

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

*Cebu, Philippines
14 to 18 October 2024*

AGENDA ITEM 10: OTHER BUSINESS

a): ANY OTHER MATTERS

**ENHANCING COMMUNICATION AND ENGAGEMENT IN
THE ICAO STATE LETTER PROCESS**

(Presented by New Zealand on behalf of Regional Cooperation 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.

ENHANCING COMMUNICATION AND ENGAGEMENT IN THE ICAO STATE LETTER PROCESS

1. INTRODUCTION

1.1 At the 58th DGCA Conference, the Regional Cooperation Mechanisms Task Force (RCM TF) presented Discussion Paper 58/DP/9b/04, which discussed establishing measures to strengthen communications between ICAO and States/Administrations as part of the Task Force's implementation roadmap. In 2024, the RCM TF conducted 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 an 81 per cent response rate from the APAC region, which is a high response rate to a survey and demonstrates the strong and meaningful engagement of the region on this issue. 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 While 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, the key barrier for some respondents was a lack of technical expertise to do so.

2.2 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. 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 resources 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 to effectively engage with ICAO. Various on-going initiatives by ICAO and States, including those initiated under the Regional Training Cooperation framework, to enhance training would be key to addressing a gap in technical expertise among aviation personnel in the region.

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 States/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 factors such as the perception that the authority to respond was

placed at a higher level than required.

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 as the status of implementing SARPs or for meeting invitations as compared to '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 resourcing 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 delegation, 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 enhancing the State Letter mechanism by highlighting the most important items (such as adoption of SARPs or amendment to SARPs) and articulating expectations of response required by States/Administrations. Consideration could also be given to improving clarity and providing context of the subject matter to further enhance State Letters.

— END —

Appendix A:

EXAMPLES OF AN ESTABLISHED DEDICATED STATES LETTER PROCESS

1. Civil Aviation Administration of China (CAAC)

1.1. 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.

1.2. 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.

2. Department of Infrastructure, Transport, Regional Development, Communication and the Arts - Australia

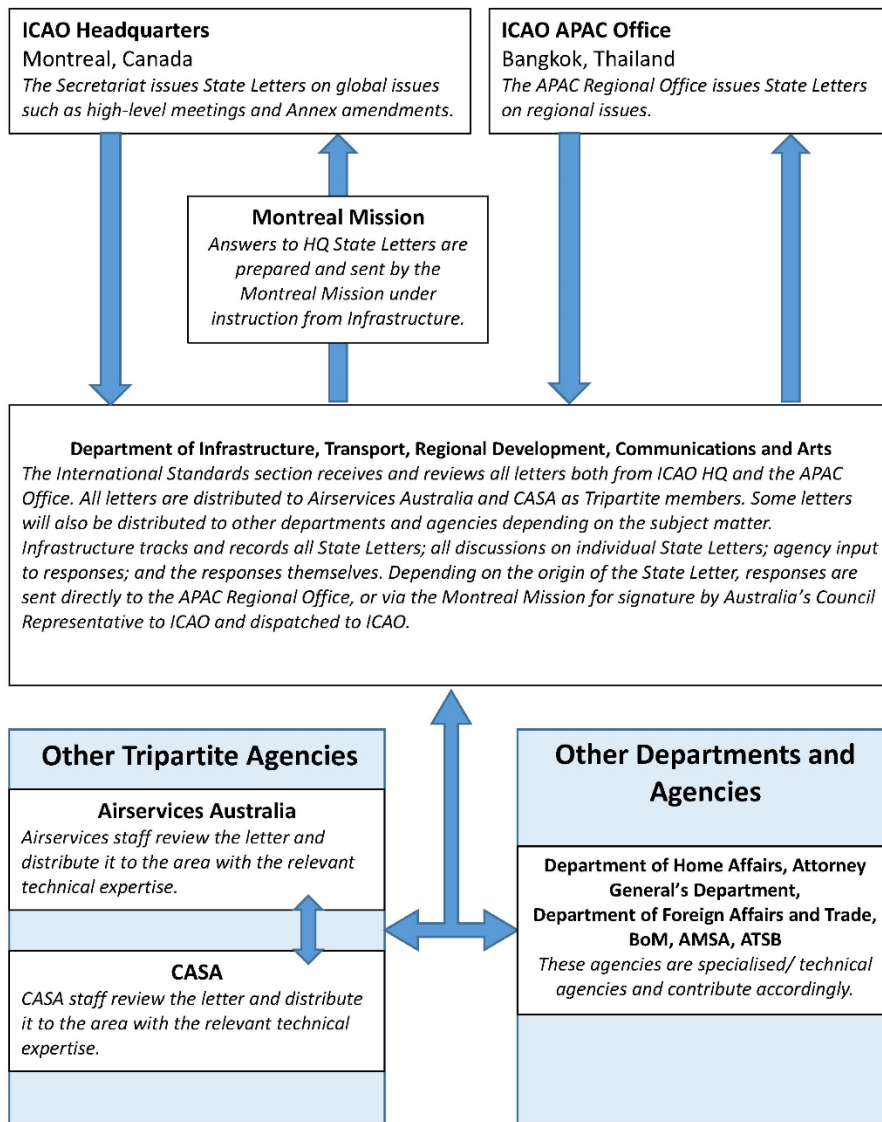
2.1. Where a State Letter requires a response from Australia, the action agency will be determined by the Department of Infrastructure according to their respective Annex responsibilities and subject matter expertise, including determination of a lead agency. However, should more than one action agency be identified as having significant Annex responsibilities, the Department of Infrastructure will provide additional assistance by collating any final comments, as well as acting as an intermediary to resolve any differing views.

