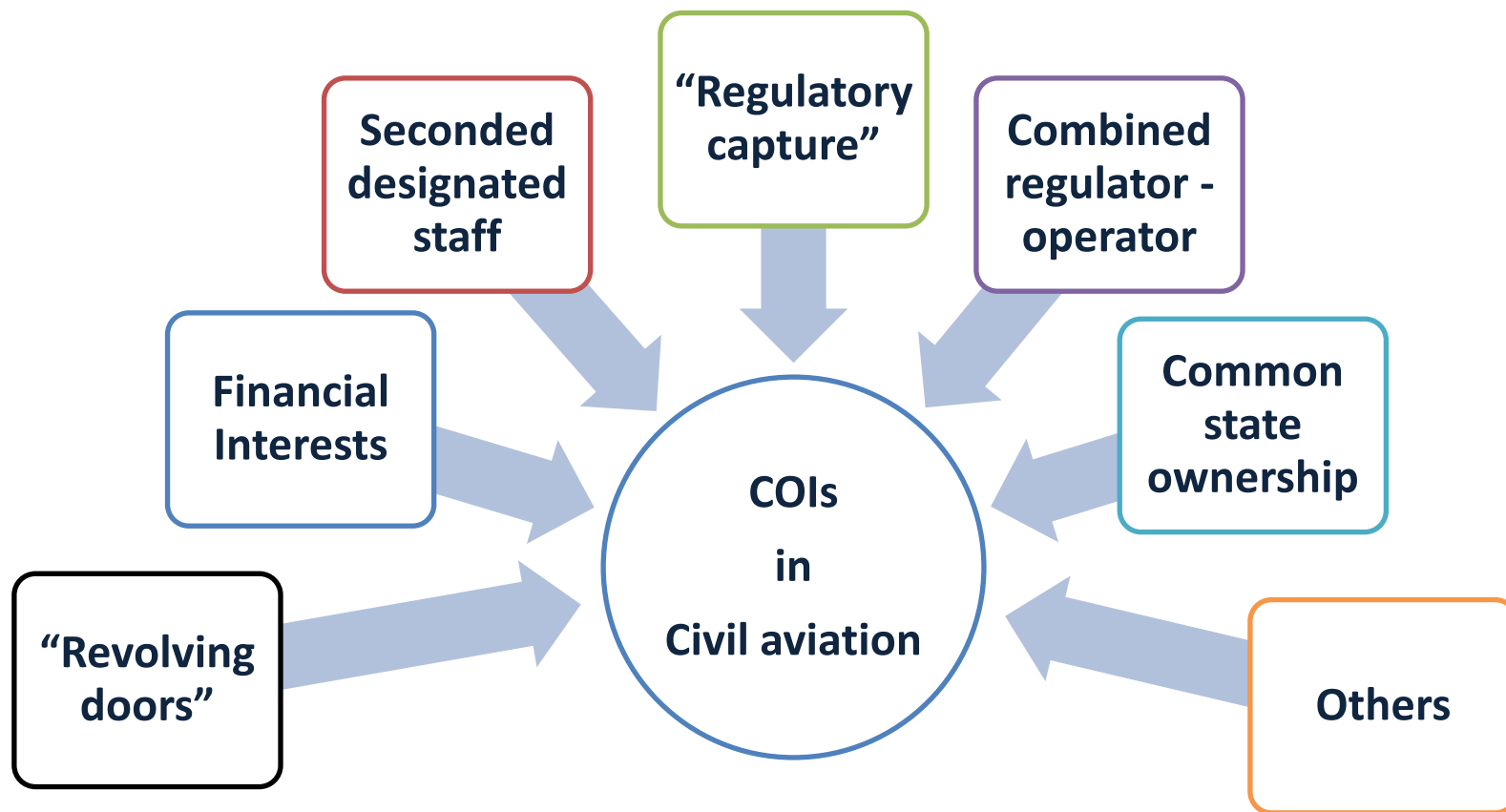


Consideration of Guidance on Conflicts of Interest (COI)

