



A39-WP/490

P/30

30/9/16

ASSEMBLY — 39TH SESSION

EXECUTIVE COMMITTEE

REPORT OF THE EXECUTIVE COMMITTEE ON AGENDA ITEMS 12 AND 13

(Presented by the Chairman of the Executive Committee)

The attached report on Agenda Items 12 and 13 has been approved by the Executive Committee.

Note.— After removal of this covering sheet, this paper should be inserted in the appropriate place in the report folder.

Agenda Item 12: Proposal to amend Article 50 (a) of the Chicago Convention so as to increase the membership of the Council

Agenda Item 13: Proposal to amend Article 56 of the Chicago Convention so as to increase the membership of the Air Navigation Commission

12.1 At its second meeting, the Executive Committee considered these constitutional issues concurrently. The Committee had before it the documentation submitted by the Council in A39-WP/18 and A39-WP/13, and by Indonesia in A39-WP179.

12.2 The Secretary General introduced A39-WP/18 and A39-WP/13 which set out recommendations by the Council to the Assembly to approve amendments to Articles 50 a) and 56 of the Chicago Convention to increase the membership of the Council and the Air Navigation Commission. The Secretary General recalled that at its 206th Session the Council considered a proposal by Portugal and Saudi Arabia to increase the size of the Council. The Council agreed, in principle, that the size of the Council should be increased in view of the increased membership of ICAO, the expansion and increasing importance of international air transport for the national economies of many countries, and the need to ensure adequate representation of ICAO Member States thereon. The Council decided by consensus at its 207th Session to recommend an increase of the Council from 36 to 40 members.

12.3 The Secretary General recalled that also at the 206th Session the Council considered a proposal by a group of co-sponsoring States to increase the size of the Air Navigation Commission. The Council agreed, in principle, that the size of the Air Navigation Commission should be increased in view of the increased membership of ICAO, and the need to draw on the expertise and experience from diverse operational skills and knowledge. The Council decided by consensus at its 207th Session to recommend an increase of the Air Navigation Commission from 19 to 21 members.

12.4 The Executive Committee was informed that two draft Assembly Resolutions approving amendments to Article 50 a) and Article 56, as well as two draft Assembly Resolutions encouraging States to ratify the Protocols of Amendment most urgently, were contained in Appendices E and F of each Working Paper.

12.5 A39-WP/179, presented by Indonesia, supported the recommendation to increase the membership of the Council from 36 to 40 members and the adoption of the two Resolutions related thereto.

12.6 In the following discussion, all delegations that spoke supported the proposals to amend Articles 50 a) and 56 of the Convention so as to increase the membership of the Council and the Air Navigation Commission.

12.7 One delegation mentioned that, for reasons of equal geographical representation, the Asia-Pacific region deserves consideration for additional seats.

12.8 Some other delegations noted that neither Article 50 a) or 56 mentioned the concept of equal geographical representation and that the Assembly was being requested to consider the number of

seats and not to allocate seats. It was also mentioned that membership of the Air Navigation Commission should be based on expertise; members did not represent a particular State or region.

12.9 The Chairman of the Committee noted that there was general support for the proposed amendments and asked for a show of hands on the two draft Resolutions approving and setting out an amendment to Article 50 a) of the Convention to increase the size of the Council from 36 to 40 members, and an amendment of Article 56 of the Convention to increase the Air Navigation Commission from 19 to 21 members, as well as the two Resolutions encouraging States to ratify the Protocols of Amendment most urgently. The Executive Committee proceeded to a show of hands which indicated unanimous support for the four draft Resolutions.

12.10 By a second show of hands the Executive Committee then unanimously agreed to recommend to the Plenary for adoption the following four draft Resolutions 12/1, 12/2, 13/1 and 13/2, and recommended that the Plenary adopt the said Resolutions by consensus.

