization, and adapt to evolving global challenges and technological advancements. By implementing transformational plans, these organizations aim to streamline their internal processes, improve service delivery, and maintain their relevance and effectiveness in a dynamic international landscape.

One of the foremost justifications for adopting transformational plans is the imperative to enhance operational effectiveness. Secretariats serve as the administrative backbone of international organizations, responsible for implementing decisions, coordinating activities, and managing day-to-day operations. As the volume and complexity of their tasks grow, so does the need for efficient and effective management. Transformational plans introduce modern management practices and innovative solutions that help secretariats function smoothly, leading to optimizing the end product, which, in this case is global trade through safe and efficient air services and maritime services to meet the needs of the world. These plans often include the adoption of new technologies, such as digital platforms for communication and data management, which significantly enhance the ability of secretariats to handle information, streamline workflows, and reduce bureaucratic inefficiencies. By modernizing their operations, secretariats can ensure that they are better equipped to support the strategic objectives of their organizations and respond promptly to the needs of member states and other stakeholders.

Resource optimization is another critical factor driving the adoption of transformational plans. International organizations operate with finite financial and human resources, making it essential to maximize the impact of these resources. Transformational plans typically involve a thorough review and restructuring of organizational processes to eliminate redundancies and improve efficiency. This often includes reallocating resources to high-priority areas, enhancing staff training and development, and implementing performance measurement systems to monitor progress and outcomes. By optimizing resource allocation, secretariats can achieve more with less, ensuring that the organization delivers maximum value to its stakeholders. This efficiency not only enhances the organization's credibility and effectiveness but also fosters greater trust and support from member states and donors.

Adapting to evolving global challenges and technological advancements is another crucial reason for adopting transformational plans. The international landscape is characterized by rapid changes, including technological innovations, geopolitical shifts, and emerging global issues such as climate change, pandemics, and cyber threats. Secretariats must be agile and responsive to these changes to remain effective.

Transformational plans enable secretariats to anticipate and adapt to new challenges by fostering a culture of continuous improvement and innovation. For instance, the integration of advanced data analytics and artificial intelligence can significantly improve decision-making processes and policy development. Additionally, by staying abreast of technological trends, secretariats can leverage new tools and methodologies to enhance their capabilities and better serve their organizations' missions.

Furthermore, transformational plans are essential for maintaining the relevance and effectiveness of international organizations. In a world where expectations and standards are continually evolving, secretariats must ensure that their practices and policies are aligned with contemporary demands. This includes embracing principles of transparency, accountability, and inclusivity, which are increasingly important to stakeholders. Transformational plans often emphasize these values, promoting greater participation and representation within the organization and enhancing its legitimacy and impact. By adopting a forward-looking approach, secretariats can ensure that their organizations remain at the forefront of global governance and continue to make meaningful contributions to international cooperation and development.

The adoption of transformational plans to increase the efficiency of secretariats in international organizations is driven by the need to enhance operational effectiveness, optimize resources, and adapt to a rapidly changing global environment. These plans provide a strategic framework for secretariats to modernize their operations, embrace innovation, and ensure that they can effectively support their organizations' missions. By prioritizing efficiency and adaptability, international organizations can better serve their member states and stakeholders, maintaining their relevance and impact in a dynamic and interconnected world.

2. The ICAO Plan

After more than 75 years of its useful and representative existence, ICAO has finally come up with a transformational secretariat plan.[5] The only other instance where ICAO had a formal action plan calculated to increasing its efficiency was in 1997 where ICAO launched its Strategic Action Plan.[6] ICAO begins its transformational plan by acknowledging that, at the start of the transformation journey, ICAO was perceived as overloaded, stressed, and inefficient, with a growing mandate but limited resources.[7] The overarching Transformational Objective, included in the Business Plan 2023-25, is fundamentally about transforming the Secretariat to enhance service delivery to Member States.

It is assumed that by this statement, ICAO acknowledges that the international community thought ICAO (particularly its Secretariat and the Council) was

overburdened and tense as well as ineffective. Not only does this not augur well for an international organization that has existed over eight decades but it also means that the international aviation community feels that there is a need for ICAO to seriously reform itself.

In an interview, ICAO's Secretary General Juan Carlos Salazar said: "In 2023 we began an ambitious three-year journey to ensure ICAO is fit for the future. Our goal is to become more results-driven with a people-focused culture and way of working. We want to be transparent, accountable, efficient, and value-guided, and ensure that we are innovative and agile".[8]

This commitment involves improving culture, technology, systems, people, procedures, and operational processes. Member States and stakeholders expect and deserve enhanced, relevant, faster, and more agile support from ICAO; hence, the organization must transform to meet future industry needs effectively. Transition State 1 focused on foundational work, upon which ICAO can now build. The urgency for transformation remains, with improvements across the Secretariat beginning to materialize, and an evolution of enhancements underway. This transformation is beginning to change ICAO's culture, ensuring the deliverables meet the needs of colleagues. An organizational culture shift, focusing on moving from siloed working to full collaborative engagement, is necessary. However, the wider positive impact on Member States will not be fully evident until the final year of the Transformational Objective in 2025.

The ICAO Transitional Plan's Foreword marks the end of the first phase of a three-year transformation journey, highlighting significant achievements in People & Culture, Digital, and Operational Transformation. These foundational changes have been established with the collective effort and dedication of ICAO personnel, despite the inherent challenges of the process.

Support from the Assembly, Council, and Member States, especially those providing funds and seconded personnel, has been crucial. The Secretariat colleagues' contributions have been key in implementing the Transformational Objective, which aims to enhance collaboration, shift organizational culture, increase internal efficiencies, and simplify systems.

The vision for 2027 is for ICAO to become a modern, digital, adaptive, and collaborative organization, focused on operational excellence and a results-driven approach. The first year's achievements have set the stage for further growth, innovation, and personal development opportunities for staff as ICAO continues to serve its Member States effectively.

Moving forward, ICAO is prepared to accelerate its efforts across all transformation areas, with a clear focus on maintaining collaboration and excellence. The organization aims to improve internal effectiveness and efficiency, meeting emerging business needs, and leveraging contributions from Member States to successfully complete the three-year transformation.

The Transitional Plan outlines key actions for implementing various projects. Approval is needed for completing the Enterprise Risk Management Project milestones and starting Partnerships. An assessment has identified three potential new projects, including Effective Programme Management to enhance Results-Based Management and a new Enterprise Resource Planning & Portfolio Project Management system. An Enterprise Portfolio Management Office will be proposed as a new project in 2024.

