



WORKING PAPER

ASSEMBLY — 38TH SESSION

EXECUTIVE COMMITTEE

Agenda Item 19: Duration of the terms of the Secretary General

DURATION OF THE TERMS OF SECRETARIES GENERAL

(Presented by the Council of ICAO)

EXECUTIVE SUMMARY

At its 193rd Session, on 22 June 2011, the Council decided that the duration of all future appointments of a Secretary General should be three years and should not vary between three and four years or be four years in exceptional cases. This necessitates an amendment to Assembly Resolution A36-28 (*Term Limits for the Offices of the Secretary General and the President of the Council*), as this Resolution deals in part with the duration of the terms of a Secretary General.

Action: The Assembly is invited to consider and adopt the proposed updated resolution attached hereto.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objectives and all Supporting Implementation Strategies.
<i>Financial implications:</i>	No additional resources required.
<i>References:</i>	Doc 7300, <i>Convention on International Civil Aviation</i> Doc 9958, <i>Assembly Resolutions in Force (as of 8 October 2010)</i> C-DEC 178/6 C-DEC 178/9 C-DEC 193/6 A36-WP/3

1. BACKGROUND

1.1 Pursuant to Articles 54 h) and 58, the *Convention on International Civil Aviation* (Chicago, 1944) grants to the Council the power to appoint the Secretary General and to determine his or her method of appointment and termination of appointment and conditions of service.

1.2 At the sixth and ninth meetings of its 178th Session, the Council decided that a Secretary General shall be appointed for a specified term of three to four years, the exact duration of which will be determined by the Council on each occasion; and that a Secretary General who has served for two terms shall not be appointed for a third term. The Council also agreed that a three-year term would be the standing policy and that a four-year term would only apply in exceptional circumstances. These provisions were included in Rule 12 of the eighth edition of the *Rules of Procedure for the Council* (Doc 7559/8).

1.3 The 36th Session of the Assembly held in 2007 adopted Resolution A36-28 (*Term Limits for the Offices of the Secretary General and the President of the Council*) which in part deals with the duration of the term of a Secretary General.

2. COUNCIL DECISION AT ITS 193RD AND 196TH SESSIONS

2.1 At the sixth meeting of its 193rd Session on 22 June 2011, the Council decided that the duration of all future appointments of a Secretary General should be three years and should not vary between three and four years or be four years in exceptional cases.

2.2 On 20 June 2012, at the fifth meeting of its 196th Session, the Council approved an amendment to Rule 12 of the *Rules of Procedure for the Council* to reflect this change.

3. CONCLUSION

3.1 It is necessary that Resolution A36-28 also be updated accordingly. A revised draft Resolution as approved by the Council at its 196th Session is presented in the Appendix with some minor, self-explanatory amendments.

APPENDIX

DRAFT RESOLUTION FOR ADOPTION BY THE 38TH SESSION OF THE ASSEMBLY

Resolution 38/xx: Term limits for the Offices of Secretary General and the President of the Council

Having regard to the terms of UN Resolution 51/241 “Strengthening the United Nations System”, unanimously adopted by the UN General Assembly in 1997, which recommended that uniform terms of office of four years, renewable once, should be introduced for the executive heads of UN programmes, funds and other bodies of the UN Assembly and the Economic and Social Council; and which encouraged the UN specialized agencies to consider uniform terms and term limits for their executive heads;

Whereas the Assembly, pursuant to Article 58 of the *Convention on International Civil Aviation* (Chicago, 1944), may lay down the rules governing the determination by the Council of the method of appointment and of termination of the appointment of the Secretary General;

Considering that, on 2 and 9 June 2006, the Council decided that the Secretary General shall be appointed for a specified term of three to four years; and that a Secretary General who has served for two terms shall not be appointed for a third term;

Considering further that on 22 June 2011 the Council decided that the duration of all future appointments of a Secretary General should be three years and that it should not vary between three and four years or be four years in exceptional cases;

Whereas Article 51 does not specify the number of times a President of the Council may be re-elected, leaving it open for a reasonable limit to be applied in practice;

Acknowledging that it would be desirable and appropriate to establish term limits for the offices of Secretary General and of President of the Council because such limits, while giving office holders a reasonable period of time in which to achieve the objectives set by the Council before entering office, will also help to ensure that, periodically, ICAO will benefit from an injection of fresh insights and expertise at top level, and from the greater range of leadership styles and cultural and regional diversity which a regular change in the top office holders will bring; and

Acknowledging that, for similar reasons, it is desirable to apply these term limits so that no more than two full terms may be served in either or both offices of President of the Council or Secretary General;

The Assembly:

1. *Notes* the Council’s decision to introduce a limit of two terms for the office of Secretary General, ~~while maintaining the flexibility to vary the length of such terms between three and four years on the understanding that a four year term would only apply in exceptional cases~~ each term to be of a duration of three years;

~~2. ————— Requests the Council to maintain this decision in force;~~

3.2. *Urges* Contracting States not to nominate, and *requests* the Council not to admit as a candidate for the office of the President of the Council, anyone who, by the date on which the office is to commence, will have served two full terms as President; ~~and~~

~~4.~~

3. *Urges* Contracting States not to nominate, and *requests* the Council not to admit as a candidate for the office of either President of the Council or Secretary General, anyone who, by the date on which the term of office is to end, would have served for a total of more than two full terms in both offices combined; ~~and~~

4. *Declares* that this resolution supersedes Resolution A36-28.

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