



A38-WP/381
EX/128
27/9/13

ASSEMBLY — 38TH SESSION
EXECUTIVE COMMITTEE

DRAFT TEXT FOR THE REPORT
ON
AGENDA ITEMS 20 AND 21

The attached material on Agenda Items 20 and 21 is submitted for consideration by the Executive Committee.

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

20.1 The Committee examined this issue during its second meeting. The Committee had before it the documentation submitted by the Council in A38-WP/18.

20.2 The Acting Director of the Legal Affairs and External Relations Bureau introduced A38-WP/18 and recalled that following a proposal by Saudi Arabia to consider holding Assembly Sessions every two years and establishing a budget of the Organization for two years, the 37th Session of the Assembly 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; to consider the possibility of reducing the number of Council Sessions, from three to two, during a year when the Assembly will be convened; and to submit a report thereon to the next session of the Assembly. He also recalled that during its 182nd Session, the Council had considered a Joint Inspection Unit report which called for ICAO to hold Assembly Sessions every two years and to adopt a biennial budget and that during Council's 183rd Session, the Finance Committee recommended against acceptance of these recommendations and that the Council agreed with the Finance Committee. Additionally, the Council had again considered these questions during its 187th Session and once more decided to continue to hold Assembly sessions every three years. The Acting Director further noted that the Council considered the latest proposal by Saudi Arabia at the 9th meeting of its 198th Session and the first meeting of its 199th Session, and decided not to recommend 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.

20.3 One delegation noted that the Executive Committee had just approved a three-year mandate for the Secretary General, which coincides with holding triennial Sessions of the Assembly. It further remarked that continuing to hold Assembly Sessions every three years would be beneficial to States concerned about the increased costs associated with preparing and participating in more frequent Assembly Sessions. On these bases, it supported the recommendation of the Council against the holding of Assembly Sessions every two years.

20.4 Another delegation emphasized that the proposal by Saudi Arabia had been analysed in-depth by the Council and based on the need for changes to the *Convention on International Civil Aviation*, which would divert the attention of the Organization from other priorities, and the additional costs that would result to both the Organization and its Member States, the Council deemed it unjustified. It further noted that the Organization had other mechanisms available, such as the ability to hold High-Level Conferences or Extraordinary Sessions of the Assembly if necessary, should there be a need for Member States to meet in the intervening years between triennial Assembly Sessions.

20.5 Some other delegations agreed with these two delegations and also voiced support for the recommendation of the Council to continue holding Assembly Sessions on a three-year cycle.

20.6 The Chairman of the Committee concluded that, in the absence of support for the proposal, and based on the discussion, the Committee agreed to recommend that the current triennial cycle for Assembly Sessions be retained.

Agenda Item 21: Proposal to amend Article 50 (a) of the Chicago Convention so as to increase the membership of the Council to 39

21.1 The Committee examined this constitutional issue during its second meeting. The Committee had before it the documentation submitted by the Council in A38-WP/17.

21.2 The Acting Director of the Legal Affairs and External Relations Bureau introduced A38-WP/17 and recalled that during its 37th Session (September-October 2010) the Assembly had considered under Agenda Item 8: Election of Contracting States to be represented on the Council, a proposal by Saudi Arabia to increase the membership of the Council from 36 to 39. The 37th Session of the Assembly referred to the Council the question of an increase in the number of members of the Council by the addition of three seats, in order that the Council should study the matter. In accordance with the decision of the Assembly, the Council considered the proposed amendment at the 9th Meeting of its 198th Session on 8 March 2013, and the Council recommended against enlarging its membership.

21.3 One delegation remarked that all Member States are entitled to be represented on the Council; however, he did not support expanding the number of seats on the Council, but instead called for regional agreements among States with mutual interests to provide more States the opportunity to sit on the Council on a rotational basis. A delegation voiced support for this approach.

21.4 Another delegation noted that the approach advocated by the earlier speakers for increasing Member State participation on the Council is one possible solution to the issue, but that there may be others. It indicated that the suggestion above and other potential solutions should be considered. It further acknowledged that taking into account the current number of ICAO Member States; the conclusion of A38-WP/17 that the cost to the Organization of the proposed increase in Council membership would not be overly significant; and the fact that A38-WP/17 shows that the ICAO Council is relatively small in comparison to the governing bodies of other UN Organizations with similar numbers of Member States, an increase in the membership of the Council should be reconsidered in the future.

21.5 One delegation stressed that the idea of expanding the Council should not be shelved indefinitely and was worthy of consideration.

21.6 The delegation of Saudi Arabia noted that its proposal, as explained in A38-WP/17, spoke for itself. It further highlighted the fact that the proposal had been duly considered by the Council.

21.7 The Chairman of the Committee noted that, there was no marked support for the proposal to increase membership in the Council at the present time although there was some support for reconsidering it in the future. The Committee agreed to therefore report the same to the Assembly and to note that the views expressed about representation on the Council could be addressed through regional arrangements for rotation.