2.2. A State Letter will typically be distributed within a week of receipt of the letter from ICAO. The action agency should seek comments from the other agencies, as appropriate, and ensure agency-level clearance before returning the draft response to the Department of Infrastructure, with confirmation of the officer who has cleared the draft response. If an extension of time is required, the agency requiring such an extension will make a request of the Department of Infrastructure. In the case of a State Letter, the Department of Infrastructure will review draft responses to State Letters to ensure quality and consistency with other ICAO communications, and then provide Australia's coordinated response to the Australian Mission to ICAO for final clearance and dispatch to ICAO under signature of our Permanent Representative to ICAO. In the case of a Regional Letter, the Department of Infrastructure will respond directly to the ICAO Asia and Pacific Regional Office. The Department of Infrastructure will provide a copy of the final response to relevant agencies.

2.3. The Department of Infrastructure maintains a list of State Letters, Regional Letters and other ICAO correspondence or documents requiring action, and will follow up with the relevant agencies as required to facilitate timely responses. The Department of Infrastructure keeps the Australian Permanent Mission to ICAO informed of the status of outstanding State Letters during the monthly video conference with the Mission.

2.4. Agencies should ensure they maintain up to date contact details with the Department of Infrastructure to facilitate communication about State Letters, Regional Letters and other ICAO correspondence or documents requiring action. This should include contact details for the best contact regarding the ICAO-related subject-matter they are responsible for.

Australia’s State Letter handling process flow chart



Appendix B:**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: 81% *			

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

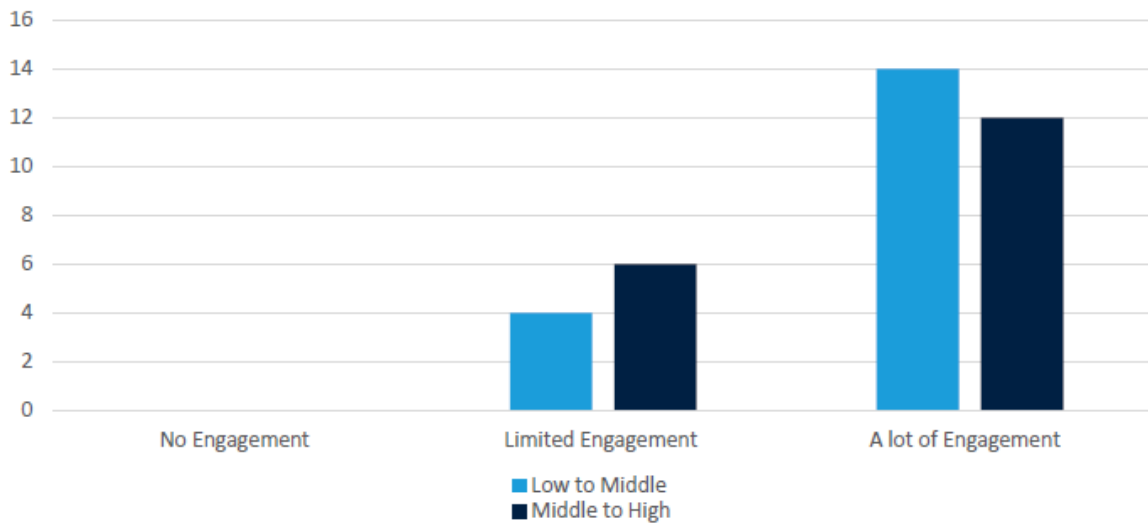
Appendix C:

SURVEY RESULTS

Q1

What level of engagement does your State/Administration have with ICAO?

