



ASSEMBLY — 36TH SESSION

EXECUTIVE COMMITTEE

Agenda Item 24: Term limits for the Offices of Secretary General and President of the Council

TERM LIMITS FOR THE OFFICES OF SECRETARY GENERAL AND PRESIDENT OF THE COUNCIL

SUMMARY

This paper recommends that the Assembly note the Council's decision to introduce a limit of two terms to the period which a Secretary General can serve; and that the Assembly request the Council to introduce a similar limit for the office of President of the Council.

REFERENCES

C-DEC 178/6
C-DEC 178/9
Doc 7559/7 – *Rules of Procedure for the Council* (Seventh Edition)
Doc 7300/8 – *Convention on International Civil Aviation*
UN Resolution 51/241

1. BACKGROUND

1.1 UN Resolution 51/241 “Strengthening the United Nations System”, unanimously adopted by the UN General Assembly in 1997, 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. The Resolution encouraged the UN specialized agencies to consider uniform terms and term limits for their executive heads.

1.2 For several years, ICAO took no formal action to implement the UN Resolution. Recently, as part of a review of its Rules of Procedure during the 178th Session (May 2006), the Council considered the question of term lengths and term limits, for both the offices of Secretary General and President of the Council.

1.3 The Council's conclusion was that it would be desirable and appropriate to formalize term limits for both offices, partly to respond to the spirit of UN Resolution 51/241, and also because

such limits, while giving office holders a reasonable period of time in which to achieve the objectives which they had set themselves or been set before entering office, would also help to ensure that, periodically, ICAO would benefit from an injection of fresh insights and expertise at top level. Term limits would also help stimulate a greater range of leadership styles and more cultural and geographical diversity in the top two positions.

2. OFFICE OF THE SECRETARY GENERAL

2.1 Under Article 54 h) of the Convention, the Council has the power to appoint the Secretary General. Under Article 58, the Council determines the method and termination of appointment, salary and conditions of service of the Secretary General. The Council therefore felt that it had a clear mandate to act to lay down term limits for the post of Secretary General. Consequently, when deciding to amend the Rules of Procedure, on 2 and 9 June 2006, it included in amended Rule 12 (Doc 7559/7) a provision that a Secretary General who has served for two terms shall not be appointed for a third term. The Council decided to retain the existing flexibility to determine the exact lengths of the term (from three to four years) at the time of each appointment, although it felt that the current practice of making appointments for a term of three years had served the Organization well.

3. OFFICE OF THE PRESIDENT OF THE COUNCIL

3.1 The President of the ICAO Council, unusually for UN specialized agencies, holds an executive function since he or she, according to Article 51 of the Convention, “carries out on behalf of the Council the functions which the Council assigns to him” and is paid by the Organization. Moreover, the President of the Council has a key role in creating the agenda of the Council and in leading policy formulation by the Council, in order that ICAO can meet the challenges of a dynamic aviation industry in a constantly changing world. The Council therefore felt that the arguments (see paragraph 1.3 above) which applied in favour of a term limit to the office of Secretary General applied equally to the office of President of the Council.

3.2 Article 51 of the Convention explicitly states that the Council shall elect its President for a term of three years and that he may be re-elected. Clearly, the fact that he may be re-elected does not oblige the Council to re-elect him. By extension, it could be argued that the Council would be acting within its remit if it took a decision, in the context of its Rules of Procedure, not to elect anybody more than twice – the Convention is silent about the number of times a President may be re-elected. The Council recommends that the Assembly clarify the operation in practice of Article 51 by establishing a two-term limit.

3.3 The Council felt that it was important that a President’s three-year term coincides with the three-year life of each Council. For that reason, the practice has arisen whereby, if a President leaves office during a triennium, the new President is considered as serving the remainder of his predecessor’s term rather than a new term. For the avoidance of doubt, it is recommended that the serving out of a predecessor’s term should not count towards the two-term limit.

4. MOVING BETWEEN OFFICES OF PRESIDENT OF THE COUNCIL AND SECRETARY GENERAL

4.1. For the same reasons as in paragraph 1.3 above, the Council also felt that it would be

desirable to prevent a situation arising whereby someone who had already served a lengthy period as either President of the Council or Secretary General could in effect circumvent the two-term limit by subsequently securing election for two further terms in the other post. Such a crossing over from one of the positions to the other, which would enable up to four terms to be served at the top level, would not facilitate the desirable injection of fresh ideas and diversity. The Council recommends that the Assembly specify that the two-term limit applies to service in either or both offices, i.e. someone who has served one term in one capacity may only serve for one further term in the other.

5. CONCLUSION AND ACTION BY THE ASSEMBLY

- 5.1. The Assembly is invited to adopt the draft Resolution in the Appendix hereto.

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APPENDIX

DRAFT ASSEMBLY RESOLUTION

Resolution 24/1: Term limits for the Offices of 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;

Whereas Article 51 is silent as to 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 formalize 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, while maintaining the flexibility to vary the length of such terms between three and four years on the understanding that a four-year term would only apply in exceptional cases;
2. *Requests* the Council to maintain this decision in force;
3. *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; and

4. *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.

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