Organizational Structure requirements are influenced by the Results-Based Management Project deliverables. Delivering people-focused projects under TO1 provides an opportunity to design a suitable structure for ICAO. This task is integrated into the Fit for Purpose Organization Project under TO1.

ICAO recognizes the need for improved knowledge and process management. An assessment revealed gaps and potential solutions, leading to a proposal for an Enterprise Business Process Management Framework. This proposal, agreed upon in principle by the Secretary General, will begin in 2024 as a cross-cutting initiative led by the Transformation Team.

In People & Culture Transformation, ICAO developed and approved a new People Strategy called 'People First.' This strategy aims to prioritize ICAO's people by fostering a supportive environment that enhances growth and organizational efficiency. TO1 also introduced a streamlined learning and development process, including mandatory training and the new online Leadership Development Platform, Blueline.

Significant advancements have been made in internal communications under the Transformational Objective. A new Intranet and communication training program were launched, and a Customer Relationship Management system was implemented to streamline external outreach. A new talent mobility framework and policy were developed to address staff concerns, along with a career conversations toolkit launching in early 2024. ICAO is also focusing on a cultural shift through the Culture Transformation Project, involving all colleagues in shaping the future culture.

3. The IMO Plan

The revised Strategic Plan for IMO covering the years 2024 to 2029 lays out a clear mission and vision for IMO. The mission of IMO, as a specialized agency of the United Nations, is to ensure safe, secure, and environmentally friendly shipping practices. This

mission is pursued through the adoption of high standards in maritime safety and security, navigation efficiency, and pollution prevention from ships. Additionally, IMO focuses on relevant legal matters and strives for the effective and uniform implementation of its instruments.

The IMO plan is encapsulated in Resolution A 1173/33[9] adopted on 6 December 2023 in which Strategic Directive 8 (Enhancing Organizational Effectiveness) provides for realizing its vision and bolstering its capacity to address current and future challenges. IMO plans to enhance its organizational and operational methods, encouraging wider participation from Member States in its activities and decision-making through suitable technologies. To streamline its efforts and enhance information sharing, the organization will seek ways to strengthen its technical and analytical abilities for collecting, managing, analyzing, and reporting relevant data.

IMO is committed to adopting and implementing best practices in its operations, ensuring efficient and effective processes to manage the organization's dynamic workload. This approach guarantees that Member States, donors, and partners receive maximum value for their contributions.

The organization's success hinges on its motivated and skilled staff, who are vital for adapting to changing demands. IMO will ensure the Secretariat is well-staffed and equipped with the necessary competencies, structured and supported to fulfill the organization's mission. It will also promote inclusivity in terms of multilingualism, gender, and geographical representation across all levels of the Secretariat, ensuring equal access for all to participate in the organization's work.

Additionally, IMO will manage its financial resources responsibly and sustainably. Continued financial support from Member States to meet long-term expenses, along with securing funding from other donors, is crucial. In its technical cooperation efforts, IMO will seek to forge new strategic donor relationships and enhance existing ones to optimize funding sources.

The vision for IMO from 2024 to 2029 emphasizes maintaining its leadership as the global regulator of shipping. IMO aims to highlight the significance of shipping in global trade and support its progress. This includes addressing technological advancements, environmental protection, climate change challenges, seafarer welfare, and the resilience of the maritime industry and supply chains. To achieve this, IMO plans to review, develop, implement, and ensure compliance with its instruments, while supporting Member States in meeting the goals of the 2030 Agenda for Sustainable Development through capacity-building efforts aligned with the Capacity-Building Decade 2021-2030 Strategy.

The Strategic Plan outlines overarching principles guiding all of the Organization's work, along with specific strategic directions. These include ensuring the implementation of IMO instruments, integrating new technologies, responding to climate change, engaging in ocean governance, enhancing global trade security, addressing human elements, ensuring regulatory effectiveness, and maintaining organizational efficiency. Performance indicators will measure progress against these strategic directions, and the plan includes a list of outputs to be delivered over two years, linking the IMO's strategy with the work of its organs and the budget.

The International Maritime Organization (IMO) has crafted an in-depth strategic plan aimed at enhancing the efficiency and effectiveness of its secretariat and workforce. This revised plan spans six years, from 2024 to 2029, and includes several pivotal initiatives designed to achieve its goals.

At the core of the IMO's mission is the promotion of safe, secure, environmentally friendly, efficient, and sustainable shipping practices through cooperative efforts and the adoption of the highest standards. The vision for this period emphasizes maintaining IMO's leadership role as the global regulator of shipping. It seeks to address advancements in technology, environmental protection, climate change, the well-being of seafarers, and the resilience of the maritime industry.

One strategic direction focuses on ensuring the effective implementation of all IMO instruments, supported by capacity development. Another direction involves incorporating emerging technologies into the regulatory framework to keep pace with advancements. The plan also highlights the need for a robust response to climate change, with specific goals to reduce greenhouse gas emissions from international shipping. Continued engagement in ocean governance initiatives remains a priority, alongside efforts to enhance global supply chain resilience and security.

The human element in shipping is addressed by focusing on seafarers' well-being and competence, ensuring their working conditions are improved. Another significant aspect of the plan is regulatory effectiveness, aimed at maintaining the efficiency of international shipping regulations. Furthermore, the plan seeks to improve organizational processes and overall effectiveness.

To measure progress, specific performance indicators will be used against the strategic directions. Planned outputs over a two-year period will link the organization's strategic objectives to its operational activities and budget.

In terms of action plans and initiatives, IMO emphasizes capacity building to aid member states in implementing IMO instruments and achieving sustainable development goals (SDGs). This involves extensive training programs, workshops, and collaborative projects to build technical and regulatory capacities.

Technological advancements are prioritized, particularly efforts to integrate new technologies into the maritime sector. This includes digitalization initiatives such as the maritime single window for electronic data exchange. IMO has also set an ambitious goal to achieve net-zero greenhouse gas emissions from ships by 2050. This involves measures to reduce carbon intensity and support the implementation of the Hong Kong Convention for the safe recycling of ships.

Human resource development is another critical area, with a strong emphasis on the well-being and competence of seafarers. IMO advocates for improved working conditions and continuous professional development through e-learning platforms.

