Implementation of ICAO Universal Safety Oversight Audit Programme (USOAP) Corrective Action Plan

Revised Plan of Action for Malawi

JULY 2013
REVISED ICAO PLAN OF ACTION FOR MALAWI

1. Background

1.1. The ICAO USOAP audit of Malawi was conducted in January 2009, with a Significant Safety Concern (SSC) in the area of aircraft operations (OPS) pertaining to the certification process for issuing Air Operator Certificates (AOCs). The audit revealed an effective implementation (EI) of a safety oversight system was 34%.

1.2. ICAO implementation assistance missions have revealed that despite the serious human resource challenges, Malawi has made progress in implementing the ICAO accepted Corrective Action Plan (CAP). However, the SSC remained unresolved. The CAP to resolve the SSC have been implemented all but the development of the database for certification surveillance and enforcement activities. It has also been noted that the further progress of implementation of the CAP is largely dependent on the commitments made by the Ministry of Transport and Public Infrastructure (MTPI), in particular with respect to the approval of the regulations.

1.3. Subsequent to the USAOP audit and the submission to ICAO by Malawi DCA of the CAP, Malawi has received a Technical Cooperation Mission (01-05November2010) through European Aviation Safety Agency (EASA) to support the strengthening of the safety oversight capacity. A thorough review of the USOAP audit report was made and the CAP evaluated. It was observed that the CAP was not realistic in its achievement targets. A more realistic CAP and a roadmap for its implementation was developed.

1.4. In May 2009, Malawi, with the assistance of the USTDA, commissioned a consulting firm to update of the ICAO report of 2007 and advise it on the proposal for restructuring of civil aviation in order to enhance the effectiveness and the efficiency of the safety oversight capabilities. The report also contains a draft Civil Aviation Authority Act based on which discussions are ongoing with the appropriate Government ministries.

1.5. After a long time, Malawi National Budget now includes an Air Transport Component within the larger Transport Sector Investor Programme funded by the EU. The component is intended to support the institutional and policy matters. The restructuring of civil aviation is expected to be included in this project.

2. Overview of ICAO Plan of Action

2.1. This ICAO Plan of Action specifies the activities to be undertaken by Malawi with the support of ICAO, with a view to resolving the identified safety deficiencies, with priority given to the SSC. The Plan ensures a sustained safety oversight capability and that AOCs will be issued in compliance with international standards.

2.2. The Plan of Action is divided into three phases: immediate, near and long term. The breakdown of each phase is given in the Appendix.

2.3. In the immediate term, the acceptance by the State of the Plan of Action signifies Malawi’s strong commitment to resolving the SSC.
2.4. In the near term, Malawi will focus on the implementation of the State’s CAP, with particular emphasis on developing an autonomous organizational structure in order to strengthen safety oversight capability and supporting the sub-regional cooperation through SADC in safety oversight functions.

2.5. In the long term, the plan will focus on cooperation with the regional safety oversight organization for SADC States; the enhancement of safety oversight; and increased safety data/information exchange between DCA, other regional organizations and ICAO.

3. **Mechanisms for implementing the Plan**

3.1. With regard to the tools for the implementation of this plan of Action, ICAO has established under the Comprehensive Regional Implementation Plan for Aviation Safety in Africa (AFI Plan) the Regional Office Safety Teams (ROST). The mandate of the ROST is to provide direct technical assistance to States to resolve identified deficiencies.

3.2. In addition, AFCAC has established the AFI Cooperative Inspectorate Scheme (AFI-CIS), wherein qualified inspectors from within the AFI Region are deployed to assist States.

3.3. It should be noted that the ROST and AFI-CIS missions are of short-term duration (2-3 weeks) in nature. Therefore, there is a need for longer term support to address certain deficiencies and strengthen DCA’s safety oversight capability. To that end, additional technical assistance may be provided by the ICAO Technical Cooperation Bureau (TCB) or other assistance providers.

3.4. Malawi is a member of the COSCAP-SADC and therefore should, where possible, make use of COSCAP-SADC in efforts to resolve the SSC and other safety oversight deficiencies.

3.5. The effective implementation of this ICAO Plan of Action requires Malawi’s direct participation and involvement in all phases, including active monitoring of expected deliverables in a timely manner.

