



## ASSEMBLY — 38TH SESSION

### EXECUTIVE COMMITTEE

#### Agenda Item 20: Proposal to hold Assembly sessions every two years

#### PROPOSAL TO HOLD ASSEMBLY SESSIONS EVERY TWO YEARS

(Presented by the Council of ICAO)

#### EXECUTIVE SUMMARY

At the 9th Meeting of its 198th Session, on 8 March 2013, the Council considered the proposal made by Saudi Arabia at the 37th Session of the Assembly to consider holding Assembly Sessions every two years and establishing the budget of the Organization for two years (C-WP/13970). The Assembly had requested the Council to study the issue, taking into consideration the need to ensure that the preparation for an Assembly every two years would not result in any additional overhead costs for the Organization. The Council was also requested to consider the possibility of reducing the number of Council Sessions, from three to two, during a year when the Assembly will be convened. Finally, the Council was asked to submit a report thereon to the next session of the Assembly. The Council decided not to recommend to the 38th Session of the Assembly the holding of Assembly sessions every two years, the adoption of a two-year budget and the reduction of the number of Council sessions from three to two during a year when the Assembly will be convened.

**Action:** The Assembly is invited to consider the proposal by Saudi Arabia together with the Council's comments and recommendations thereon.

<i>Strategic Objectives:</i>	Supporting Implementation Strategies – Programme Support – Legal Services and External Relations; Administration Governing Bodies – Assembly and Council Secretariat.
<i>Financial implications:</i>	Additional cost of biennial Assembly Sessions versus savings from holding only two Council Sessions during a year when the Assembly will be convened.
<i>References:</i>	A37-WP/305 A37-WP/363 C-WP/13970 C-WP/13344 C-WP/13123 C-DEC 198/9 C-DEC 187/3 C-DEC 183/3 C-DEC 182/3 Doc 7300, <i>Convention on International Civil Aviation</i> Doc 9958, <i>Assembly Resolutions in Force (as of 8 October 2010)</i> Doc 9982, A37-Min P/1-9, <i>Minutes of the Plenary Meetings of the 37th Session of the Assembly</i>

## 1. BACKGROUND

1.1 During the 37th Session of the Assembly, at the fifth meeting of the Executive Committee, Saudi Arabia presented A37-WP/305, *Proposal to Hold the ICAO Assembly Sessions Every Two Years*, under Agenda Item 21: *Increasing the efficiency and effectiveness of ICAO*. The working paper proposed holding Assembly Sessions every two years and switching to a two-year budget cycle as means for achieving more efficiency and effectiveness in the work of the governing bodies of ICAO.

1.2 During consideration of A37-WP/305, the Secretary General provided some elements for the Committee to consider, such as the requirement in Article 50 a) of the *Convention on International Civil Aviation* (Chicago Convention) that the Council be elected every three years, as well as a recent conclusion of the Council Working Group on Governance that ordinary sessions of the Assembly should continue to be held every three years. The view was also expressed in the Executive Committee that if this matter were to be referred to the Council, the remit should be more open-ended to allow the Council to examine other or additional methods of achieving efficiencies, in light of the demands a biennial Assembly would place on the Secretariat (A37-WP/363, para. 21.3).

1.3 The 37th Session of the Assembly requested the Council to study the proposal from Saudi Arabia put forward in A37-WP/305, taking into consideration the need to ensure that the preparation for an Assembly every two years would not result in any additional overhead costs for the Organization. The Council was also requested to consider the possibility of reducing the number of Council Sessions, from three to two, during a year when the Assembly will be convened. Finally, the Council was asked to submit a report thereon to the next session of the Assembly. This paper presents the report of the Council on this matter.

## 2. PROVISIONS OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION RELATING TO THE INCIDENCE OF ASSEMBLY MEETINGS

### 2.1 Article 48

2.1.1 Article 48 a) of the Chicago Convention provides:

“The Assembly shall meet not less than once in three years and shall be convened by the Council at a suitable time and place. An extraordinary meeting of the Assembly may be held at any time upon the call of the Council or at the request of not less than one-fifth of the total number of contracting States addressed to the Secretary General.”

2.1.2 By Resolution A16-13, the Assembly has resolved that “the triennial arrangement of ordinary sessions of the Assembly should be regarded as the normal practice of the Organization, with the understanding that intervening ordinary sessions might be convened by decision of the Assembly or Council.”

2.1.3 In as much as Article 48 a) fixes a minimum frequency for ordinary Assembly meetings of not less than once every three years, Saudi Arabia’s proposal for ordinary biennial Sessions of the Assembly would not contravene Article 48 a), but would require a change to Resolution A16-13.

## 2.2 **Article 50**

2.2.1 Article 50 a) of the Chicago Convention provides, in pertinent part, that “[a]n election shall be held at the first meeting of the Assembly and thereafter every three years and the members of the Council so elected shall hold office until the next following election.”