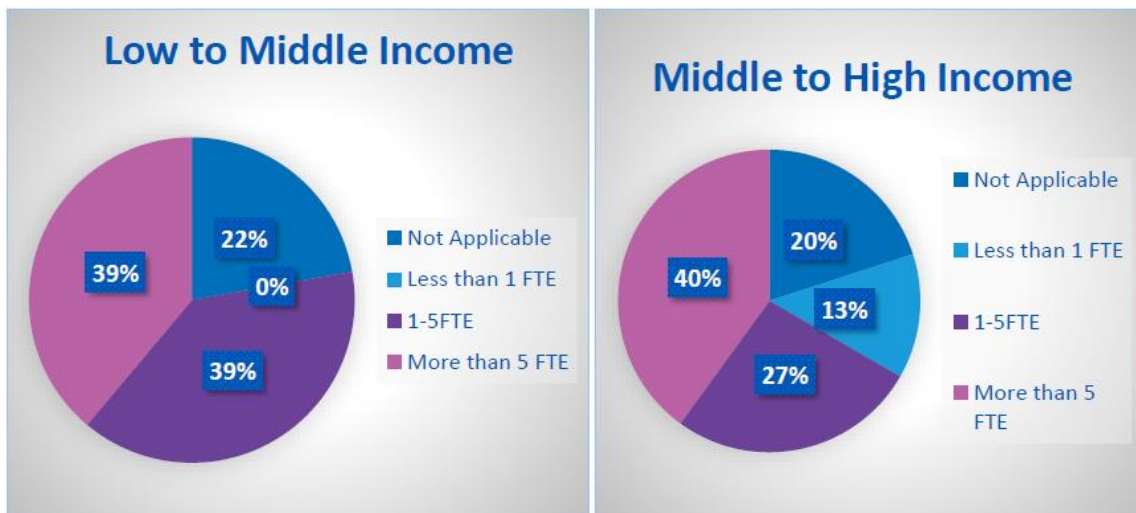
(This could include any type of communication with ICAO, meeting attendance, engaging in the State Letter process, engaging with the ICAO Regional Office, and influencing ICAO SARP development.)



Q2

How Big is your State/Administration's international engagement team?

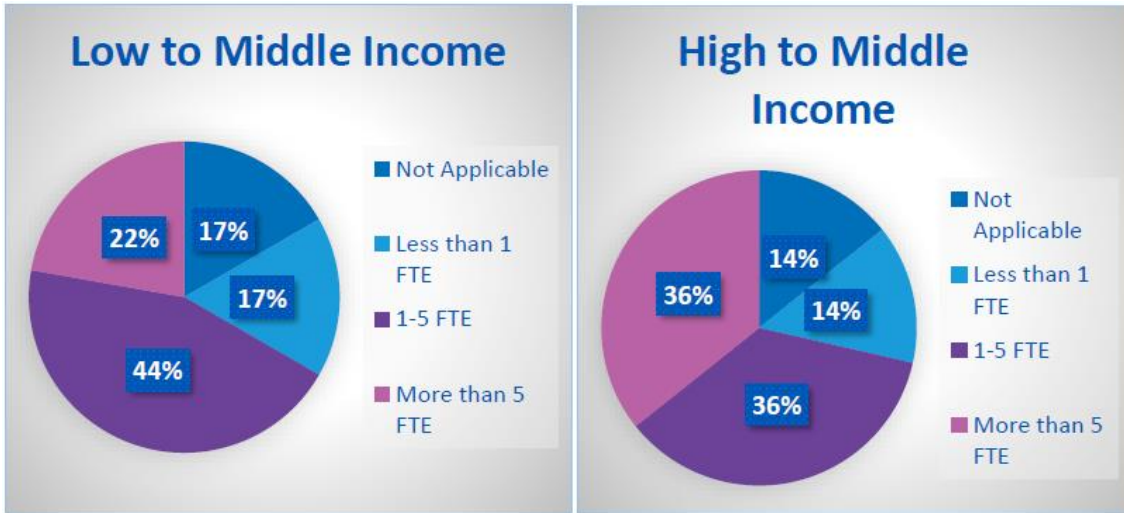
(FTE = Full-time equivalent staff member)



