



WORKING PAPER

**SPECIAL AFRICA-INDIAN OCEAN (AFI)
REGIONAL AIR NAVIGATION (RAN) MEETING**

Durban, South Africa, 24 to 29 November 2008

**Agenda Item 5: Development of a set of comprehensive work programmes in the safety field
(Safety Committee)**

**FOLLOW-UP ACTION SYSTEM ON THE IMPLEMENTATION OF
SAFETY RELATED ACTIVITIES**

AUDIT RESULTS AND FOLLOW-UP BY ICAO

(Presented by the Secretariat)

SUMMARY

This paper provides a status report on the activities carried out by ICAO aimed at the correction of safety and security related deficiencies identified during audits conducted under ICAO's Universal Safety Oversight Audit Programme (USOAP) and Universal Security Audit Programme (USAP). These activities are coordinated throughout ICAO in order to prioritize and focus guidance and assistance to States, as well as to mobilize stakeholders and resources.

In respect to transparency, this paper also reports on ICAO's approach towards States where a significant level of deficiencies had been identified. In the event that such deficiencies were not corrected, the State could be recommended to the ICAO Council for action under Article 54 j) of the Chicago Convention.

Action by the meeting is in paragraph 3.

1. INTRODUCTION

1.1 The ICAO Universal Safety Oversight Audit Programme (USOAP) was established in 1999, with the objective of enhancing global aviation safety through the conduct of safety oversight audits on a regular basis. It supports ICAO Strategic Objective A (Key Activity A3). In the spirit of transparency, and pursuant to Assembly Resolution A35-6, final safety oversight audit reports are made available in their entirety to all Contracting States. Additionally, all States have agreed to release all or parts of their safety audit results to the public through the ICAO Flight Safety Information Exchange (FSIX).

1.2 The ICAO Universal Security Audit Programme (USAP) was established in 2002, with the objective of enhancing aviation security at the global level through the conduct of aviation security audits on a regular basis. It supports ICAO Strategic Objective B (Key Activity B3).

Aviation security audit reports are confidential and made available only to the audited State and ICAO staff on a need-to-know basis. Limited transparency, applicable only to the second cycle of audits, was recently introduced, whereby a chart depicting the level of implementation of the critical elements of an aviation security oversight system by the audited State will be made available to all Contracting States on a secure website.

1.3 While the overall results of the two audit programmes have been encouraging and have demonstrated a high level of commitment by Contracting States, audits and audit follow-up missions conducted under USOAP and USAP have revealed that a number of States have not participated fully in, or responded appropriately to, ICAO's safety oversight and aviation security audit processes. Furthermore, a cross analysis of USOAP and USAP audit results indicates that it is often the same States which are of concern in both the safety and security fields.

1.4 In November 2006, the Secretary General established the Audit Results Review Board (ARRB), a high-level Secretariat board to review the specific safety and security histories of individual States referred to it and to serve as a forum for coordination within ICAO. The board is comprised of the Directors of the ICAO Air Navigation (ANB), Air Transport (ATB) and Technical Co-operation (TCB) Bureaux and the Chief of the Safety and Security Audits Branch, including whenever necessary, the Regional Director of the concerned region.

2. ICAO ACTIONS AND FOLLOW-UP

2.1 States may be referred to the board for review on the basis of safety or security indicators related to their level of non-compliance during safety and security audits, as well as other safety indicators. The board has met on twenty-one occasions between March 2007 and September 2008, and meets once a month, on average.

2.2 Once a State's audit results have been reviewed, the board may recommend certain actions to the Secretary General in order to assist the State in addressing deficiencies identified during its safety and/or security audits. The responsibility for carrying out these recommendations is then assigned to the appropriate ICAO office. The office assigned to carry out the board's recommended actions is also given a deadline by which it should provide a progress report. Once this report is received, the board then determines whether further action is required, whether the same course of action should be maintained, or whether the deficiencies have been resolved.

2.3 Possible courses of action that could be recommended by the ARRB include, but are not limited to, the following:

- a) a letter or other communication from the Secretary General to the Ministerial or other appropriate level in the State;
- b) a request to the authorities concerned to specifically explain to the board the reasons for non-compliance and to outline the State's perceived assistance needs;
- c) specific referral to either of ICAO's established assistance programmes: Implementation Support and Development (ISD) and/or TCB, with specific recommendations, where appropriate, for liaison with ICAO Regional Offices, applicable regional projects, as well as donor institutions or States;
- d) removal of the State concerned from the USOAP and/or USAP audit schedules until such time as the board determines that intervening measures have been successful in prompting appropriate action by the State (possibly accompanied by a State letter notifying other States of such removal, thereby promoting increased transparency and public disclosure); and

- e) a high-level mission to the State by the Secretary General, and/or senior officers, to stress the seriousness of the situation and engage the State at higher levels to make policy or legal decisions.

2.4 Once a State has succeeded in addressing the most serious deficiencies identified in the audit(s), or has complied satisfactorily with the recommendations of the board, it is then removed from the list of those States referred to the board. To date, ten States have been removed from this list. Additionally, ISD and/or TCB may continue to support the State in recommending projects or in coordinating other assistance actions.

2.5 In some cases, the audits have revealed safety concerns that require a timely response. As a result of a recommendation of the Directors General of Civil Aviation Conference (DGCA/06) a procedure was approved by the Council to address “significant safety concerns” on a timely basis. A significant safety concern occurs when the audited State allows the holder of an authorization or approval to exercise the privileges attached to it, although the minimum requirements established by the State and by the Standards set forth in the ICAO Annexes are not met, resulting in an immediate safety risk to international civil aviation. If such a deficiency is identified during an audit, ICAO Headquarters is notified immediately and within fifteen days, the Organization will validate the finding. If the finding is considered to be a bona fide significant safety concern, a notification letter will be sent to the State to take immediate corrective action within a specified time frame (normally two weeks). Typically, the action expected from a State would be to effectively limit, suspend or cancel the non-compliant authorization or approval. If a State does not respond appropriately by notifying ICAO of the actions that it will take, the significant safety concern is made available to all Contracting States through ICAO’s secure website. This information remains posted until the significant safety concern is resolved. It should be emphasized that these measures are taken in the interest of safety and transparency. ICAO remains committed to assisting States in resolving such deficiencies and is prepared to assist the concerned States.

2.6 Over the past year, ICAO has on several occasions requested that States de-register all aircraft on its registry, de-certify all air operators and withdraw all licences or licence validations as a means to suspend or cancel non-compliant authorizations or approvals. States have been responsive to this request. Moreover, ICAO can then take appropriate assistance measures to work with the State concerned to re-establish its aviation activities. As an interim measure and to ensure the continuity of essential aviation services, ICAO has recommended in some cases that the State concerned consider chartering an air operator from another State. Soon thereafter, ICAO works with the State concerned and donors to establish technical cooperation projects or mobilize donor assistance. Some of these projects involve working with other States in a Cooperative Development of Operational Safety and Continuing Airworthiness Programme (COSCAP) project or fielding operational assistance (OPAS) experts to work directly for the authority concerned to assist in re-establishing the safety oversight capability of a State, including the training of counterpart inspectors.

2.7 In a situation in which a State is not responsive to ICAO recommendations to rectify significant safety concerns, the board may also refer a State to the Council for consideration under the procedure for transparency and disclosure regarding significant compliance shortcomings with respect to safety related SARPs under Article 54 j) of the Chicago Convention.

3. ACTION BY THE MEETING

3.1 The meeting is invited to note the follow-up measures taken by ICAO in response to the results of the safety and security oversight audits.