Gender equality and inclusivity are promoted through initiatives like the International Day for Women in Maritime, and the upcoming IMO Gender Equality Award in 2024, aiming to foster diversity within the maritime industry.

IMO collaborates with various international organizations and stakeholders on projects focusing on decarbonization, marine litter reduction, and biofouling management. These projects encourage innovation and align with global environmental objectives.

By addressing these key areas, IMO aims to enhance the efficiency, effectiveness, and sustainability of its secretariat and labor force, ensuring it remains a leader in global maritime regulation and governance.

4. The Effect of Transformational Plans on Trade Policy

A. ICAO

i.   Connecting the dots

At the outset of an exercise that endeavors to connect the dots between increasing the planning effectiveness and efficiency of ICAO is that the ICAO Transformational Secretariat Strategy covers only the ICAO Secretariat. However, for ICAO to positively influence global air transport policy both the Council of ICAO and the Assembly must be involved as well. ICAO comprises three entities: The Assembly; Council; and the Secretariat (chiefly representing "such other bodies" as stated in the Chicago Convention[10] and the Plan should have been all encompassing to make an impact on global air transport. Such a link between the three ICAO instrumentalities is explicitly seen in the ICAO Business Plan 2023-25 under the No Country Left Behind concept. Paragraph 2.8 says that in accordance with Assembly Resolution A39-23, the key goals of the No Country Left Behind (NCLB) initiative for the 2023–2025 period include: a) offering increased assistance to States for the effective implementation of ICAO's Standards and Recommended Practices (SARPs), plans, and policies in a more coordinated, comprehensive, and globally unified manner; b) supporting States in the

rapid recovery and resilient development of the air transport system; and c) encouraging the resolution of significant safety concerns (SSCs) and significant security concerns (SSeCs).

ICAO and its Member States will continue efforts under the NCLB to promote the recovery, sustainability, and resilience of international civil aviation. This collaboration will enable States to adapt to evolving circumstances and leverage new operational and technical innovations, including green technologies for environmental sustainability and aviation sector decarbonization, ensuring no country is left behind. This includes offering technical assistance and cooperation through various funding sources, including the regular budget, cost-recovery mechanisms, voluntary contributions, and/or in-kind support through ICAO.

ICAO provides implementation support to Member States under a One-ICAO approach, focusing on relevance, consistency, efficiency, and effectiveness in managing the development and delivery of support. This contributes to the ICAO NCLB initiative and aligns with the United Nations Sustainable Development Goals. The newly established Policy on ICAO Implementation Support Provided to States aims to enhance the coordination and management of ICAO's support activities to better serve Member States' needs. The policy ensures that the support given to States is consistent in both content and delivery, regardless of the source of assistance or the funding mechanism. It strengthens ICAO's role in aiding States with their implementation of ICAO policies, plans, SARPs, PANS, and guidance materials, and aims to improve the performance and outcomes of ICAO's implementation support within the framework of the ICAO Business Plan. The policy is designed with specific objectives in mind.

Furthermore, paragraph 2.9 introduces the "operating as one ICAO"[11] principle. The concept of operating as One-ICAO originates from the 2005 United Nations General Assembly World Summit Outcome Document and subsequent reports, which identified the need for a "delivering as one" approach. This approach aims to ensure a more effective, efficient, coherent, and coordinated United Nations presence, overcoming fragmentation by working together on implementing a unified strategy and pursuing common goals.

To successfully lead the global aviation community in addressing its challenges, ICAO must adopt the principles outlined by the broader UN system and fully embrace the One-ICAO approach. This requires the ICAO Council and the Secretariat to collaborate closely, building on lessons learned from initiatives like the Council Aviation Recovery Taskforce (CART) and the ICAO Secretariat COVID-19 Emergency Programme Group (SCEPG), while expanding innovative implementation support and

enhancing coordination between Headquarters Bureaus and Offices and Regional Offices.

The new Policy on ICAO Implementation Support Provided to States defines how ICAO delivers support under the One-ICAO approach, ensuring it is managed in a well-coordinated and consistent manner. The ICAO Secretariat will work efficiently and effectively across all areas of civil aviation to manage complexity, avoid duplication, and optimize resource allocation.

By strengthening internal coordination within the ICAO Secretariat, the Organization aims to provide implementation support that is aligned and integrated with the development process for policies, plans, SARPs, PANS, and guidance material.

Aligning with the ICAO Business Plan and focusing on relevance, consistency, efficiency, and effectiveness in managing the development and delivery of implementation support will contribute to achieving the ICAO NCLB initiative and the United Nations Sustainable Development Goals.

Moreover, the One-ICAO approach requires closer integration and alignment of Regional Offices, which are at the forefront of ICAO's support to and coordination with Member States, while reinforcing close coordination with Headquarters Bureaus.

Priorities will include enhancing the support structure, leveraging technology, streamlining processes, and ensuring financial transparency and accountability to facilitate the evolution of ICAO's implementation support.

It is incontrovertible that, considering the overall policy of ICAO towards air transport policy, ICAO has to play a positive role. Article 44 of the Chicago Convention lists as one of ICAO's aims and objectives, that ICAO fosters the planning and development of air transport to "meet the needs of the peoples of the world for safe, regular, efficient and economical air transport"[12]; prevent economic waste caused by unreasonable competition[13], and insure that the rights of contracting States are fully respected and that every contracting State has a fair opportunity to operate international airlines.[14] In pursuance of these roles calling for proactive roles of ICAO in advancing global trade through air transport, ICAO has adopted a Strategic Objective which calls [15]for economic development of air transport where ICAO admits: "Because air connectivity is a crucial catalyst for sustainable development, ICAO is enabling the emergence of a coherent and harmonized global regulatory framework, the liberalization of international air transport, and the resolution of infrastructure and airspace capacity constraints in order to ensure the sustainable development of an economically viable civil aviation system. ICAO does this by facilitating cooperation among States and through the provision of economic policies, regulatory guidance, and accurate, reliable and consistent aviation data…".[16]

The words "provision of economic policies" stand out as requiring positive and compelling policies that ICAO should give out to the aviation industry. In this context policy is formulated and adopted by the Council of ICAO and to this end, there must be a cohesive connection and link between the Secretariat and the Council, and a useful provision in the transformational plan of the Secretariat should tie in Article 55 c) which identifies as a permissive function of the Council to " Conduct research into all aspects of air transport and air navigation which are of international importance, communicate the results of its research to the contracting States, and facilitate the exchange of information between contracting States on air transport and air navigation matters."

