



A38-WP/373
EX/126
26/9/13

ASSEMBLY — 38TH SESSION
EXECUTIVE COMMITTEE

DRAFT TEXT FOR THE REPORT
ON
AGENDA ITEMS 11, 18 AND 19

The attached material on Agenda Items 11, 18 and 19 is submitted for consideration by the Executive Committee.

Agenda Item 11: Annual Reports of the Council to the Assembly for 2010, 2011 and 2012

11.1 At the third meeting of the Executive Committee, the President of the Council presented an overview of the Annual Reports of the Council for 2010, 2011, and 2012, as well as a supplementary report for the first six months of 2013 which related to Agenda Item 11. It was noted that the full text of these reports, which had previously been distributed to all Member States, could also be accessed on the ICAO public website.

11.2 In the course of the overview given by the President of the Council, the Executive Committee was informed that the Council had been particularly active during this period in pursuing the existing Strategic Objectives relating to safety, security and environmental protection and the sustainable development of air transport.

11.3 In addition, the Executive Committee was informed of some of the major achievements and decisions that the Council had taken and which were aimed at achieving long-term sustainability. These related to actions taken by the Council pursuant to Assembly Resolutions adopted at the thirty-seventh session of the Assembly in 2010, as well as activities initiated by the Organization. It was noted that together, these actions supported a multidimensional strategy based on proactivity, flexibility and risk-management processes.

Agenda Item 18: Cooperation with Regional Organizations and Regional Civil Aviation Bodies

18.1 The Executive Committee, at its second meeting, considered WP/9 – Cooperation with Regional Organizations and Regional Civil Aviation Bodies which included, in the Appendix, a report on the implementation of the ICAO policy on regional cooperation.

18.2 Columbia in introducing WP/286, presented by 22 Member States of the Latin American Civil Aviation Commission (LACAC), noted the need for further cooperation between ICAO and the regional organizations in the field of air transport.

18.3 One delegation, while noting that a regional body similar to those in other regions had not yet been established in the Asia and Pacific Region (APAC), highlighted other initiatives for cooperation between Member States that have been implemented in the APAC region.

18.4 The Secretary General affirmed that ICAO would cooperate fully with regional organizations in all fields related to its strategic objectives and is committed to supporting other initiatives for cooperation to facilitate implementation of those objectives.

18.5 The Committee noted the information provided in WP/9 on the overall implementation of ICAO policy on regional cooperation and the progress made. The Committee also noted the contents of WP/286 and the information in WP/157 presented by Indonesia. The Committee noted further that ICAO would continue to strengthen and intensify its efforts to promote cooperation with regional organizations and regional civil aviation bodies.

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

19.1 The Executive Committee, at its second meeting, considered WP/5 – Duration of the Terms of the Secretaries General, presented by the Council. The paper cited Articles 54 h) and 58 of the Convention on International Civil Aviation which grant the Council the power to appoint the Secretary General, and to determine his or her method of appointment subject to any rules laid down by the Assembly. WP/5 further recalled the decision of the Council at its 178th Session that a Secretary General be appointed for a term of three to four years but that a four-year term would only apply in exceptional circumstances, and the adoption by the Assembly of A36-28 which in part incorporates this policy.

19.2 WP/5 informed that the Council had, during its 193rd Session, decided that the duration of all future appointments of a Secretary General should specifically be three years and should not vary between three and four years, and adopted a consequential amendment to its Rules of Procedure. The Assembly was invited to adopt the draft Resolution in the Appendix to WP/5, which updates Resolution A36-28.

19.3 One delegation, in supporting the decision of the Council, noted that it would enhance transparency and offer further opportunities in appointments for the position of Secretary General.

19.4 The Committee consequently agreed to invite the Assembly to adopt the proposed Resolution hereunder:

Resolution 19/1 (Renumbered A38-xx)

Term limits for the Offices of the 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, each term to be of a duration of three years;
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;
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.