



ICAO

INTERNATIONAL CIVIL AVIATION ORGANIZATION

SIXTH MEETING OF THE REGIONAL AVIATION SAFETY GROUP FOR THE AFI REGION (RASG-AFI/6)

Agenda Item 3: Other Air Navigation Issues

3.2. Update on the safety initiatives by States, Regional Organizations, Industry and Partners, especially under the context of COVID-19

FORMATION OF AIR NAVIGATION SERVICES AGENCY

(Presented by Ghana)

SUMMARY

This information paper presents information on impending changes in Ghana Civil Aviation Authority.

Air Transport is one of the major contributions to the socioeconomic development of States providing services and employment opportunities all over the world.

During the ICAO Universal Safety Oversight Audit conducted on the Ghana Civil Aviation Authority in the year 2006, the audit recommended for the Ghana Civil Aviation Authority to completely separate the Regulator from the Service Provision divisions in the country’s Civil Aviation System. One of the ICAO’s global requirements to prevent conflict of interest, improve air safety and ensure efficient and effective service provision is for both divisions to exist as separate entities.

In the audit report, ICAO categorically stated that GCAA must function solely as a Regulator. The report added that, though the repeal of the PNDC law 151 by the Ghana Civil Aviation Act 2004 (Act678) was implemented to provide for the transition of the separation of the functions of the GCAA and service provider to solely that of regulator, that transition was yet to be achieved and does not provide for a clear distinction of responsibility, creating conflict of interest.

ICAO further recommended that Ghana should proceed with the implementation of the separation of regulatory and service provider functions of the GCAA to ensure the effective implementation of a safety oversight system on the provision of Air Navigation Services and the certification and operation of aerodromes.

ICAO is clear about its position on the autonomy for the Air Navigation Services Provider (ANSP) and its separation from the Regulator which are well documented in the ICAO guidance materials. Ghana has thus taken steps to ensure the separation of the Air Navigation Services Action by the Meeting in paragraph 3.

Strategic Objectives	A – Safety, B – Air Navigation Capacity and Efficiency, D – Economic Development
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1. INTRODUCTION

1.1 The International Civil Aviation Organization (ICAO) in 2006 conducted its Universal Safety Oversight Audit Programme (USOAP) on the Ghana Civil Aviation Authority (GCAA). The major recommendation was for GCAA to separate the service provision from the regulator as intended by the GCAA Act, 2004 (ACT 678).

1.2 Following the ICAO USOAP recommendation, the GCAA rather delinked the Airports services provision creating an autonomous independent entity called the Ghana Airports Company Limited out of the GCAA in 2007. It also promoted separation of functions for the air navigation provisions and the regulator but under one authority.

1.3 However, ICAO was of the view that the interference in the activities and operations of air navigation services tend to result in high operating costs, inadequate funding of capacity improvements and decisions that may represent sectional interests, rather than serving the interest of the system and customers.

1.4 In the working paper delivered by the Civil Air Navigation Services Organization (CANSO) at the ICAO conference on the Economics of Airports and Air Navigation Services in Montreal, 2008, CANSO reiterated the need for the separation of the regulator from the service providers. The paper stated that the autonomy for the Air Navigation Service and its separation from the regulator oversight function is well established in ICAO guidance material.

1.5 CANSO also mentioned in its 2008 Montreal paper that, in those States where the State is both the regulatory and the Air Navigation Service Provider, the requirements of the convention will not be met. Therefore, in the interest of the travelling passengers and the public, there must be a clear separation of authority and responsibility between the State operation agency and the State regulatory authority. The separation of Air Navigation Provision from the regulator is consistent with the principles of good governance.

2. ACTION TAKEN BY GHANA ON ICAO USOAP RECOMMENDATION

2.1. The Government of Ghana and the GCAA took a position that, the reorientation, restructuring and realignment of organizations have a direct correlation with effectiveness, efficiency, and productivity. As a result, it mandated the Ministry of Aviation and the GCAA to work to achieve a clear separation of the Regulator from the Air Navigation Services. An in-house committee was set up solely for this purpose whilst at the same time; the GCAA began the construction of Air Navigation Complex in an anticipation of the expected separation.

2.2 The result of the work by the in-house committee culminated in the crafting of Air Navigation Services Agency Bill which was sent to the Parliament of Ghana by the Sector Minister. The Government of Ghana was of the firm understanding that, the transformation of the institutions in the aviation industry will not only enable the industry to survive the test of time but also promote safety and security. The situation where the regulator also functions as the service provider is internationally identified as a source of conflict of interest and a threat to the aviation safety as directives and enforcement may be compromised. Consequently, the Bill was laid in the Ghana's parliament for deliberations.

2.3 The Air Navigation Services Agency Bill was passed by the parliament of the republic of Ghana on November 4 2020 after it had gone through the third reading in Ghana's parliament, creating an autonomous independent entity called the Ghana Air navigation Services Agency out of the Ghana Civil Aviation Authority. This set the stage for decoupling of the Air Navigation Services provision to take place pending the President of the Republic of Ghana's assent.

2.4 The development adds to the Ghana’s continuous high record of improving the aviation sector reforms in line with the ICAO. The separation is in line with international best practice in civil aviation and recommendations of ICAO to ensure that the Ghana Civil Aviation Authority does not act as a service provider and regulator at the same time.

3 ACTION BY THE MEETING

3.1 The meeting is invited to note the information in this paper.