ICAO has Document 9626 (*Manual on the Regulation of International Air Transport*)[17] which does not enunciate policy but merely includes information and guidelines in its Second Edition on "many new topics (e.g. State aids, competition laws, airline alliances, franchising, aircraft leasing, passenger rights, and privatization of airports), which are emerging issues drawing increasing regulatory attention…"[18] A good example in Doc 9626 is when ICAO says "international air transport is a commercial activity where strongly differing views exist among States as to desirable levels of protection, competition and industry cooperation." Prior to the 1990s, States, individually or collectively, generally either did not apply national competition laws to international air transport, or exempted it from the scope of such laws, sometimes with certain conditions designed to mitigate perceived anti-competitive effects. Consequently, bilateral air transport agreements contained no clauses which dealt specifically with the application of competition laws, although some agreements did contain certain competition principles and commitments to avoid unfair or predatory practices.

Since then, with increasing globalization and widespread adoption of the market economy, there has been a marked rise in the adoption of competition laws by States, spreading gradually from developed economies to other parts of the world. By 2003, some 90 countries had competition laws of some sort.

A major challenge facing air transport regulators is how to define or distinguish between normal and anti-competitive practices. While efforts have continued at national and international levels to devise competition guidelines, reliance has increasingly been placed on analyses and development of standards through a case-by-case approach. To address this issue, ICAO has developed, as part of a safeguard mechanism in the form of a model clause, an indicative list of possible anti-competitive practices which States may use in identifying unacceptable behaviour in the marketplace and in considering appropriate regulatory action (which can be found in Doc 9587).

One of the potential problems associated with the application of national competition laws is the differing, sometimes even conflicting, regimes employed by States (for example, regulations dealing with mergers or alliances, denied boarding). This could cause particular difficulties for airlines operating international air services when they have to cope with different rules in different countries. While repeated efforts have been made at the international level with a view to harmonizing competition regimes, global consensus has proven to be difficult to obtain, due to the different legal systems involved and the disparity in their scope and content. It is therefore important that States, when dealing with competition issues involving foreign air carriers, give due consideration to the concerns of other States involved and avoid taking unilateral action."[19]

Although the model clause referred to here is a useful piece of "guidance" its mere inclusion in a manual with no enforcement ability leaves the effort destitute of effect in terms of global trade policy.

During the 41st session of the ICAO Assembly in 2022, Resolution A41-27 (Consolidated Statement of Continuing ICAO Policies in the Air Transport Field) was adopted. This resolution emphasized that ICAO member states should pursue the liberalization of market access in a way and at a pace that suits their specific needs and circumstances. In doing so, they should consider the interests of all stakeholders, the evolving business environment, and infrastructure requirements. Additionally, the resolution highlighted the importance of safeguard measures designed to ensure that all states, including developing countries, can participate effectively and sustainably. It also advised member states against implementing unilateral or extraterritorial measures that could disrupt the orderly, sustainable, and harmonious development of international air transport. Furthermore, the resolution urged that domestic policies and laws should not be applied to international air transport without considering its unique characteristics.

The resolution also called on states to request the ICAO Council to continue fostering dialogue and information exchange with member states and industry. This should be done with the goals of the ICAO Long-term Vision for International Air Transport Liberalization in mind, considering past experiences, successes, and existing liberalization agreements at bilateral, regional, and multilateral levels. It also urged that the relevance and applicability of current multilateral air law treaties and various proposals from the Sixth Worldwide Air Transport Conference (ATConf/6) held in 2013 be taken into account. The resolution underscored the need for the ICAO Council to enhance understanding of the benefits and challenges of liberalization, as well as the

obstacles to expanding market access, to allow for further consideration of a multilateral approach when the time is right.

Both the Manual and the Assembly Resolution as well as provisions in the Chicago Convention and ICAO's strategic policy discussed above amply demonstrate that ICAO has enough vision – through its Assembly and Council to proceed further in engaging in a closer connection between the secretariat and governing bodies to identify such connection in the transformational plan for the Secretariat.

ii The Way Forward

The secretariat of each specialized agency within the United Nations holds a vital responsibility in aiding their respective governing bodies. This support ensures that these bodies operate efficiently and are able to fulfill their mandates. In the following discussion, we will explore how the secretariat of a specialized agency can provide crucial assistance to its governing body, supported by specific examples.

One of the key roles of the ICAO Secretariat is to deliver technical and administrative support. This involves the preparation of essential documentation, reports, and analyses that the governing body needs to make informed decisions. The secretariat's duty includes ensuring that the governing body has access to precise and current information on the agency's activities, the challenges it faces, and potential opportunities.

For example, the World Health Organization (WHO) relies on its secretariat to compile comprehensive reports on global health trends, research findings, and the progress of health programs. This information is indispensable for the World Health Assembly, the WHO's governing body, as it informs their decisions on global health policies, funding, and strategic direction. Without the detailed and specialized data provided by the secretariat, the governing body would find it challenging to make well-informed decisions.

Another critical function of the secretariat is to facilitate communication and coordination within the agency. Acting as the communication hub, the secretariat ensures that all departments, member states, and other stakeholders are well-informed about the activities and decisions of the governing body. Effective communication and coordination are necessary for the governing body to function smoothly.

A clear example of this can be seen in UNESCO, where the secretariat plays a key role in coordinating communication between various field offices, member states, and the Executive Board. The secretariat ensures that the Executive Board is aware of the ongoing cultural, educational, and scientific initiatives being carried out in different regions. This level of coordination is crucial for aligning UNESCO's global strategies with the needs of various regions and nations.

Once the governing body makes decisions, the secretariat takes on the responsibility of supporting the implementation of those decisions. This involves translating the resolutions into actionable plans and ensuring that these plans are effectively carried out. The secretariat monitors progress, addresses challenges during implementation, and keeps the governing body informed about the status of different initiatives.

For instance, the Food and Agriculture Organization (FAO) depends on its secretariat to implement the decisions made by the FAO Conference, its governing body. When the FAO Conference decides to initiate a new food security program, the secretariat is responsible for developing the framework, coordinating with member states for its implementation, and tracking the progress of the program. This support is crucial for ensuring that the governing body's decisions are successfully transformed into tangible outcomes.

