

**59th CONFERENCE OF
DIRECTORS GENERAL OF CIVIL AVIATION
ASIA AND PACIFIC REGIONS**

*Cebu, Philippines
14 to 18 October 2024*

AGENDA ITEM [X]: [AGENDA ITEM]

(Please refer to the Provisional Agenda and insert appropriate Agenda Item above)

ENHANCING COMMUNICATION AND ENGAGEMENT IN THE ICAO STATE LETTER PROCESS

(Presented by the Regional Cooperative Mechanisms Task Force)

SUMMARY

From December 2023-February 2024, the Regional Cooperation Mechanisms Task Force (RCM TF) facilitated a survey of the APAC region as a part of its ongoing work program. The survey sought to gain an understanding of overall ICAO engagement with the State Letter process to seek out areas of improvement.

The survey results found that without effective processes in place, dealing with State Letters and overall ICAO engagement can become burdensome on States/administrations especially those in the lower to middle income classification.

This paper makes recommendations for improving the State letter process and improving overall ICAO engagement and communication.

[TITLE]

1. INTRODUCTION

1.1 At the 58th DGCA Conference in October 2023, the Regional Cooperation Mechanisms Task Force (RCM TF) presented Discussion Paper 58/DP/9b/04, which discussed its implementation roadmap that was put in place to establish measures to strengthen communications between ICAO and States/Administrations. As a part of this roadmap, the RCM TF facilitated a survey across the Asia-Pacific (APAC) region to understand how State Letters are managed by different States/Administrations. This work sought to identify common needs regarding the State Letter process to see how engagement can be enhanced.

1.2 Overall, the survey received 80.9% response rate from the APAC region. The survey was well-received in the North Asia and South Asia sub-regions but had a limited response rate from the Oceania subregion, despite this, there was a very high response rate from Pacific Island States. Detailed response rates are provided in Appendix 2.

1.3 To analyse the results of the survey, States/Administrations were grouped according to World Bank Income classifications, notably ‘middle-to-high’ and ‘low-to-middle’ income brackets.

2. DISCUSSION

2.1 The key theme that emerged is that most respondents indicated that they generally have large international teams with an appropriate number of staff to dedicate to processing State letters and engaging with ICAO. However, some respondents indicated they were lacking the technical expertise to have an effective process in place to allow for the efficient processing of State letters and engagement with ICAO.

2.2 This issue was most prevalent among respondents within the low-to-middle income bracket, who indicated the lack of technical expertise was a significant barrier for them. Respondents classified within the middle-to-high income bracket indicated that they are better placed to engage with ICAO in the State Letter process because they have the required technical expertise to help understand and process State Letters.

2.3 While States/Administrations may have the staffing resourcing within their international teams available, many State Letters require specific technical knowledge in order to provide an appropriate response. As indicated in the survey, many States/Administrations simply do not have this available and this impacts their ability effectively engage with ICAO.

2.4 Some respondents indicated that they deal with State Letters on a case-by-case basis, which may be correlated to a lack of technical expertise. Data showed that for these respondents it is more difficult to process State Letters and effectively engage with ICAO. There is a clear need to support States/Administrations in developing a process, including ensuring they have adequate levels of technical knowledge to respond to some State Letters.

2.5 States/Administrations provided valuable feedback on their perceptions of engagement with ICAO and their ability to process State Letters. Some State/Administrations also detailed existing support that worked well for them. These included the Regional Office being responsive and supportive, and the support Pacific Island States had received from the ICAO Pacific Liaison Officer based in Fiji.

2.6 Others discussed the struggles they were facing when engaging with ICAO or processing State Letters, including political factors such as not having the required authorisation to respond.

2.7 States/Administrations noted the challenges associated with the large volume of State letters that are received. There were suggestions that by categorising the letters in a way that takes into consideration whether a response is required (such meeting invitations or ‘information only’ State Letters) would better enable States/Administrations to easily filter and process letters faster, as they would be able to determine how much resource to dedicate.

2.8 The results also indicate that without effective State Letter processes in place, States can easily become burdened with the sheer volume of State Letters. Distributing information in the form of a State Letter is typically used as a proxy, and there may be other ways of communicating which ICAO can consider using to engage with States/Administrations that are more simplified than a formal State Letter.

2.9 Improving communication using State Letters and supporting States/Administrations to develop their own processes will continue to support ICAOs No State Left Behind initiative and further improve overall engagement.