Q3

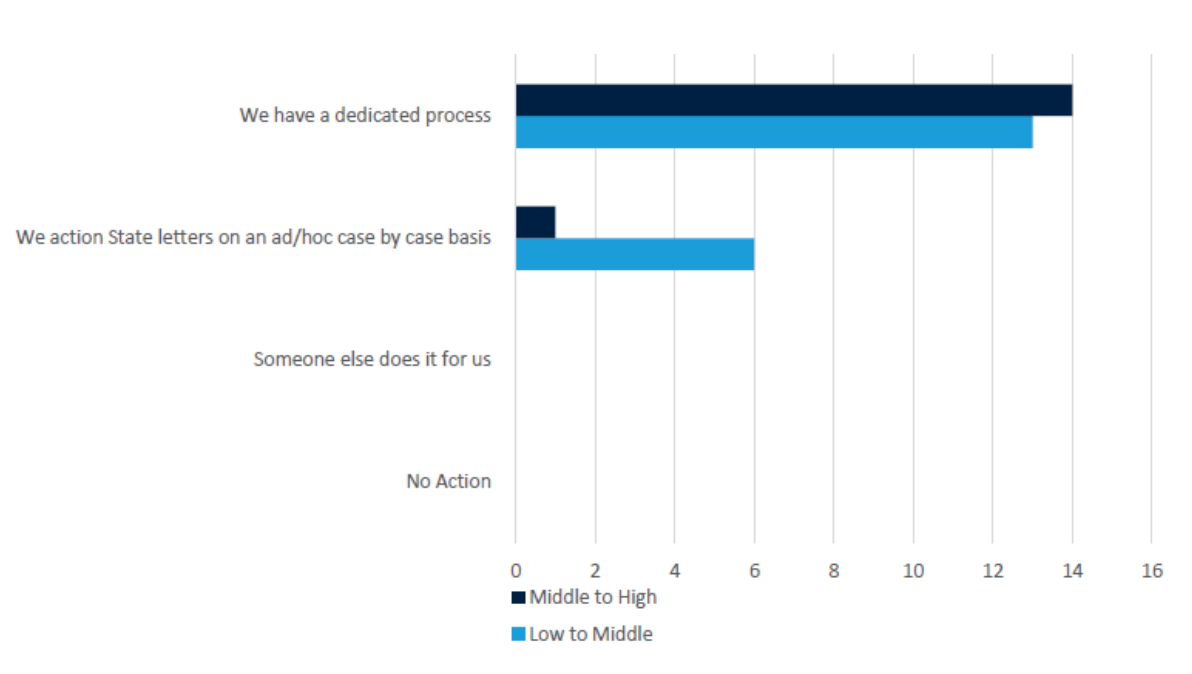
How Big is your State/Administration's team responsible for processing State Letters?

(Not including other engagement with ICAO)



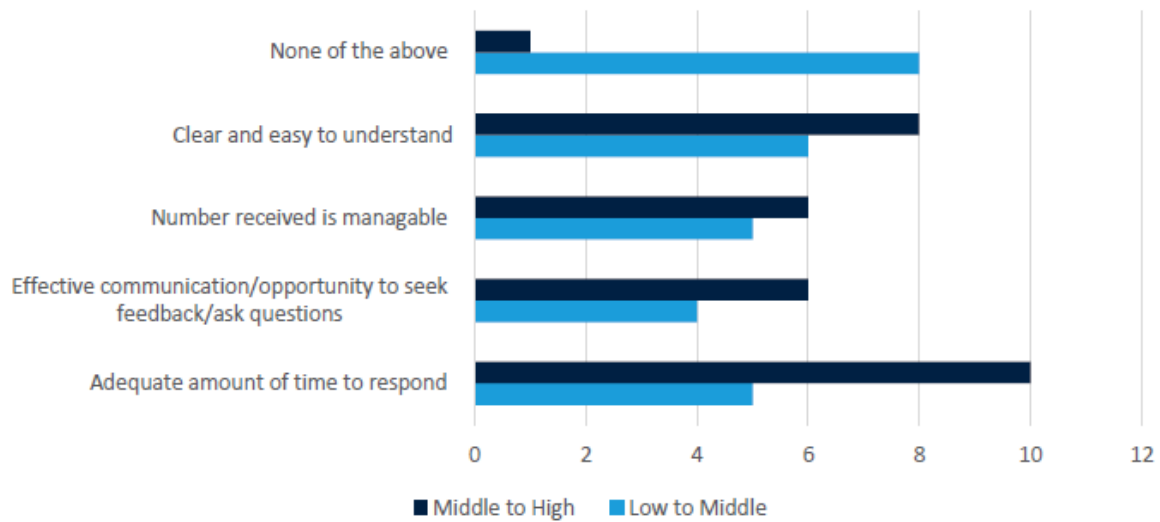
Q4

How does your State/ Administration action State Letters from ICAO?