The secretariat also provides expert advice and guidance to the governing body. Composed of experts in the agency's field, the secretariat offers valuable insights that help the governing body navigate complex issues, assess risks, and consider different policy options. This expert guidance is essential for ensuring that the governing body's decisions are based on sound science and best practices.

In the case of the International Atomic Energy Agency (IAEA), the secretariat offers critical advice on matters such as nuclear safety, security, and non-proliferation. This expertise is vital for the IAEA Board of Governors when they need to make decisions on sensitive topics like nuclear inspections or the development of nuclear energy in member states. The expert advice provided by the secretariat ensures that the governing body's decisions are well-informed and technically sound.

Additionally, the secretariat plays a significant role in facilitating stakeholder engagement. This involves organizing consultations, workshops, and meetings that bring together member states, non-governmental organizations, and other international bodies. Engaging with stakeholders is essential for the governing body to understand different perspectives and build consensus on important issues.

For example, the secretariat of the United Nations Environment Programme (UNEP) organizes consultations with member states, civil society, and the private sector on environmental policies. This engagement allows the UNEP Governing Council to grasp the concerns and priorities of various stakeholders, leading to more inclusive and effective environmental policies.

In summary, the secretariat of a specialized agency within the United Nations is instrumental in supporting its governing body through a range of functions, including providing technical and administrative support, facilitating communication and coordination, aiding in the implementation of decisions, offering expert advice, and

fostering stakeholder engagement. These roles are essential for enabling the governing body to effectively fulfill its mandate and contribute to the broader goals of the United Nations. By ensuring the smooth and efficient operation of the agency, the secretariat plays a critical role in addressing global challenges in areas like health, education, and environmental sustainability.

B. IMO

i Policy

IMO's Strategic Plan for The Organization For The Six-Year Period 2024 To 2029.[20] (IMO) holds a pivotal position in overseeing and facilitating global maritime trade. Among its many contributions is the adoption of IMO Resolution A.1173(33) in 2013, which aims to enhance cooperation and collaboration among port State authorities, thereby improving the efficiency and effectiveness of maritime traffic and trade. This resolution, formally titled "Guidelines on the Implementation of the International Safety Management (ISM) Code by Administrations," provides a crucial framework for the consistent application of the ISM Code. The ISM Code is essential for the safe operation of ships and the prevention of environmental pollution, and by promoting its uniform application, the resolution significantly contributes to the advancement of international trade by ensuring that the shipping industry operates safely, efficiently, and with a strong sense of environmental responsibility.

A key focus of IMO Resolution A.1173(33) is the promotion of safety and compliance within the maritime industry. The resolution underscores the importance of adherence to the ISM Code, which is a fundamental component of the Safety of Life at Sea (SOLAS) Convention. This code requires shipping companies to establish safety management systems that ensure their vessels are operated safely and in a manner that minimizes the risk of environmental harm. By providing clear guidelines for the consistent implementation of the ISM Code, the resolution ensures that safety standards are uniformly upheld across various jurisdictions. This uniformity is critical for international trade, as it helps mitigate the risks of accidents, incidents, and environmental damage that could lead to significant disruptions in maritime traffic and trade.

Ships that comply with these safety standards are less likely to encounter issues such as detentions, fines, or other enforcement actions from port State authorities. This reduces the potential for trade interruptions caused by non-compliant ships being held up or delayed. Moreover, when the shipping industry operates within a framework of safety and compliance, it instills greater confidence in insurers, cargo owners, and

trading partners. This confidence, in turn, facilitates smoother and more efficient trade operations, reinforcing the reliability of maritime transport.

In addition to safety, IMO Resolution A.1173(33) emphasizes the importance of environmental responsibility within the shipping industry. The ISM Code mandates that shipping companies implement measures to prevent pollution, whether it be through oil spills, air emissions, or the discharge of harmful substances into the ocean. By ensuring that these environmental safeguards are consistently applied, the resolution helps to minimize the ecological footprint of maritime activities. This is vital for the sustainability of global trade, as environmentally responsible practices help protect the marine environment and the natural resources that are essential to the livelihoods of coastal communities and the global economy.

The adoption of environmentally responsible shipping practices also enhances the reputation of the industry, earning it greater acceptance from the public and regulatory bodies alike. As awareness of environmental issues continues to grow, there is an increasing demand for greener practices across all industries, including shipping. By advocating for adherence to environmental regulations, IMO Resolution A.1173(33) ensures that the maritime sector can continue to thrive in a world that places a high value on sustainability. This alignment with environmental standards ensures that maritime trade can progress without sacrificing the health of the planet.

The resolution also plays a critical role in improving efficiency and reducing trade barriers. It fosters cooperation between port State authorities and shipping companies, ensuring that the ISM Code is implemented and enforced effectively. This collaborative approach helps to harmonize inspection and enforcement procedures, thereby reducing inconsistencies and potential trade barriers that might arise from varying national interpretations of the code. When port State authorities adhere to uniform standards, it alleviates the administrative burden on shipping companies and minimizes delays caused by differing inspection requirements.

Furthermore, the resolution highlights the importance of training and education for maritime personnel, ensuring that they are adequately prepared to implement the ISM Code effectively. By cultivating a culture of safety and compliance within the industry, the resolution contributes to the overall efficiency of maritime operations. Efficient operations, in turn, lower costs and shorten transit times, making global trade more competitive and accessible to a wider range of participants.

On a broader scale, IMO Resolution A.1173(33) supports global maritime governance by reinforcing the significance of international cooperation and the adherence to established maritime conventions and codes. By promoting the consistent application of the ISM Code, the resolution helps uphold the principles of international

law and the rules-based order that are fundamental to global trade. This commitment to a stable and predictable trading environment is essential for the smooth functioning of international supply chains, which are the backbone of global commerce.