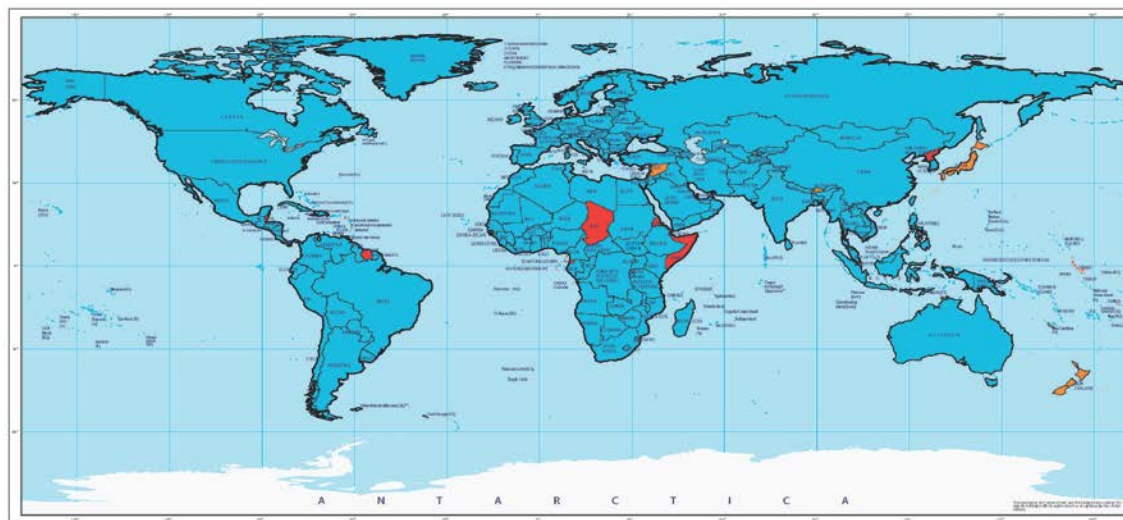
A37- 2010
States survey - 2014
Legal Committee - 2015





Article 7(4), United Nations Convention Against Corruption of 2003, “Each State Party shall, in accordance with the fundamental principles of its domestic law, endeavour to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest.”

UNCAC Signature and Ratification Status



- States Parties
- Signatories
- Countries that have not signed or ratified the UNCAC

Signatories: 140
Parties: 177

Paragraph 2.4.2.3

“... In those States where the State is both the regulatory authority and an aerodrome operator, aircraft operator, air traffic service provider, or other service provider or operator, to avoid any potential conflict of interest, there should be a clear separation of authority and responsibility between the State regulatory authority and any State-run operator or service provider. All ... procedures should be followed as though the operating agency was a non-governmental entity.”



ICAO Doc 9734,
Oversight Manual, Part C, The Establishment and Management of a State's Security Oversight System



