

Calendar No. 115112TH CONGRESS
1ST SESSION**S. CON. RES. 17**

Expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

IN THE SENATE OF THE UNITED STATES

MAY 12, 2011

Mr. MENENDEZ (for himself, Mr. INHOFE, Mr. WYDEN, Mr. BROWN of Ohio, Mr. CARDIN, Mr. COATS, Mr. BARRASSO, Mr. CRAPO, Mr. KYL, Mr. WEBB, Mr. JOHNSON of South Dakota, Mr. MANCHIN, and Mr. COCHRAN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations

JULY 27, 2011

Reported by Mr. KERRY, without amendment

CONCURRENT RESOLUTION

Expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

Whereas the Convention on International Civil Aviation, signed in Chicago, Illinois, on December 7, 1944, and entered into force April 4, 1947, approved the establishment of the International Civil Aviation Organization (ICAO), stating “The aims and objectives of the Organization are to develop the principles and techniques of international air navigation and to foster the planning

and development of international air transport so as to . . . meet the needs of the peoples of the world for safe, regular, efficient and economical air transport”;

Whereas, following the terrorist attacks of September 11, 2001, the ICAO convened a high-level Ministerial Conference on Aviation Security that endorsed a global strategy for strengthening aviation security worldwide and issued a public declaration that “a uniform approach in a global system is essential to ensure aviation security throughout the world and that deficiencies in any part of the system constitute a threat to the entire global system,” and that there should be a commitment to “foster international cooperation in the field of aviation security and harmonize the implementation of security measures”;

Whereas, the 37th ICAO Assembly in October 2010 adopted a Declaration on Aviation Security largely in response to the attempted sabotage of Northwest Airlines Flight 253 on December 25, 2009, which established new criminal penalties for the use of civil aircraft as a weapon, the use of dangerous materials to attack aircraft or other targets on the ground, and the unlawful transport of biological, chemical, and nuclear weapons and related materials, along with extradition arrangements that facilitate cooperation among nations in apprehending and prosecuting those who have undertaken these and other criminal acts;

Whereas, on October 8, 2010, the Department of State praised the 37th ICAO Assembly on its adoption of the Declaration on Aviation Security, but noted that “because every airport offers a potential entry point into this global system, every nation faces the threat from gaps in

aviation security throughout the world—and all nations must share the responsibility for securing that system”;

Whereas the Taipei Flight Information Region, under the jurisdiction of Taiwan, ROC, covers an airspace of 176,000 square nautical miles and provides air traffic control services to over 1,350,000 flights annually, with the Taiwan Taoyuan International Airport recognized as the 8th and 18th largest airport by international cargo volume and number of international passengers, respectively;

Whereas exclusion from the ICAO since 1971 has impeded the efforts of the Government of Taiwan to maintain civil aviation practices that comport with evolving international standards, due to its inability to contact the ICAO for up-to-date information on aviation standards and norms, secure amendments to the organization’s regulations in a timely manner, obtain sufficient and timely information needed to prepare for the implementation of new systems and procedures set forth by the ICAO, receive technical assistance in implementing new regulations, and participate in technical and academic seminars hosted by the ICAO;

Whereas the United States, in the 1994 Taiwan Policy Review, clearly declared its support for the participation of Taiwan in appropriate international organizations, in particular, on September 27, 1994, with the announcement by the Assistant Secretary of State for East Asian and Pacific Affairs that, pursuant to the Review and recognizing Taiwan’s important role in transnational issues, the United States “will support its membership in organizations where statehood is not a prerequisite, and [the United States] will support opportunities for Taiwan’s

voice to be heard in organizations where its membership is not possible"; and

Whereas ICAO rules and existing practices have allowed for the meaningful participation of noncontracting countries as well as other bodies in its meetings and activities through granting of observer status: Now, therefore, be it

1 *Resolved by the Senate (the House of Representatives*
2 *concurring)*, That it is the sense of Congress that—

3 (1) meaningful participation by the Government
4 of Taiwan as an observer in the meetings and activi-
5 ties of the International Civil Aviation Organization
6 (ICAO) will contribute both to the fulfillment of the
7 ICAO's overarching mission and to the success of a
8 global strategy to address aviation security threats
9 based on effective international cooperation;

10 (2) the United States Government should take
11 a leading role in garnering international support for
12 the granting of observer status to Taiwan in the
13 ICAO for the purpose of such participation; and

14 (3) the Department of State should provide
15 briefings to or consult with Congress on any efforts
16 conducted by the United States Government in sup-
17 port of Taiwan's attainment of observer status in
18 the ICAO.

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