



## An Interview with ICAO Council President Olumuyiwa Benard Aliu

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*Dr. Olumuyiwa Benard Aliu is the fifth President of the ICAO Council, currently fulfilling his second term of office. He previously served as the Representative of Nigeria to ICAO, during which time he was the First Vice-President of the Council and the Chairperson for a number of its key committees.*

**A&SL: Please tell us a little bit about your background. How did you come to be involved in international aviation and ICAO?**

OA: The excitement of aviation was instilled in me from a very young age when I saw an aircraft bring medical supplies to a remote town where my mother was working as a nurse with a Catholic mission. This is one of the reasons why I have prioritized matters relating to youth engagement, the ICAO Next Generation of Aviation Professionals initiative, and human resources development more generally during my presidency. This early inspiration led to me getting my MS in aeronautical engineering from the Kiev Institute of Civil Aviation Engineers in 1983, and an aircraft maintenance engineer's license with multiple ratings. I am also an ICAO certified SMS instructor, and hold an IATA diploma in civil aviation management and a graduate certificate in air and space law from McGill University, Canada.

In the course of my career, I was fortunate to have attained various positions of increasing responsibility in the areas of safety oversight, economic regulation, and negotiations of bilateral and multilateral agreements, including as Chief Airworthiness Surveyor, Director Air Transport Regulation, and Technical Adviser to the Minister of Aviation in Nigeria. I also played an active role in the development of Nigeria's National Civil Aviation Policy on air transport commercialization, liberalization, and institution of competition and consumer protection programs, and helped to articulate the African Civil Aviation Policy (AFCAP) under the auspices of the African Union Commission.

From 2005 until 2013, I was the Representative of Nigeria on the ICAO Council, but I had been participating with Nigeria at all ICAO Assemblies since 1998. Before I was elected Council President in 2014, it was my privilege to serve as the Council First Vice-President, as Chairman of its Technical Cooperation and Finance Committees as well as the Council Working Group on Governance and Efficiency, and as Chairperson of the Steering Committee of

the Comprehensive Regional Implementation Plan for Aviation Safety in Africa (AFI Plan).

**A&SL: What does your job as President of the ICAO Council entail?**

OA: Mainly my role encompasses helping the 36 states elected to this governing body to find consensus on the complex and at times very challenging issues presented for its decision. As you know, the Council serves as ICAO's primary decision-making body while the triennial assembly of all 193 ICAO member states is not in session, and so its endorsements and adoptions have global implications for international aviation.

This path toward consensus has many political, economic, operational, and technical aspects to it, given the wide-ranging ways in which international aviation impacts the social and economic well-being of the countries and territories which modern aircraft connect to our global network. As President of the Council, I represent the Council and carry out its delegated functions. The job further involves a lot of political liaison at the highest level with states and industry stakeholders as well as mediation and dispute resolution.

**A&SL: Why has the Chicago Convention been so important over the decades? Is it as relevant today?**

OA: The Chicago Convention is a widely accepted multilateral treaty drafted in a manner that has made it to stand the test of time. The Convention is considered as the *Magna Carta* of international civil aviation. It is important to emphasize that the Convention has only been substantially changed twice since its adoption in 1944.

The mechanism which enables ICAO to reflect the modern challenges of civil aviation is embodied in the form of international standards and recommended practices (SARPs), which are contained in the annexes to the Chicago Convention and are adopted by the Council. The process for adoption of the SARPs is more flexible than the procedure for changing the provisions of the Convention itself, and this enables ICAO to reflect the modern trends in a timely manner.

**A&SL: What role does the Legal Affairs and External Relations Bureau play in ICAO's work to advance safe, secure, and efficient international civil aviation?**

OA: The Legal Affairs and External Relations Bureau provides advice and assistance to the Secretary General and, through her, to the Council, other ICAO bodies, and ICAO member states. This support is provided on constitutional, administrative, and procedural matters, as well as on problems of international law, air law, commercial law, labor law, settlement of differences among states, and related matters.

The bureau also conducts research and studies in the field of private and public international air law. It 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. Finally, the bureau coordinates legal activities with the United Nations and other international organizations, including the implementation of ICAO's Policy on Regional Cooperation involving Regional Organizations and regional civil aviation bodies.

**A&SL: What are the strengths and weaknesses of ICAO? Are there things it could do better?**

OA: Our key strength is our dedication to consensus. It ensures the sustainability of new policies and procedures for air transport, and their full and comprehensive assessment before they are enacted. The problem this poses, however, is one of duration for the processes involved.

A key message I have been conveying in our 75th anniversary year is that we need to do more to engage with aviation innovators, but also to become more innovative ourselves in how we determine new standards and regulatory approvals so that we don't impede the incredible era of invention we find ourselves in today. We, and state regulators, need to get better at streamlining our respective processes and methods.

