

**59th CONFERENCE OF
DIRECTORS GENERAL OF CIVIL AVIATION
ASIA AND PACIFIC REGIONS**

*Cebu, Philippines
14 to 18 October 2024*

AGENDA ITEM 10: OTHER BUSINESS

a): ANY OTHER MATTERS

EXPANSION OF THE COUNCIL

(Presented by the Representative of Singapore on the ICAO Council, on behalf of the ICAO Council Representatives of Australia, China, India, Japan, the Republic of Korea, Malaysia and Singapore)

SUMMARY

The Montreal Group of Asia-Pacific Representatives on the Council of ICAO would like to raise the awareness to the Asia-Pacific States attending the 59th Director General Meeting in Cebu, the Philippines on the future expansion of the Council following the amendment to Article 50 (a) of the Convention on International Civil Aviation (Chicago, 1944 – the “Chicago Convention”) to increase the Council to 40, and to bring together the Asia-Pacific States to collectively advocate for appropriate representation of the Asia-Pacific region in the Council.

EXPANSION OF THE COUNCIL

1. INTRODUCTION

1.1 There are currently 36 member States in the ICAO Council, of which seven (7) are from the Asia Pacific region, namely, Australia, China, India, Japan, Malaysia, Republic of Korea, and Singapore.

1.2 The 39th Session of the Assembly in 2016 agreed to increase the membership of the Council from 36 to 40. Consequently, Article 50 (a) of the Convention on International Civil Aviation (Chicago, 1944 – the “Chicago Convention”) was provisionally amended to increase the Council to 40. This amendment requires the ratification of two-thirds of the Assembly to come into force, which is 128 contracting States.

1.3 It remains unclear when this Council expansion will take effect. At the time of writing (18 September 2024), 103 Member States had ratified the amendment. A further 25 ratifications are required before it can be brought into force.

2. DISCUSSION

2.1 The intent of this paper is to raise the awareness of the Asia-Pacific States regarding the impending Council expansion to 40 seats, and to bring together the Asia-Pacific States to collectively advocate for appropriate representation of the Asia-Pacific region on an expanded Council.

2.2 During the discussions on the expansion of the Council at the 39th Session of the Assembly, four regions indicated interest to have at least one more seat for their region in the Council, namely:

- a) Asia-Pacific
- b) Africa
- c) Europe
- d) the Middle East.

2.3 There continues to be interest from States in these regions and others to join an expanded Council. Hence, it should be expected that there would be strong competition amongst regions for the additional seats, with some regions potentially missing out.

2.4 Asia-Pacific has strong arguments to increase its representation on the Council. International civil aviation is an important mode of transportation for the Asia-Pacific region with 39 States covering a wide geographical expanse. It has the largest air traffic market and is one of the fastest growing regions in the world. There is also a wide diversity in social-economic and air transport development among Asia-Pacific States with differing circumstances.

2.5 Compared to other regions, the Asia-Pacific region is arguably under-represented in the Council. Accordingly, the Asia-Pacific would need at least one additional seat from the Council expansion to better reflect the region’s importance to international civil aviation and to allow us to continue to effectively advocate for the region’s interests.

2.6 In this regard, the Montreal Group of Asia-Pacific Council Representatives have advocated to other regional groups in Montreal that the Asia-Pacific region is deserving of having at least one (1) more seat in the Council when it is expanded, in addition to the current seven (7) seats.

2.7 The Montreal Group believes this message would be stronger if the region communicates collectively that the Asia-Pacific region should have at least one (1) more seat in the Council, i.e. at

least a total of eight (8) seats in Council, when it is expanded. This will clearly convey the Asia-Pacific region's position to the other regions to consider for the elections of the Council, when it is expanded.

2.8 This communication is of itself not sufficient to guarantee any Asia-Pacific State any additional seat/s in the Council. The support of the region for the candidatures of the Asia-Pacific States at the elections will be crucial. In accordance with Rule 61 of the Standing Rules of Procedure of the Assembly of the International Civil Aviation Organization, to be elected into the Council, a State must receive a majority of the votes of the total number of Contracting States voting and secure the highest votes for the seats available in the elections in competition with other contenders.

Timing of any expansion

2.9 As mentioned, it remains uncertain when the Council will be expanded. It is possible that the required ratification by 128 States could be met before the 42nd ICAO General Assembly (September 2025). If this happens, the four (4) additional seats will be included in the ICAO Council elections at the 42nd ICAO General Assembly next year.

2.10 Another scenario is that the ratification requirement is met after the 42nd ICAO General Assembly, but within the 2026-2028 triennium. In this instance, it is likely that an Extraordinary Session of the Assembly will be organised at the earliest opportunity to hold the elections to fill these four (4) additional seats. This was the case when the Council was last expanded from 33 to 36 seats, with the 34th Session (Extraordinary) of the Assembly convened for the elections on 31 March and 1 April 2003 to fill three (3) additional seats.

Distribution of Council seats for the elections

2.11 In accordance with Article 50 b) of the Chicago Convention, the elections are held in three parts : I - the States of chief importance in air transport; II - the States not otherwise included which make the largest contribution to the provision of facilities for international civil air navigation; and III - the States not otherwise included whose designation will insure that all the major geographic areas of the world are represented on the Council.”.

2.12 For the upcoming 42nd ICAO General Assembly, the Council will be recommending that the existing 36 seats be allocated as follows: eleven (11), twelve (12) and thirteen (13) seats for Parts I, II and III elections respectively.

2.13 When the number of ratifications is close to the required number of 128, the Council will have to separately deliberate on the distribution of the additional four (4) seats. The Montreal Group will work towards a practical outcome that would serve the Asia-Pacific's interests when the time comes.

3. ACTION BY THE CONFERENCE

3.1 The Conference is invited to:

- a) Note the developments and status relating to the expansion of the ICAO Council; and
- b) Agree as a region to advocate for the Asia-Pacific region to have at least one more seat in the Council, in addition to the existing seven seats, when the Council is expanded.