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UNITING AVIATION

States responding to COI Survey

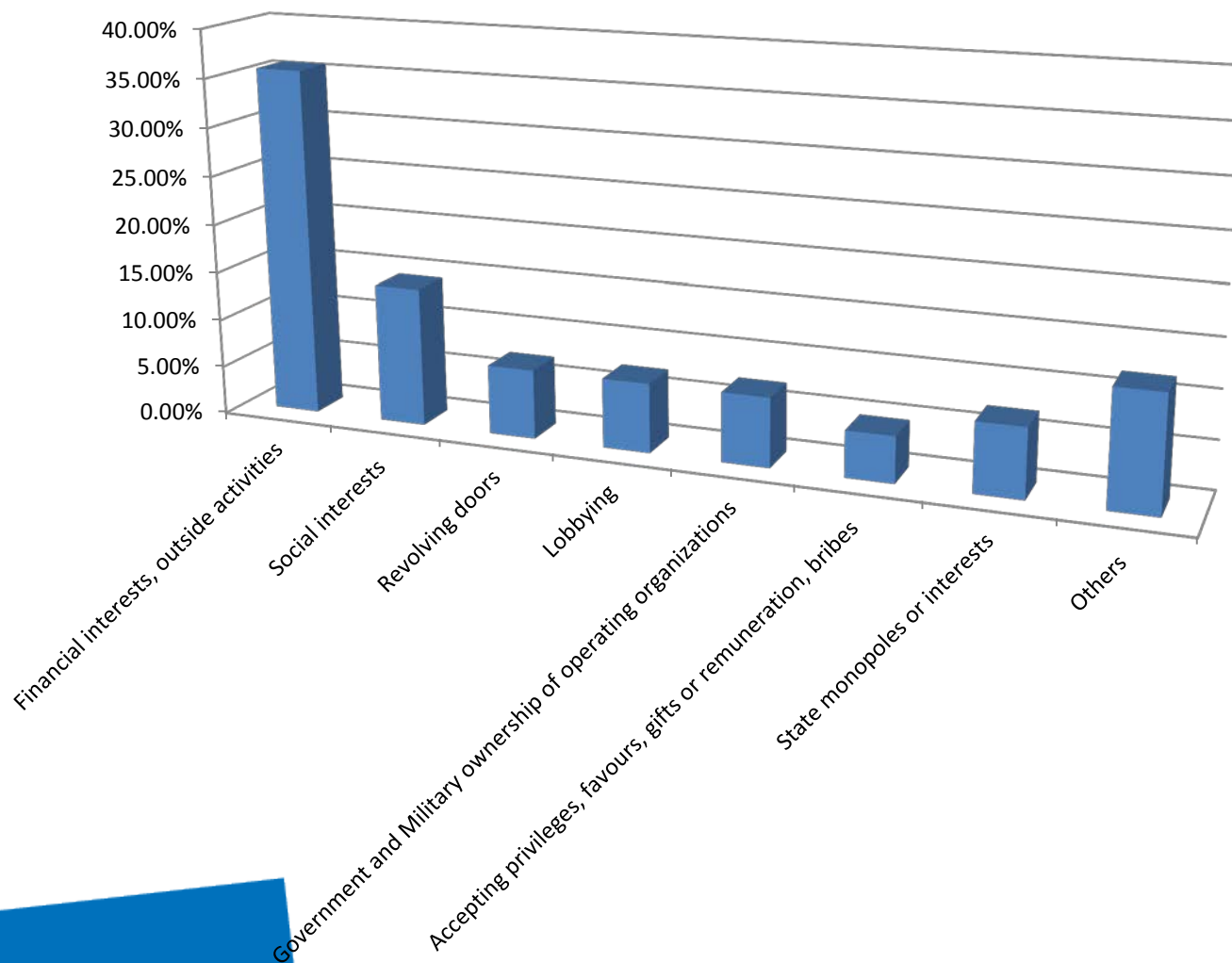


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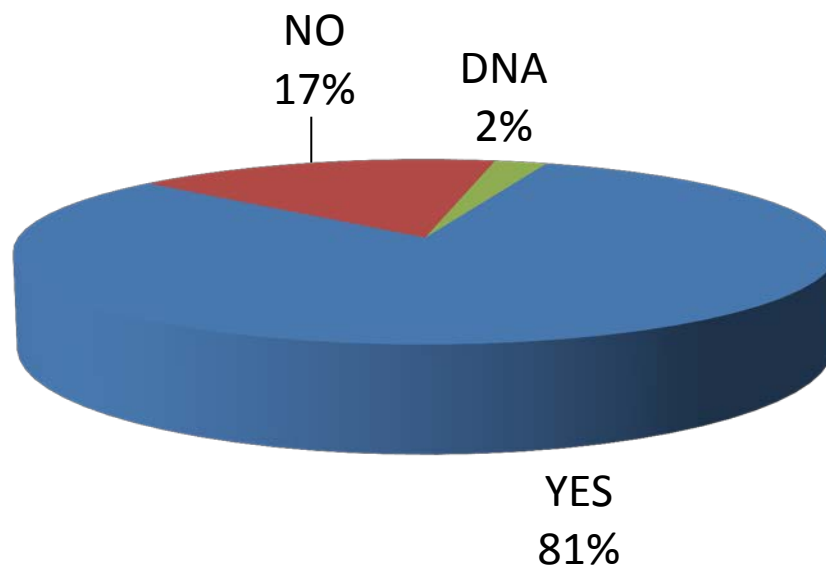
UNITING AVIATION