**A&SL: Are there any particular issues that you feel should command greater attention?**

OA: The forecast growth of our sector points to several key priorities ahead. One of these is the need for us to manage the coming traffic increases safely, securely, and efficiently.

Another priority this raises concerns emissions from international flights, which presently account for 1.3 percent of annual man-made contributions to climate change. Aviation has an incredible history of emissions reduction, with modern aircraft being 80 percent more fuel-efficient than the first jets, but in addition to the basket of measures ICAO states have adopted, and the Carbon Offsetting and Reduction Scheme for Aviation (CORSA) global offsetting program commencing soon, we still need to do more to make aviation fully sustainable.

A last point is the need for so many new, skilled air transport professionals. We need to get much better at training and retaining the next generation of aviation professionals across the industry.

**A&SL: In general, what is the best way for industry to have a positive impact on the work of ICAO? How important is interaction with ICAO staff in contrast to interaction with state representatives and their staff?**

OA: Industry is already comprehensively engaged in ICAO through the technical panels and working groups we establish relevant to proposals for new and amended aviation standards. They also participate through their various international organizations, such as IATA, ACI, CANSO, ICCAIA, and others, in virtually every major conference or symposium we conduct. We have a very inclusive table in this regard, and I'd also point out that NGOs are similarly represented, for instance on the Council's Committee on Aviation Environmental Protection (CAEP).

**A&SL: What recent and/or pending ICAO actions should aviation lawyers be aware of? Are there new developments of particular interest?**

OA: ICAO is constantly dealing with new challenges. While aviation safety remains the primary concern of ICAO as set out in Article 44 of the Chicago Convention, progress is continuously being made in various fields. The 40th Session of the Assembly, for instance, discussed working papers on sustainable fuels, new operational concepts involving autonomous systems, and foreign investment in airlines.

With regard to security, ICAO is aware of the importance and urgency of protecting civil aviation's critical infrastructure systems and data against cyberattacks and is accordingly developing a cybersecurity strategy. Other security challenges include flight tracking, conflict zone risk mitigation, and landside security at airports.

**A&SL: Article 84 cases are rare, but two have been filed within the past two years. Do you have any advice for states that might consider bringing an Article 84 case?**

OA: The machinery provided by the Chicago Convention for the peaceful settlement of international civil aviation disputes has proven to be tremendously efficient and effective over the past 75 years. Despite the unique legal context of each dispute, member states have always been able to resolve their disagreements by finding common and mutually acceptable solutions with the invaluable assistance of the Council and its President, supported by the Secretariat. It is gratifying to note that all cases presented to the Council within ICAO's history have been settled through negotiation, conciliation, or mediation between the parties, usually with the good offices of the President of the Council. The fact that member states continue to resort to ICAO for the settlement of their international civil aviation disputes certainly demonstrates that they have full confidence in the judicial functions entrusted to the Council under the Chicago Convention. Overall, ICAO

has been very successful in ensuring the peaceful settlement of international civil aviation disputes.

**A&SL: What have been your biggest accomplishments during your time as ICAO Council President?**

OA: I have been proud to focus the attention of ICAO more acutely on the capacity challenges that many states face in implementing our new and amended standards. The “No Country Left Behind” initiative I launched was instrumental to addressing these gaps, and to us seeing such widespread global improvements in recent years in the areas of safety and security oversight, among others.

The historic consensus we achieved on the CORSIA at the 2016 Assembly was also something I was very proud to lead. This was pertinent in addressing the climate change impact of our sector. It has also been my honor to focus the attention of ICAO member states and the industry on the subject of innovation.

Another message I have been very pleased to raise with senior government officials these past six years has been through the ICAO World Aviation Forums, the goal of which is to help states realize the direct relationship between their levels of ICAO compliance in their international air transport operations vis-à-vis the levels of local socioeconomic prosperity they enjoy.

Lastly, I wish to highlight the Council offsite strategy meetings I initiated during my first term, and which have become an important annual event in terms of

that body’s leadership and vision. Many of the topics on the future of aviation and human resources development were discussed at length through these forums as well as many others regarding ICAO and its role.

**A&SL: What advice would you give to young lawyers or professionals interested in an aviation career that might include working at ICAO?**

OA: Young professionals wishing to work for ICAO should know that its employees are motivated individuals who demonstrate a high level of technical knowledge, understand aviation policy issues, possess analytical skills, and fit in a multicultural environment, as ICAO promotes diversity. Having worked in an international environment in a field relevant to ICAO’s work is also an asset.

Most of the legal officers working at ICAO have an advanced degree in international law or in air and space law. A large number of staff members outside of the Legal Affairs and External Relations Bureau also have a legal education. In fact, legal skills are an asset in various ICAO positions, such as procurement, human resources, and air transport.

More generally, young lawyers and professionals have many options for their careers in the aviation sector. They may, for instance, work for international organizations, ministries of transportation, academic institutions, airlines, airports, aircraft manufacturers, or law firms.