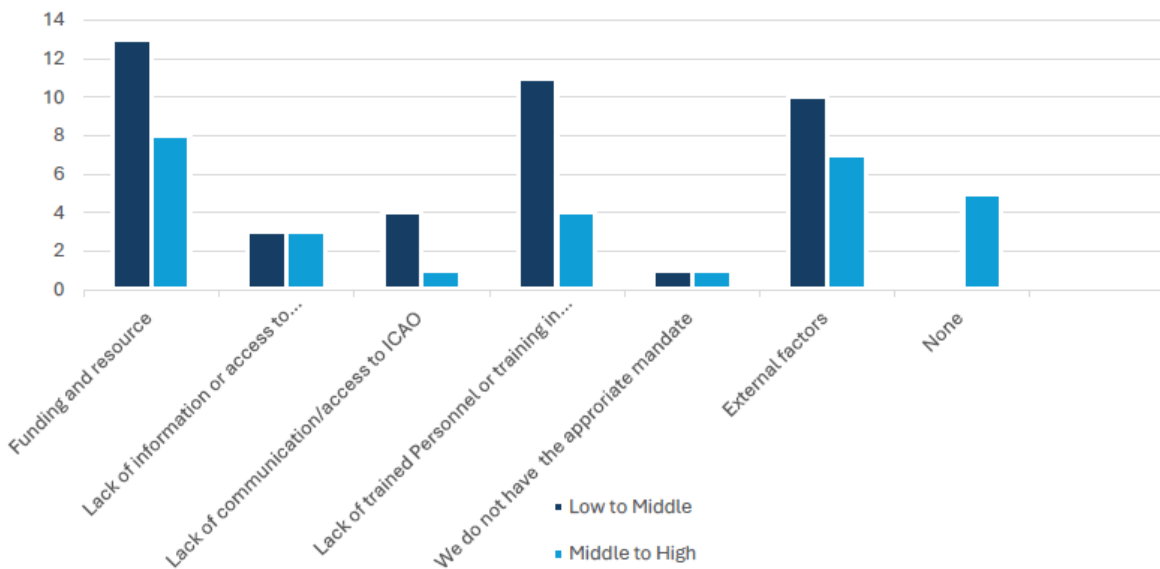
Q5

Which of the following would you say is done well by ICAO in relation to State Letter?



Q6

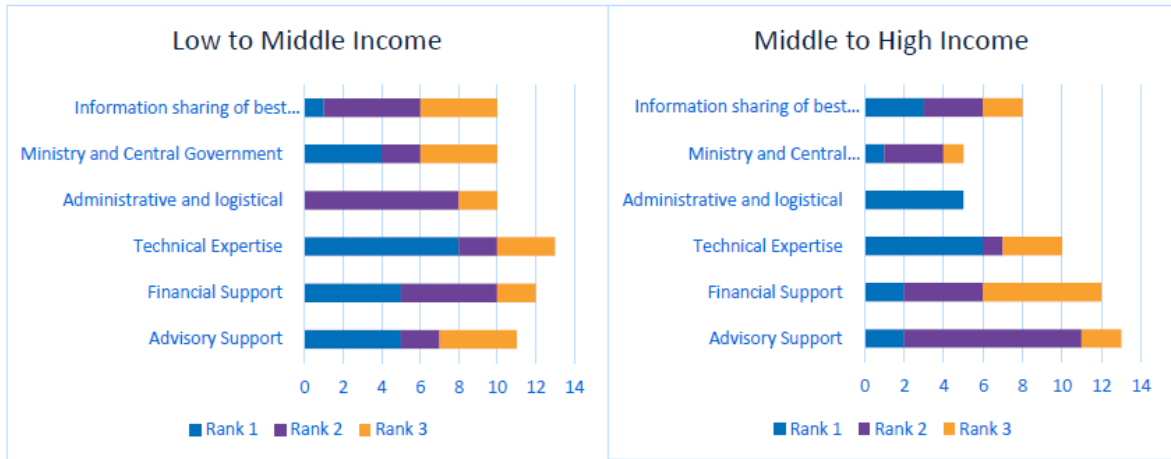
What issues does your State/Administration face with wider ICAO engagement?
(Select all that are relevant)



Q7

What support does your State/Administration need to address these issues?

(Please rank top 3)



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