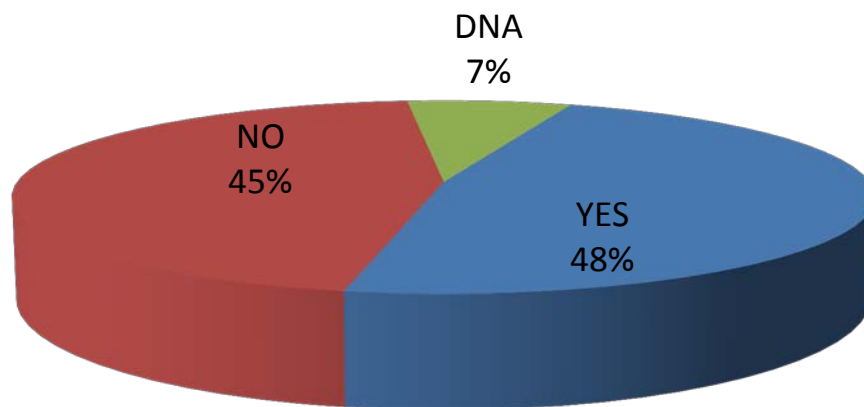
What do you consider generally to be the three most prevalent forms of COI in your State ?

NO COUNTRY LEFT BEHIND

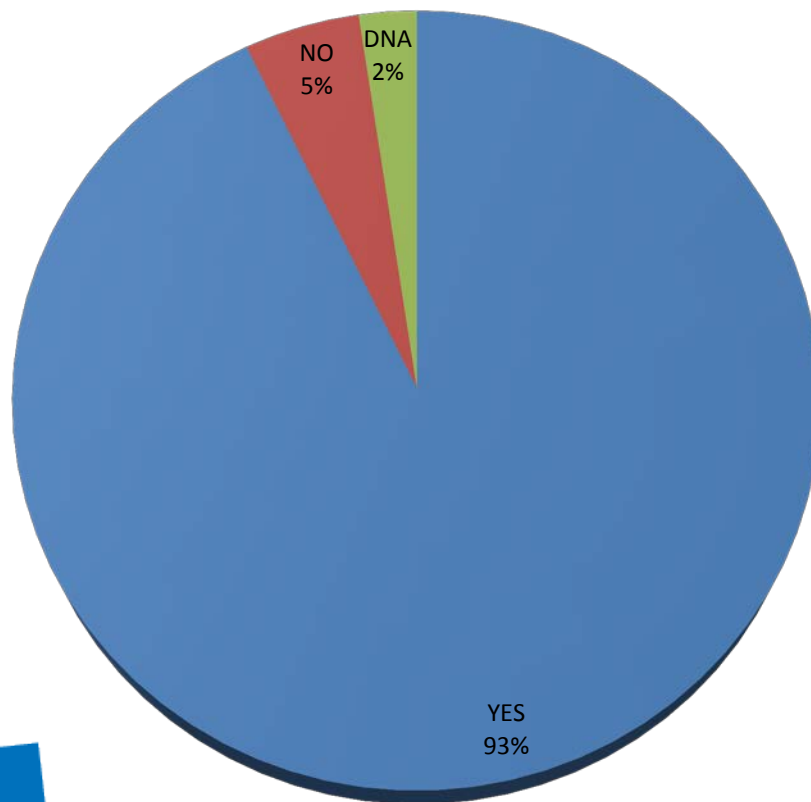
Is the State involved in civil aviation activities of an operator or service provider ?



