



International Civil Aviation Organization

WORKING PAPER

A36-WP/136¹

EX/54

6/9/07

English and Spanish only

ASSEMBLY — 36TH SESSION

EXECUTIVE COMMITTEE

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

LIMIT ON THE NUMBER OF MANDATES FOR THE POSITIONS OF SECRETARY GENERAL AND PRESIDENT OF THE COUNCIL

(Presented by the 22 (*) Member States of the
Latin American Civil Aviation Commission)

EXECUTIVE SUMMARY

This paper requests the Assembly to support the decision of the Council to set a limit of two mandates for the position of Secretary General; and to express its political will to bear in mind the recommendation contained in United Nations Resolution 51/241 when nominating and supporting candidates for President of the Council.

*Strategic
Objectives:*

*Financial
implications:*

References:

¹ Spanish version provided by LACAC.

(*) Argentina, Aruba (Netherlands), Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela.

1. ANALYSIS

1.1 Article 51 of the Chicago Convention stipulates: “The Council shall elect its President for a term of three years. **He/she may be re-elected.** He/she shall have no vote. The Council shall elect from among its members one or more Vice Presidents who shall retain their right to vote when serving as acting President. The President need not be elected from among the representatives of the members of the Council but, if a representative is elected, his/her seat shall be deemed vacant and it shall be filled by the State he/she represented.”

1.2 From the above, it can be seen that the Convention explicitly does not impose any restriction on the number of times the President may be re-elected.

1.3 This Article, by providing for the necessary continuity to ensure strong governance for the Organization, has contributed heavily to the development of the latter and to the leadership role it has played in international civil aviation for over 60 years. ICAO has now reached maturity and possesses sufficient critical mass to ensure its continuity and the added value its products and services provide to the Contracting States, in addition to the existence of a presidential figure that may be re-elected indefinitely.

1.4 United Nations Resolution 51/241 “Strengthening the United Nations System,” adopted unanimously by the United Nations General Assembly in 1997, recommended the introduction of standard four-year mandates, renewable once only, for the executive heads of programmes, funds and other bodies of the General Assembly and of the United Nations Economic and Social Council. It also urged the specialised agencies of the United Nations to study the possibility of standardising and limiting the mandates of their executive heads.

1.5 In the light of the foregoing, the Council, as part of the revision of its Internal Regulations, at its 178th Session (May 2006), considered the matter of the duration of the mandates and the limit on the number of mandates for the positions of Secretary General and of President of the Council, and concluded that, according to Article 54 h) of the Convention, the Council has the authority to appoint the Secretary General and that, pursuant to Article 58, the Council determines the method of appointment and termination of the mandate. In the case of the election of the President of the Council, however, the Council suggested recommending to the Assembly that it clarify the existing practice under Article 51 by establishing a limit of two mandates.

1.6 In this connection and as mentioned above, the Convention expressly does not impose a limit on the number of times the President of the Council may be re-elected; on the contrary, it expressly states that the President may be re-elected. If the Assembly were to establish a limit of two mandates, it would create a situation in which the President could not be re-elected, thus producing a conflict with the text of the Convention.

1.7 Therefore, it would not be recommendable for the Assembly to state its opinion about a matter that could be considered a misinterpretation of the Convention, and for that reason the assertion made in the third whereas clause of the draft Resolution of the Assembly contained in the appendix to WP/3 to the effect that Article 51 remains silent about the number of times the President of the Council may be re-elected, could lead to confusion.

2. **PROPOSAL**

2.1 This working paper submits to the consideration of the Assembly two possible solutions to limit the number of times the President of the Council may stand for re-election:

- a) the first is to foster an amendment to Article 51, limiting the number of times the President of the Council may be re-elected. This would require ratification by two-thirds of the Contracting States (Article 94), a process that experience has shown could take several years; and
- b) the second is for the Assembly to express its political will about this matter and request all States that are party to the Chicago Convention, when nominating and supporting candidates to chair the Council, to bear in mind the recommendation made in United Nations Resolution 51/241, mentioned in paragraph 1.4 of this paper. This formula, it is felt, would not contravene the principle set forth in Article 51 of the Convention and would avoid any interpretation of that principle and, consequently, of the Convention itself.

2.2 The Assembly could adopt this last formula, while the Assembly itself decides whether it would be desirable to promote an amendment of Article 51 of the Convention.

3. **ACTION PROPOSED TO THE ASSEMBLY**

3.1 The Assembly is invited to:

- a) support the decision of the Council about limiting the number of mandates for the position of Secretary General to two;
- b) urge all of the States that are party to the Chicago Convention to bear in mind the recommendation made in United Nations Resolution 51/241 when nominating and supporting candidates to chair the Council;
- c) urge the Contracting States, when nominating and supporting candidates for the position of President of the Council or Secretary General, to also bear in mind the recommendation made in United Nations Resolution 51/241, in order to avoid having any one person serve more than two complete mandates by combining both positions; and
- d) request the Council to bear in mind the provisions of the preceding paragraphs when appointing the Secretary General and/or electing the President of the Council.

— END —