Resolution 12/1: Amendment to Article 50 (a) of the Convention on International Civil Aviation

Having met in its thirty-ninth session, at Montréal on [] October 2016;

Having noted that it is the general desire of Contracting States to enlarge the membership of the Council;

Having considered it proper to provide for four additional seats in the Council and, accordingly, to increase the membership from thirty-six to forty; and

Having considered it necessary to amend, for the purpose aforesaid, the Convention on International Civil Aviation done at Chicago on the seventh day of December 1944;

The Assembly:

1. *Approves*, in accordance with the provisions of Article 94(a) of the Convention aforesaid, the following proposed amendment to the said Convention:

In Article 50 (a) of the Convention the second sentence shall be amended by replacing “thirty-six” by “forty”;

2. *Specifies*, pursuant to the provisions of the said Article 94(a) of the said Convention, one-hundred and twenty-eight as the number of Contracting States upon whose ratification the proposed amendment aforesaid shall come into force; and

3. *Resolves* that the Secretary General of the International Civil Aviation Organization draw up a Protocol, in the Arabic, Chinese, English, French, Russian and Spanish languages, each of which shall be of equal authenticity, embodying the proposed amendment above-mentioned and the matter hereinafter appearing:

a) the Protocol shall be signed by the President of the Assembly and its Secretary General;

- b) the Protocol shall be open to ratification by any state which has ratified or adhered to the said Convention on International Civil Aviation;
- c) the instruments of ratification shall be deposited with the International Civil Aviation Organization;
- d) the Protocol shall come into force in respect of the States which have ratified it on the date on which the one-hundred and twenty-eighth instrument of ratification is so deposited;
- e) the Secretary General shall immediately notify all Contracting States to the said Convention of the date of deposit of each ratification of the Protocol;
- f) the Secretary General shall immediately notify all Contracting States to the said Convention of the date on which the Protocol comes into force; and
- g) with respect to any Contracting state ratifying the Protocol after the date aforesaid, the Protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

Resolution 12/2: Ratification of the Protocol amending Article 50 (a) of the Convention on International Civil Aviation

Whereas the Assembly has decided to amend Article 50 (a) of the Convention to provide for an increase in the size of the Council; and

Whereas the Assembly is of the opinion that it is highly desirable that the aforesaid amendment should come into force as soon as possible;

The Assembly:

1. *Recommends* to all Contracting States that they ratify most urgently the amendment to Article 50 (a) of the Convention; and
2. *Directs* the Secretary General to bring this resolution to the attention of Contracting States as soon as possible.

13.1 **Resolutions under Agenda Item 13**

Resolution 13/1: Amendment to Article 56 of the Convention on International Civil Aviation

Having met in its thirty-ninth session, at Montréal on [] October 2016;

Having noted that it is the general desire of Contracting States to enlarge the membership of the Air Navigation Commission;

Having considered it proper to increase the membership of that body from nineteen to twenty-one; and

Having considered it necessary to amend, for the purpose aforesaid, the Convention on International Civil Aviation done at Chicago on the seventh day of December 1944;

The Assembly:

1. *Approves*, in accordance with the provisions of Article 94 (a) of the Convention aforesaid, the following proposed amendment to the said Convention:

“In Article 56 of the Convention the expression ‘nineteen members’ shall be replaced by ‘twenty-one members’”;

2. *Specifies*, pursuant to the provisions of the said Article 94 (a) of the said Convention, one-hundred and twenty-eight as the number of Contracting States upon whose ratification the aforesaid amendment shall come into force; and

3. *Resolves* that the Secretary General of the International Civil Aviation Organization shall draw up a protocol, in the Arabic, Chinese, English, French, Russian and Spanish languages, each of which shall be of equal authenticity, embodying the amendment above-mentioned and the matters hereinafter appearing:

- a) the Protocol shall be signed by the President of the Assembly and its Secretary General;
- b) the Protocol shall be open to ratification by any State which has ratified or adhered to the said Convention on International Civil Aviation;
- c) the instruments of ratification shall be deposited with the International Civil Aviation Organization;
- d) the Protocol shall come into force in respect of the States that have ratified it on the date on which the one-hundred and twenty-eighth instrument of ratification is deposited;
- e) the Secretary General shall immediately notify all Contracting States to the said Convention of the date of deposit of each ratification of the Protocol;

- f) the Secretary General shall immediately notify all Contracting States to the said Convention of the date on which the Protocol comes into force; and
- g) with respect to any Contracting State ratifying the Protocol after the date aforesaid, the Protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

Resolution 13/2: Ratification of the Protocol amending Article 56 of the Convention on International Civil Aviation

Whereas the Assembly has decided to amend Article 56 of the Convention on International Civil Aviation to provide for an increase in the size of the ANC; and

Whereas the Assembly is of the opinion that it is highly desirable that the aforesaid amendment should come into force as soon as possible;

The Assembly:

1. *Recommends* to all Contracting States that they ratify most urgently the amendment to Article 56 of the Convention on International Civil Aviation; and
2. *Directs* the Secretary General to bring this resolution to the attention of Contracting States as soon as possible.

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