



WORKING PAPER

LEGAL COMMITTEE – 36TH SESSION

(Montréal, 30 November – 3 December 2015)

Agenda Item 5: Amendment of the Rules of Procedure of the Legal Committee

AMENDMENT OF RULES 6 AND 44 OF THE RULES OF PROCEDURE

(Presented by the Secretariat)

1. INTRODUCTION

1.1 According to Rule 47 (a) of the *Rules of Procedure of the Legal Committee* (Doc 7669-LC/139/5) “[s]ubject to the provisions of its Constitution, the Committee may make at any session such amendments to these rules as may be deemed necessary or appropriate”.

2. AMENDMENT OF RULE 6 OF THE RULES OF PROCEDURE

2.1 Rule 6 of the Rules of Procedure provides:

“Chairman and Vice-Chairmen

The Committee shall elect at the end of every second session, from among the representatives of States, a Chairman and the First, Second, Third and Fourth Vice-Chairmen. Such officers shall hold office from the time of adjournment of the session when they were elected until the end of the session during which their successors are duly elected. They shall not be eligible for re-election for the next succeeding term for the same position.”

2.2 Before the election of the Chairman and Vice-Chairmen at the end of the 35th Session of the Legal Committee, the Committee noted that in its 34th and 35th Sessions, the previously elected Chairman was absent and did not chair any meetings of the Committee. As a result, an informal proposal had been made that the Rules of Procedure be amended to the effect that when the Chairman resigns or otherwise becomes unable to serve for the remainder of his or her term, the First Vice-Chairman shall become the Chairman, and other Vice-Chairmen shall be advanced to the precedence higher than their current level, with the office of Fourth Vice-Chairman remaining vacant. Although the Committee decided not to amend the Rules of Procedure at that time, several delegations mentioned the need to amend them in due course, taking into account the foregoing discussion.

2.3 Currently the offices of the Second and Fourth Vice-Chairmen are vacant. As the last election of the Chairman and Vice-Chairmen of the Committee took place at the end of the 35th Session, another election will not take place before the end of the 37th Session in accordance with Rule 6 of the Rules of Procedure. The Committee may therefore wish to consider whether the abovementioned offices shall remain vacant until that time, or whether to amend Rule 6 in the following manner:

- (a) To allow for the advancement of Vice-Chairmen to the precedence higher than their current level for the unexpired portion of the term. In the case at hand, this would result in the Third Vice-Chairman advancing to the position of the Second Vice-Chairman, leaving the offices of the Third and Fourth Vice-Chairmen vacant; and
- (b) When the office of a Vice-Chairman is vacated during the term which cannot be filled by way of succession under sub-paragraph (a) above, the Committee shall elect a Vice-Chairman to the vacant office for the unexpired portion of the term. In the event that the Committee decides to so amend Rule 6, another working paper (LC/36-WP/6-1 – Note on the Election) will be presented for the Committee's consideration with regard to the election of the Third and Fourth Vice-Chairmen.

3. **AMENDMENT OF RULE 44 OF THE RULES OF PROCEDURE**

3.1 At its 22nd Session (1977), the ICAO Assembly approved the Council's recommendation "(a) that the Assembly adopt the Chinese language as a working language of ICAO; and (b) that the Chinese language be introduced in steps and that, as the first step, provision be made for the use of Chinese orally at sessions of the Assembly and Council beginning in 1978." That decision was duly implemented. In 1995, at its 31st Session, the Assembly adopted Resolution A31-16: *Strengthening the use of Chinese language in ICAO*, which sought the objective of achieving the utilization of the Chinese language in ICAO on the same level as the other languages in the Organization.

3.2 In light of the above, the Committee may consider amending Rule 44 of the Rules of Procedure to add the Chinese language to the existing five other languages used by the Committee.

4. **ACTION BY THE LEGAL COMMITTEE**

4.1 The Legal Committee is invited to

- 1) note this working paper, and
- 2) consider whether to amend its Rules of Procedure as described in paragraphs 2 and 3. Draft revisions to Rules 6 and 44 are set out in the **Appendix** for the Committee's review and consideration.

APPENDIX

RULES OF PROCEDURE

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SECTION III – OFFICERS

Rule 6

Chairman and Vice-Chairmen

- a) The Committee shall elect at the end of every second session, from among the representatives of States, a Chairman and the First, Second, Third and Fourth Vice-Chairmen. Such officers shall hold office from the time of adjournment of the session when they were elected until the end of the session during which their successors are duly elected. Subject to Rule 6 (d), they ~~They~~ shall not be eligible for re-election for the next succeeding term for the same position.
- b) If the office of the Chairman or any of the offices of the Vice-Chairmen are vacated during the term, the next Vice-Chairman in line shall automatically succeed to the vacated office for the unexpired portion of the term.
- c) If the office of a Vice-Chairman is vacated during the term which cannot be filled in the manner described in Rule 6 (b), the Committee shall, at the end of the first session following the vacancy, elect from among the representatives of States, a Vice Chairman to fill the vacant office for the unexpired portion of the term.
- d) Individuals serving as officers for the unexpired portion of a term pursuant to Rules 6 (b) and (c) shall not be precluded from re-election for the next succeeding term for the same position.

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Section IX – LANGUAGES

Rule 44

- a) Documents of the Committee, including texts of draft conventions, recommendations, resolutions and decisions shall be prepared and circulated in the English, Arabic, **Chinese**, French, Russian and Spanish languages.
- b) The English, Arabic, **Chinese**, French, Russian and Spanish languages shall be used in the deliberations of the Committee and of Sub-Committees and Working Groups. Speeches made in any of ~~five~~ **six** languages shall be interpreted into the other ~~four~~ **five** languages, except where such interpretation is dispensed with by consent of all those concerned.

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