3.6. ICAO will monitor the implementation of all activities in the Plan of Action to ensure that the expected outcomes are achieved. Malawi is obliged to inform ICAO of any changes that need to be made to this plan as a result of unexpected interventions, such as new assistance providers or changes in Government policy decision.
## List of Abbreviations

1. **AFCAC** - African Civil Aviation Commission
2. **AFI-CIS** - AFI Cooperative Inspectorate Scheme
3. **AIR** - Airworthiness
4. **CAP** - Corrective Action Plan
5. **CMA** - Continuous Monitoring Approach
6. **COSCAP-SADC** - Cooperative Development of Operational Safety and Continuing Airworthiness Program in the Southern African Development Community
7. **EI** - Effective Implementation
8. **ESAF** - Eastern and Southern African Office
9. **LEG** - Civil Aviation Regulations
10. **LEI** - Lack of Effective Implementation
11. **ORG** - Civil Aviation Organization
12. **OPS** - Flight Operations
13. **PEL** - Personnel Licensing
14. **RO** - Regional Office
15. **ROST** - Regional Office Safety Teams
16. **SADC** - Southern African Development Community
17. **TCB** - Technical Cooperation Bureau
18. **USOAP** - Universal Safety Oversight Audit Programme
19. **EASA** - European Aviation Safety Agency
20. **EU** - European Union
21. **USTDA** - United States Trade and Development Agency
22. **RSOO** - Regional Safety Oversight Organizations
23. **RAIA** - Regional Accident Investigation Agency
APPENDIX

Immediate Term: Dealing with the Significant Safety Concern (SSC)
30 July 2012 – 31 December 2013

Objective:

• **Political**: Translate the current political commitment for:
  ✓ Improvement of aviation safety oversight into an agreement between Malawi and ICAO on the ICAO Plan of Action in order to implement the State’s Corrective Action Plan (CAP) to achieve an Effective Implementation (EI) not less than 40%;
  ✓ Priority should be assigned to effectively establishing and implementing the first five of the eight critical elements of an effective safety oversight system:
    ✓ CE-1, Primary aviation legislation;
    ✓ CE-2, Specific operating regulations;
    ✓ CE-3, State civil aviation system and safety oversight functions;
    ✓ CE-4, Technical personnel qualification and training; and
    ✓ CE-5, Technical guidance, tools and the provision of safety-critical information.
  The first five critical elements constitute the foundation of the rest of the critical elements;
  ✓ Achieving the high level safety targets set by the Abuja Ministerial Meeting of 2012; and
  ✓ Resolving the SSC.

• **Technical**: Identify all existing technical assistance projects and collaborate with assistance partners in the State in implementing the CAP, with priority given to resolving the SSC and the achievement of the high level safety targets

Actors:

• **Malawi** - Department of Civil Aviation and Ministry of Transport and Public Infrastructure
• **ICAO**: ESAF Regional Office and Headquarters
• **Others** – EASA, EU, USTDA, AFCAC, COSCAP-SADC, and any other assistance providers active in Malawi

Mechanisms:

• Commitment by the Ministry of Transportation and Public Infrastructure on behalf of Malawi to the ICAO Plan of Action;
• Coordination by the Regional Office (RO), AFCAC and Malawi for ROST and/or AFI-CIS missions to assist Malawi in resolving the SSC, establishing and implementing critical elements of a safety oversight system and achieving the high level safety targets;
• Coordination by COSCAP-SADC, the RO and Malawi in respect to COSCAP activities in Malawi;
• Coordination of assistance projects in Malawi with the RO
• Regular monitoring and assessment of progress in the implementation of assistance activities by all involved parties;
Agreeing on target dates for accomplishment of set milestones, including promulgation of Malawi Civil Aviation Regulations (MCARs); and
Conduct of ICVM to Malawi.

Immediate term deliverable:

Review and enactment of Primary Civil Aviation Legislation
Malawi Civil Aviation Regulations (MCARs) are promulgated and become effective.

Activities:

• By 10 May 2013 – ESAF Regional Director to submit the revised ICAO Plan of Action to the State for acceptance;
• By 31 May 2013 – Acceptance of revised ICAO Plan of Action by Malawi;
• By 15th August 2013 – Malawi to complete the process of review and promulgation of specific operating regulations;
• By 30th August 2013 – Malawi DCA to develop and issue technical guidance material comprised of inspector procedures and industry guidelines;
• By 15th September 2013 – Malawi DCA to accept an AFI-CIS and/or COSCAP-SADC missions to assist with the resolution of the SSC;
• By 30th September 2013 – ESAF Office to field ROST missions to Malawi to provide additional support and assess preparedness for receiving an ICVM;
• By 31st October 2013 - Recertification all operators issued with an AOC and finalize the establishment of an AOC certification System; and
• November 2013 – Conduct of an ICVM.

Near Term: Complete the implementation of the CAP and restructuring of civil aviation in Malawi

01 January 2014 – 30 June 2014

Objective:

• Political: Support the restructuring of the civil aviation sector in order to maximize its contribution to the economic development of Malawi and following an achievement of at least EI of 60% by the end of 2013 in accordance with the high level safety targets set by the Abuja Ministerial Meeting of 2012.