3. ACTION BY THE CONFERENCE

3.1 The Conference is invited to:

- a) Recommend that States who have established and effective State Letter processes to share their expertise to support States/administrations in developing dedicated processes.
- b) Recommend that States without processes in place should consider adopting best practices to aid with processing of State Letters.
- c) Recommend that ICAO considers changing the State Letter mechanism to one that reduces volume, and better supports States with no dedicated State Letter process to reduce burden. This includes categorising State Letters according to their purpose, to aid States in being able to efficiently process State Letters, and using other forms of communication to disseminate information that does not require a response from States.
- d) Recommend that ICAO consider adjusting the content of State Letters to enhance clarity and provide context of the subject matter, articulate expectations of response required depending on the significance of the subject matter.

— END —

[TITLE]

[Text – approx. one-half page length]

Note: Authors of DPs are strongly encouraged to prepare Executive Summary, which will facilitate adequate coverage of the main issues and proposals raised in the paper in the Conference Report.

Appendix 1: Examples of an established dedicated State Letter process

Civil Aviation Administration of China (CAAC)

CAAC has established Division of Responsibilities Related to Annexes to the Convention on International Civil Aviation. Each Annexes have CAAC Department in Charge and Coordinating Departments respectively.

CAAC has also established Detailed Process for the Evaluation of Regulations and Manuals of Departments, containing 5 steps:

1. Upon receiving State Letters, each department is responsible for evaluating the content to determine if it involves amendments to ICAO Annexes and manuals.
 - If the content does not involve amendments of relevant document, it should be processed following the reply procedures for State Letters.
 - If it does involve amendments, the department needs to assess if there are differences with domestic regulations and operational practices.
2. Departments should evaluate if the content of the State Letters differs from domestic regulation requirements and actual operational practices.
 - If no differences are found, the State Letter should be processed according to reply procedures for State Letters, and the Compliance Checklists and Electronic Filing of Differences (CC/EFOD) should be submitted online in a timely manner.
 - If differences are identified, an assessment to decide on retaining these differences should be carried out promptly.
3. After deciding whether to retain identified differences, if there's no need to amend laws and regulations, the reply should be approved by the principal leader of the department and sent to the Department of International Affairs at least 10 working days before the specified deadline.
 - The department should also fill CC/EFOD on the ICAO website and inform the ATMB to publish significant differences in the AIP according to relevant procedures.
 - If amendment of laws and regulations is necessary, the amendment work should be carried out.
4. Before starting the amendment of laws and regulations, each department should draft an amendment plan and send the reply to the State Letter (including when compliance with new amendments is expected) to the Department of International Affairs accordingly, and then proceed with the amendment work.
 - If the amendments involve laws, administrative regulations, or departmental rules, they should be drafted and processed following the legislative process.
 - If they involve administrative regulatory documents, they should be drafted and processed following the process of formulating administrative regulatory documents. If they involve other types of documents, they should be processed according to the development process of respective document types. After completing the document amendment, the response, reviewed and signed by the principal leader of the department, should be sent to the Department of International Affairs at least 10 working days ahead of the time limits, and the department should at the same time fill CC/EFOD on the ICAO website, and inform ATMB to publish significant assessed significant differences in the AIP.

5. Complete record for handling State Letters should be preserved. After completing the work, departments concerned should promptly archive related materials, including the content of State Letters, technical assessment reports, results of the departments' processing of the State Letters, official reply to the International Civil Aviation Organization, CC/EFOD, results of the amendments of rules or regulatory documents, and documents of significant differences published in the AIP.

New Zealand example to be added

Appendix 2: Survey Response rate by subregion

South Asia	North Asia	Southeast Asia	Oceania
<ul style="list-style-type: none"> • Afghanistan • Bangladesh • Bhutan • India • Maldives • Nepal • Pakistan • Sri Lanka 	<ul style="list-style-type: none"> • China • Democratic People's Republic of Korea • Hong Kong SAR, China • Japan • Macau SAR, China • Mongolia • Republic of Korea 	<ul style="list-style-type: none"> • Cambodia • Indonesia • Malaysia • Laos • Philippines • Singapore • Thailand • Timor-Leste • Vietnam 	<ul style="list-style-type: none"> • Australia • Cook Islands • Federated States of Micronesia • Fiji • New Zealand • Papua New Guinea • Samoa • Tonga • Vanuatu
8/8 100%	7/7 (100%)	9/11 (81%)	9/15 (62.5%)
	Total: 80.9% *		

*One additional State/administration submitted a response but did not provide the name of their State/administration.

Appendix 3 – to contain the survey results