In conclusion, IMO Resolution A.1173(33) is instrumental in promoting trade in the shipping industry by ensuring the consistent and effective implementation of the ISM Code. Through its focus on enhancing safety, promoting environmental responsibility, improving operational efficiency, and supporting global maritime governance, the resolution helps to cultivate a shipping industry that is safer, more reliable, and more sustainable. These advancements directly benefit global trade by reducing the risk of disruptions, minimizing environmental impacts, and fostering a level playing field for all stakeholders within the maritime sector. As such, IMO Resolution A.1173(33) is a crucial tool for advancing the objectives of safe, secure, and efficient maritime trade on a global scale.

ii The Work of the Secretariat

The IMO Secretariat plays a vital role in supporting maritime trade under Resolution A.1173(33) by ensuring that the ISM Code is applied and enforced uniformly across its member states. It offers technical assistance, guidance, and resources to help these nations and their maritime administrations implement the ISM Code effectively. This consistency is key to minimizing accidents, incidents, and environmental risks that could potentially disrupt maritime trade. By advocating for a uniform application of the ISM Code, the Secretariat contributes to creating a safer maritime environment, which in turn ensures the smooth flow of trade across the globe.

Additionally, the IMO Secretariat is responsible for organizing training and capacity-building programs tailored for member states. These initiatives are aimed at providing maritime personnel with the knowledge and skills needed to implement the ISM Code properly. By fostering a well-trained workforce, the Secretariat guarantees that safety management systems are established and maintained effectively on ships worldwide. This not only enhances maritime safety but also strengthens the confidence of trading partners, insurers, and other stakeholders in the reliability of maritime transport. A well-prepared workforce capable of handling safety and compliance issues efficiently contributes to the overall effectiveness of maritime operations, thereby reducing delays and costs associated with non-compliance.

Another significant role of the Secretariat involves promoting environmental responsibility in line with Resolution A.1173(33). The ISM Code mandates that shipping companies take measures to prevent pollution and reduce their environmental impact. The Secretariat provides guidance on best practices in environmental

management, assisting member states and the shipping industry in aligning their operations with international environmental standards. This support is crucial for maintaining the sustainability of maritime trade, especially as the global community increasingly demands environmentally responsible practices. By encouraging the adoption of green shipping practices, the Secretariat helps the industry meet these expectations, ensuring that maritime trade can continue to prosper without harming the environment.

Beyond technical support and training, the IMO Secretariat also plays a crucial role in facilitating cooperation and collaboration among member states. It serves as a central hub for the exchange of information and best practices, enabling countries to learn from each other's experiences in implementing the ISM Code. This collaborative effort helps harmonize inspection and enforcement procedures, reducing inconsistencies that could otherwise become barriers to trade. By fostering a spirit of cooperation, the Secretariat ensures that member states can collectively address common challenges and improve the overall efficiency of maritime operations. Such cooperation is essential for reducing the administrative burden on shipping companies and minimizing delays caused by differing national interpretations of the ISM Code.

Moreover, the Secretariat supports global maritime governance by ensuring that Resolution A.1173(33) is in harmony with other international conventions and regulations. It coordinates with organizations like the International Labour Organization (ILO) and the United Nations Environment Programme (UNEP) to ensure that the ISM Code's implementation is in line with broader global objectives, such as labour rights and environmental protection. By aligning this resolution with other international frameworks, the Secretariat helps create a cohesive and predictable regulatory environment for the maritime industry, which is critical for the smooth functioning of international trade.

The IMO Secretariat also plays a monitoring role in overseeing the implementation of Resolution A.1173(33), providing feedback to member states based on collected data. This allows the Secretariat to identify areas where additional support or adjustments may be necessary. Through ongoing monitoring, the Secretariat ensures that the resolution remains effective in promoting safety, environmental responsibility, and efficiency within maritime operations. This adaptability allows the Secretariat to continue supporting the evolving needs of the industry, ensuring the resolution remains relevant and beneficial to maritime trade.

In conclusion, the IMO Secretariat is crucial to advancing maritime trade under Resolution A.1173(33). By offering technical assistance, organizing training, promoting environmental responsibility, facilitating cooperation, and supporting global maritime

governance, the Secretariat ensures the ISM Code is implemented effectively. These efforts lead to a safer, more efficient, and environmentally responsible shipping industry, which is essential for maintaining a stable and predictable trading environment—key to the ongoing growth and success of international maritime trade.

5. Conclusion

In terms of advancing and promoting global trade IMO plays a leadership role as reflected in its vision statement which says: "IMO will uphold its leadership role as the global regulator of shipping, promote greater recognition of the sector's importance to world trade, and enable the advancement of shipping. In this regard, IMO will address the challenges and opportunities presented by ongoing developments in technology, the protection and preservation of the marine environment, tackling climate change, improving the well-being and competence of seafarers, and strengthening the resilience of the maritime industry and global supply chains. To achieve this, IMO will focus on the review, development, implementation of and compliance with IMO instruments in its pursuit to proactively identify, analyze and address emerging issues. IMO will support Member States in achieving the goals of the 2030 Agenda for Sustainable Development, including through capacity development, considering the Organization's Capacity-Building Decade 2021-2030 Strategy".[21]

This statement clearly says that IMO has a leadership role in promoting and advancing global trade. There is no such mention of "leadership" in promoting trade in either the Mission or Vision Statement of ICAO which say that the ICAO's mission is to serve as the global forum of States for international civil aviation and its vision is to achieve the sustainable growth of the global civil aviation system.[22] As such IMO's role is prescriptive and ICAO's role is recommendatory. In this context it is ICAO which has to achieve a clearer coercive role in the promotion of trade than its maritime counterpart.

As already discussed, one of ICAO's strategic objectives is to promote the economic development of air transport. Whichever way one's reading of this objective, it is clear that ICAO's role should not have been and is not relegated to publishing a manual or adopting an Assembly resolution that is discretionary for the member States. Despite this reality, ICAO says: "[B]ecause air connectivity is a crucial catalyst for sustainable development, ICAO is enabling the emergence of a coherent and harmonized global regulatory framework, the liberalization of international air transport, and the resolution of infrastructure and airspace capacity constraints in order to ensure the sustainable development of an economically viable civil aviation system. ICAO does this by facilitating cooperation among States and through the provision of

economic policies, regulatory guidance, and accurate, reliable and consistent aviation data".[23]

The Chicago Convention, in Article 44 a) provides that ICAO should ensure the safe and orderly growth of international civil aviation throughout the world; Article 44 d) says that one of ICAOs aims and objectives must be to meet the needs of the peoples of the world for safe, regular, efficient, and economical air transport; and Article 44 d) calls for ICAO to aim at preventing economic waste caused by unreasonable competition.

Once every decade, ICAO convenes a global air transport conference. The most recent of these events, the 6th Worldwide Air Transport Conference (ATConf/6), took place in Montreal from March 18 to 22, 2013. The next (ATConf/7) was scheduled for 2023 but did not take place.