2.3 The Article 50 a) requirement to hold an election of Council members every three years is firm. Therefore, if Saudi Arabia’s proposal were adopted, additional extraordinary Sessions held during the off-years between ordinary biennial Sessions would be necessary so as to satisfy the Article 50 a) requirement for triennial Council elections. Otherwise, Article 50 would have to be amended so that Council elections will coincide with the conduct of a biennial Assembly, i.e., every two or four years.

## 3. **FINANCIAL IMPLICATIONS**

3.1 The budgeted line-item cost of the 37th Session of the Assembly in 2010 was CAD 731,000 and is CAD 784,000 for the upcoming 38th Session of the Assembly in 2013, which represents a total cost of CAD 1,515,000 for the six-year period of 2008 to 2013. Shortening the time between Assembly Sessions from three to two years, would increase the number of ordinary sessions in a six-year period from two to three. So, for example, based on the average cost of an Assembly during the six-year period of 2008 to 2013 of CAD 757,500, the total cost to the Organization of conducting three Assembly Sessions during that same six-year period would have increased to CAD 2,272,500. This increased cost could be partially offset by savings achieved by holding only two Council sessions during Assembly years, but the full significance of this offset is difficult to access. Furthermore, one must consider the practicality of holding only two Council Sessions in Assembly years given the significant workload of the Council in the lead up to an Assembly.

## 4. **PRIOR CONSIDERATIONS BY THE COUNCIL**

4.1 During its 182nd Session, the Council considered the Joint Inspection Unit (JIU) report “Review of Management and Administration at the International Civil Aviation Organization” (JIU/REP/2007/5). Recommendation 2 of the report called for :

- a) convening the Assembly every two years;
- b) streamlining the number of meetings of the Council and subordinate bodies; and
- c) adopting a biennial budget to enhance planning (C-WP/13034).

The Council requested the Finance Committee (FIC) to present for consideration proposals for action on each of the recommendations contained in the JIU report (C-DEC 182/3). The FIC reviewed the JIU report and provided comments and proposed action on the report’s recommendations during Council’s 183rd Session (C-WP/13123). Specifically, the FIC recommended against acceptance of Recommendation 2 a) and c). The FIC also observed that Recommendation 2 b) had already been considered during study of the budget for the 2008-2010 triennium and noted that no further action on Recommendation 2 b) was therefore required. Accordingly, the JIU’s recommendations for convening the Assembly every two years and adopting a biennial budget were not accepted by the Council (C-DEC 183/3).

4.2 During its 187th Session, the Council considered C-WP/13344, a report of the Working Group on Governance (WGOG) on *Future Sessions of the Assembly*, which addressed among other issues, the prospect of shortening the time between Assembly Sessions from three to two years. This idea was linked to budgetary considerations; mainly, the desirability of timing Assembly Sessions so as to coincide with the possible adoption by ICAO of a biennial budget cycle, as previously recommended in the aforementioned JIU report. As this proposal had already been rejected by the Council, WGOG discussions revolved around the possibility of having a “full” session every four years and an “intermediate” session every two years primarily dedicated to the vote on a biennial budget. However, since in accordance with Article 50 a) of the Chicago Convention the Council is to be elected by the Assembly every three years, the issue of changing the frequency of Assembly Sessions was not pursued. In the end, the WGOG’s recommendation was to continue to hold ordinary sessions of the Assembly every three years. Council accordingly endorsed this recommendation (C-DEC 187/3).

## 5. COUNCIL DECISION AT ITS 198TH SESSION

5.1 At its first meeting of the 198th Session of the Council on 12 February 2013, the Council Working Group on Governance and Efficiency (WGGE) reviewed C-WP/13970 – *Proposal to hold Assembly Sessions every two years*.

5.2 The Working Group noted that the proposal would have additional financial implications on ICAO and States that have to attend the Assembly Sessions. In particular, it was noted that there would be an additional cost of CAD 757,500 at today’s estimates in a six-year period if the Assembly were held every two years. Furthermore, the proposal to have biennial sessions of the Assembly would have an adverse effect on States in regional groupings with rotational representation that have to put in place arrangements to comply with Assembly Resolution A4-1 which requires States elected to the Council to maintain permanent representation in Montréal. It would also require an amendment to the Chicago Convention so that Council elections coincide with the holding of a biennial Assembly. Finally, the Working Group observed that, given the significant workload of the Council in the lead up to an Assembly, it would not be feasible for the number of Council Sessions to be reduced from three to two during a year when the Assembly will be convened. Consequently, the Group recommended that the Council not support the proposals.

5.3 The Council endorsed the comments and recommendations of the WGGE and decided not to recommend the holding of Assembly Sessions every two years, adoption of a two-year budget and the reduction of the number of Council sessions from three to two during a year when the Assembly will be convened (C-DEC 198/9).