Does the State use personnel from an air operator or service provider it regulates to carry out licensing, certification, approval or surveillance duties and responsibilities?



Has the State established a legal and/or institutional framework for dealing generally with conflicts of interest (COI) ?



Sample COI provision in Civil Aviation Act

Qualifications for appointment

(2) A person shall not qualify for appointment as a DG or member of the CAA Board who-

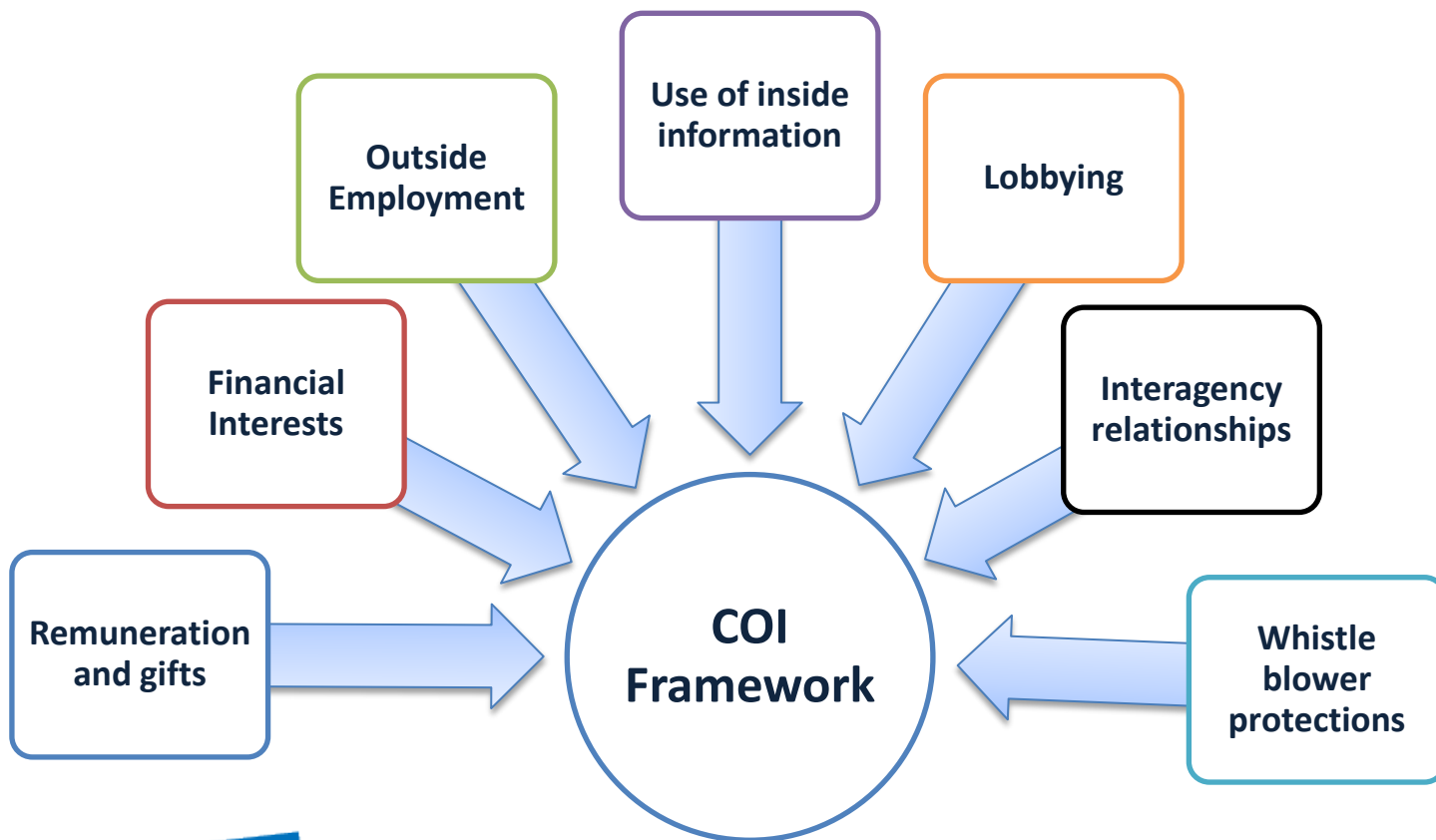
(d) is regulated by the Authority or has an interest in an entity regulated by the Authority.