During ATConf/6, participants reflected on the progress made since the previous conference, the 5th Worldwide Air Transport Conference (ATConf/5), which had also been held in Montreal, ten years earlier, from March 24 to 29, 2003.

At ATConf/6, the delegates collectively decided that ICAO should take on a more prominent leadership role in fulfilling its mission to "meet the needs of the people of the world for safe, regular, economical, and efficient air transport," as outlined in the Chicago Convention. In line with this decision, it was agreed that ICAO should continue to support States in their liberalization efforts by improving the "marketplace" platform available to them. Additionally, ICAO was tasked with regularly updating the Template Air Services Agreements (TASAs) to reflect changes in regulatory practices. The conference also emphasized the importance of ICAO promoting and developing new training courses, regional seminars, and similar initiatives for the benefit of States, depending on available resources. Furthermore, ICAO was instructed to keep monitoring regulatory developments, carry out studies on globally significant issues, and offer policy guidance and assistance to States. ICAO was also encouraged to continue expanding relevant databases, such as the Database of the World's Air Services Agreements, and to compile case studies on experiences with liberalization.

This raises several questions: Are the responsibilities assigned to ICAO by ATConf/6 and previous conferences truly indicative of a leadership role? Are these tasks adequate to fulfill the global need for safe, regular, economical, and efficient air transport? Shouldn't ICAO be encouraged to think beyond the framework it has operated within for the past 80 years and take on a more visionary role for air transport regulators? In essence, shouldn't ICAO's primary function be to analyze trends and provide policy to the air transport industry, rather than simply serving as a platform for global practitioners to convene and exchange updates on their respective national

policies? Shouldn't ICAO offer strategic direction on air transport, similar to how other specialized United Nations agencies fulfill their mandates?[24]

Over the years, ICAO has paid less attention to air transport than it has to air navigation and safety issues.[25] In this context, ICAO should include, in its Secretariat Transformation Plan, proactive provisions revising the role of the Air Transport Bureau of the Secretariat that would enable the experts serving in Bureau to actively engage in assisting the Air Transport Regulation Panel (ATRP) and Air Transport Committee (ATC) of the Council to draw up policy that is calculated to ensuring that ICAO is actively justifying the three main objectives contained in the Preamble to the Chicago Convention: that international civil aviation be operated safely and efficiently; soundly and economically, with equality of opportunity for all. An appropriate and dynamic policy document could be developed which has the same legitimacy as an Annex.

The standards in such a document would likely encompass a wide range of aspects related to the economic regulation, management, and development of international air transport. The specifics of such standards would inevitably be shaped by the goals and agreements among ICAO member states, ensuring that they align with the broader objectives of international civil aviation.

These standards would likely address market access and fair competition, setting guidelines for the negotiation of both bilateral and multilateral air service agreements. These would include the crucial areas of traffic rights and the freedoms of the air, essential for enabling international connectivity. Competition policy would also be a key component, with measures designed to maintain fair competition among airlines, prevent anti-competitive practices, and avoid market distortions that could harm the industry's overall health. Protecting consumer rights would be another important area, ensuring that passengers are treated fairly, with transparency in pricing and adequate safeguards against issues like cancellations and overbooking.

In terms of airline ownership and control, the standards would likely define the acceptable levels of foreign ownership and control over airlines, balancing the need for protecting national interests with the necessity of maintaining global connectivity. The standards might also include regulations on mergers and alliances, providing guidelines to evaluate the economic impact of such business arrangements on competition and market access, thereby ensuring that these moves do not undermine the industry's competitive environment.

Economic regulation of airports and air navigation services would also be a crucial aspect. This would involve setting and regulating airport charges, ensuring that they are transparent, related to costs, and non-discriminatory. Similarly, guidelines would be established for the pricing of air traffic services to ensure both efficiency and fairness,

while also promoting necessary investments in infrastructure. These measures would aim to create a financially sound environment for the continuous development of air transport infrastructure.

Financial transparency and stability are essential for the smooth operation of international air transport. Standards would likely require financial transparency from airlines, airports, and air navigation service providers, including the mandatory publication of financial statements. In addition, there would be guidelines for risk management to assess and mitigate financial risks within the industry, thereby ensuring the financial stability of key players and the infrastructure supporting them.

The inclusion of environmental and social responsibility standards would reflect the growing importance of sustainability in air transport. Economic measures could be introduced to address the environmental impact of air transport, such as through market-based mechanisms like carbon offsetting and trading schemes. Social responsibility would also be addressed, with guidelines on labour standards, working conditions, and corporate social responsibility within the air transport sector, promoting ethical practices across the industry.

Investment in infrastructure is vital for the future growth and efficiency of air transport. Standards would likely encourage investment in airport and air navigation infrastructure, potentially through public-private partnerships and international financing mechanisms. Capacity planning and management would also be covered, with standards aimed at forecasting demand, managing airport and airspace capacity, and reducing congestion to ensure the smooth functioning of international air travel.

The collection and sharing of data are increasingly important in today's data-driven world. Standards would likely require the collection, reporting, and sharing of economic data related to air transport, including traffic statistics, financial performance, and market trends. Data privacy and security guidelines would ensure that sensitive economic data is protected while still promoting transparency and informed decision-making across the industry.

International cooperation and harmonization would be key to the successful implementation of these standards. Guidelines would promote collaboration among ICAO member states on economic regulation, infrastructure development, and market access. Efforts would also be made to harmonize regulations across different jurisdictions, facilitating international air transport and reducing the regulatory burden on airlines, thereby promoting a more integrated and efficient global aviation industry.

Finally, mechanisms for dispute resolution would be essential to maintain harmony in international air transport. Procedures would be established for resolving disputes between States, or between states and airlines, over economic issues, ensuring that

outcomes are fair and transparent. Overall, these standards would aim to create a balanced framework that supports the sustainable growth of international air transport while ensuring fair competition, financial stability, and a strong commitment to environmental and social responsibilities.

One of the most notable shortcomings of ATConf/6 was its failure to clearly define ICAO's role. If the ICAO Secretariat had put forward a proposal for an Annex on air transport, the ensuing debate might have led member states to finally clarify ICAO's role in the economic arena, rather than vaguely and ineffectively referencing the term "leadership." This lack of boldness and vision allowed the Conference to easily sideline the idea of an Annex, based on an ineffectual working paper that was poorly drafted and presented by a regional organization. In its submissions to the Conference, the ICAO Secretariat proposed over fifty different tasks for ICAO, encompassing various projects and activities related to air transport, once again leaving it up to the Member States to dictate what ICAO should focus on over the next decade.