• Technical:
  ✓ Complete the implementation of the State’s ICAO accepted CAP;
  ✓ Implement the restructuring of civil aviation in Malawi;
  ✓ Enhance the civil aviation safety oversight capacity in Malawi;
  ✓ Support and actively participate in sub-regional cooperation safety oversight activities;
  ✓ Achieve the high level safety targets set by the Abuja Ministerial Meeting of 2012; and
  ✓ Enhance the civil aviation safety oversight capacity in Malawi.
Actors:

- **State**: Department of Civil Aviation and other civil aviation institutions in Malawi, Ministry of Transport and Public Infrastructure, Ministry of Public Sector Management Ministry of Justice and other support ministries.
- **ICAO**: ESAF Regional Office and Headquarters.
- **Other Organizations**: AFCAC, COSCAP-SADC, EASA, USTDA, ACI.
- **Donors**: EU, USAID, WB, IMF, ADB.

Mechanism:

- Collaboration between ESAF Regional Office, Malawi and other stakeholders to accelerate the restructuring of civil aviation systems in Malawi;
- Support from Malawi government and its agencies;
- Implementation of assistance projects in Malawi by respective assistance providers;
- Harmonization and coordination of Malawi DCA, ROST, COSCAP-SADC and AFI-CIS improvement programmes;
- Regular monitoring and assessment of safety performance of Malawi; and
- Regular monitoring and assessment of progress made on the level of achievement of the high level safety targets.

In the near-term, it is expected that:

- Malawi DCA will heighten the rate of implementation of the CAP and achievement of an EI of not less than 60%;
- Malawi will work towards establishment of an autonomous civil aviation authority, and if necessary, solicit for support and assistance from development partners;
- Malawi will consolidate its support and participation in sub-regional safety oversight cooperative arrangements; and
- Malawi will implement necessary measures to enhance its capacity to attract, recruit and retain technically qualified personnel.

Activities:

- By January 2014 – ICAO, AFCAC and COSCAP-SADC to provide Malawi with coordinated support and assistance, as needed, to assist with the implementation of the CAP.
- By January 2014 – Malawi DCA to maintain monitoring and assessment of the progress of implementation of the CAP.
- By 30 June 2014 – Malawi to complete the process of review and enactment of the primary civil aviation legislation;
- 30 June 2014 – If necessary, TCB or other assistance providers identify, develop and deploy a technical assistance project to assist Malawi consolidate efforts towards building a sustainable safety oversight system.
### Long-Term: Consolidation of gains and capacity building for internal and sub-regional service

#### 01 July 2014 – onwards

**Objective:**

- **Political:** Maintain high level contact between ICAO and Malawi, in order to:
  - Promote aviation safety on an on-going basis, including achievement of the high level safety targets;

- **Technical:** Coordinated efforts towards:
  - Maintaining an effective safety oversight system safety oversight system and achievement of the high level safety targets in Malawi;
  - Establishing an independent aircraft accident and incident investigation agency and/or subscribing to a regional accident and incident investigation Agency (RAIA); and
  - Development and implementation of a State Safety Programme (SSP).

**Actors:**

- **State:** DCA, Malawi government ministries and institutions
- **ICAO:** ESAF Regional Office, Headquarters
- **Other:** COSCAP-SADC; AFCAC; all assistance providers in Malawi in the area of civil aviation safety

**Mechanism:**

- Implementation of coordinated cooperative arrangements amongst aviation stakeholders, particularly ESAF Regional Office, Malawi Department of Civil Aviation, COSCAP-SADC, the civil aviation industry and other assistance providers in Malawi; and
- Development and implementation of a State Safety Programme (SSP).

**In the long-term, it is expected that:-**

- Malawi will enhance its safety oversight capabilities and achievement of the high level safety targets;
- Malawi will be an active participant in the regular exchange of safety data and other safety oversight information between Malawi, ICAO and other regional and international organizations;
- Malawi will actively participate in regional and sub-regional initiatives, particularly SADC RSOO/RAIA and AFCAC as a mean to enhance its safety oversight capabilities; and
- Malawi will develop and implement a State safety programme (SSP).

**Activities:**

- 30 September 2014 – Establishment of an autonomous Civil Aviation Authority of Malawi (CAAM),

---

Revised ICAO Plan of Action for Malawi July 2013
• Malawi to actively participate in the USOAP CMA activities;
• ICAO to provide on-going support, guidance and assistance, as needed;
• Implementation of the high level safety targets; and
• Malawi to develop and implement a State Safety Programme (SSP).