The Minister shall appoint “persons without substantial conflict of interest with the Authority”



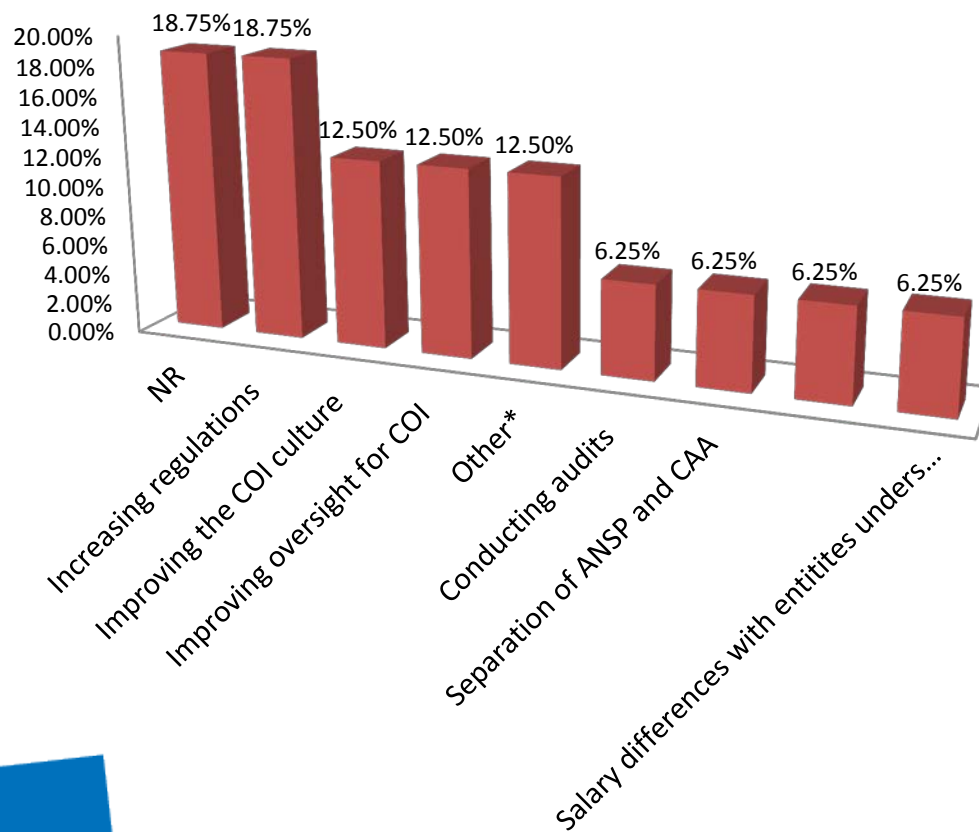
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What could be done to improve effectiveness?



A39-XX

- “*Urges* States which have not done so to consider establishing a formal legal framework to deal with conflicts of interest in civil aviation...;
- *Invites* States to examine at the national level the adequacy of their domestic legal regimes on measures and practices to detect, avoid, mitigate and manage conflicts of interest in civil aviation...”



Summary

- An Assembly Resolution will promote awareness of the risks posed by COI to aviation safety and security and the need for preventive or corrective steps to be taken by States.
- Examining what States have already done will determine what further work by ICAO if any is needed.
- Collection of additional data and information will facilitate the continuing study and monitoring of COI and dissemination of best practices