It is also unfortunate that there was no specific working paper from the Secretariat addressing ICAO's role in the economic field, particularly given the introduction of a new Strategic Objective in this area. This suggests that ICAO had not adequately considered how it would implement this Strategic Objective. If ATConf/6 had taken the initiative to develop clear direction that could have led to a Resolution at the 38th Session of the Assembly, it could have uniquely positioned ICAO to take a more defined role in carrying out this new Strategic Objective.

Another compelling reason for ICAO to adopt a proactive stance and work toward some degree of harmonization for a globally liberalized regime is the significant benefits of "opening up" the market. Cross-border interactions, especially in terms of connecting cities, would undoubtedly bring more economic advantages as the flow of capital and people becomes more open. Beyond these economic gains, the cultural value of increased connectivity would further aviation's core purpose—bringing people together to foster global friendship and understanding.

As a political institution, ICAO functions similarly to other international organizations. It serves as a forum—as emphasized in its Vision and Mission Statements—where member states, their Representatives on the Council, and the Assembly engage in political dialogue, persuasion, and the exercise of power. This process can lead to political bargaining and commitments among members. One commentator notes that international organizations enhance the credibility of these commitments by "raising the costs of deception and irresponsibility." In this context, an Annex, as opposed to mere guidance material from ICAO, would represent concrete

commitments by States, compelling them to adhere to their institutional obligations. Moreover, an Annex would carry greater authority than guidance material.

Finally, it is worth noting, as earlier discussed in this article, that ATConf/6 acknowledged ICAO as the only forum capable of initiating global solutions for developing a sustainable air transport system. This point is reinforced by the opening speech at ATConf/6 by the President of the ICAO's Council, Roberto Kobeh González, who stated that aviation's historic role in promoting social development and economic prosperity means that the potential benefits of future growth are vast. However, he cautioned that these benefits may not fully materialize unless practical and concrete recommendations are made to adapt the global regulatory framework to the realities of the 21st century.[26] While ATConf/6 may have played its part in developing recommendations, it is now up to ICAO to fulfill its role as "the only forum for initiating global solutions for the development of a sustainable air transport system." ICAO had ten more years until ATConf/7 to achieve this, but regrettably, did not follow through.

Endnotes

[1] World Bank Group, Air Transport Brief, at https://www.worldbank.org/en/topic/transport/brief/airtransport.

[2] https://www.iata.org/en/programs/cargo/sustainability/benefits/

[3] *Ibid.*

[4] Kalouptsidi, Myrto, The Role of Shipping in World Trade, Econofact, 9. June 2021. See https://econofact.org/the-role-of-shipping-in-world-trade.

[5] https://unitingaviation.com/wp-content/uploads/2022/08/ICAO-Transformation-Secretariat-Strategy-V3.0.pdf.

[6] On 22 May 1997 ICAO officially launched its Strategic Action Plan in accordance with Assembly Resolution A31-2. The then President of the Council said:" Never has there been a greater need for a strong and active ICAO…addressing issues effectively requires an unprecedented level of co-operation among countries and a corresponding level of global co-ordination which extends beyond its borders". See Abeyratne, Ruwantissa I.R., *Emergent Commercial Trends and Aviation Safety*, (Ashgate: Aldershot), 1999 at 174.

[7] *Supra* note 5.

[8] https://unitingaviation.com/news/general-interest/shaping-the-future-of-icao-an-interview-with-icao-secretary-general-juan-carlos-salazar/

[9] Resolution A.1173(33) Adopted on 6 December 2023 (Agenda item 8) STRATEGIC PLAN FOR THE ORGANIZATION FOR THE SIX-YEAR PERIOD 2024 TO 2029. See https://wwwcdn.imo.org/localresources/en/About/strategy/Documents/A%2033-Res.1173.pdf.

[10] Article 43 provides: "An organization to be named the International Civil Aviation Organization is formed by the Convention. It is made up of an Assembly, a Council, and such other bodies as may be necessary." This article essentially creates ICAO, which is responsible for setting international aviation standards and regulations to ensure safe and orderly growth of global civil aviation. The organization is composed of an Assembly (the sovereign body of paragraph ICAO), a Council (the governing body), and other necessary bodies to carry out its functions. See Convention on International Civil aviation 9th edition, 2006, at https://wipolex-res.wipo.int/edocs/lexdocs/treaties/en/icao-ca/trt_icao_ca_002en.pdf.

[11] ICAO Business Plan 2023-2025. At pages 13 and 14.See
https://www.icao.int/Meetings/a41/Documents/Business_Plan_23_25.pdf.

[12] Chicago Convention, *Supra*, note 10, Article 44 d).

[13] *Id*, Article 44 e).

[14] *Id*, Article 44 f).

[15] https://www.icao.int/sustainability/Pages/default.aspx.

[16] *Ibid.*

[17] Manual on the Regulation of International Air Transport, (Approved by the Secretary
General and published under his authority), Second Edition — 2004.

[18] *Id*. Foreword.

[19] *Id*. Section 2.3.

[20] Resolution A.1173(33) Adopted on 6 December 2023 (Agenda item 8)STRATEGIC PLAN
FOR THE ORGANIZATION FOR THE SIX-YEAR PERIOD 2024 TO 2029. *Supra*, note 5.

[21] Resolution A.1173(33), *Id.*

[22] https://www.icao.int/about-icao/Council/Pages/vision-and-mission.aspx.

[23] See https://www.icao.int/sustainability/Pages/default.aspx.

[24] For an in-depth discussion see Abeyratne, Ruwantissa. 'The 6th Air Transport Conference of
ICAO:A Critical Analysis'. *Air & Space Law* 38, no. 4&5 (2013): 297–332.

[25] See generally, Abeyratne, Ruwantissa, *Aeronomics and Law: Fixing Anomalies*, Springer:
Heidelberg, 2012. Also, by the same author, *Regulation of Air Transport: The Slumbering
Sentinels*, Springer: Heidelberg, 2014.

[26] http://www.icao.int/Newsroom/Pages/once-a-decade-ICAO-air-transport-conference-
convenes.aspx.