



THIRTEENTH AIR NAVIGATION CONFERENCE

Montréal, Canada, 9 to 19 October 2018

COMMITTEE B

- Agenda Item 6: Organizational safety issues
6.1: Strategic plan
6.1.1: Vision and overview of the Global Aviation Safety Plan (GASP), 2020-2022 edition

A TIME FOR CHANGE

(Presented by Trinidad and Tobago)

EXECUTIVE SUMMARY

This paper presents the view that civil aviation activities worldwide has benefitted tremendously from the implementation of the Convention on International Civil Aviation and that it is time to change and to bring the wider focus of ICAO on the improvement of aviation and not just international aviation.

There are several reasons for requesting this change which include: greater interconnectivity; the growing influence of aviation on everyday lives today as compared to 1944 when the convention was conceptualised; huge changes in technology; and changes in passenger demand and taste. After seventy-four years it may be time for the industry to have a rethink.

The **Convention as a philosophy** places focus on international aviation and little focus on “domestic aviation”. This term used herein is a catch all term to describe the use of aircraft in commercial aviation activities within a State other than international aviation.

The Universal Safety Oversight Audit Programme (USOAP) focuses on international operation and not the overall framework within a State. **Annex 6 — Operation of Aircraft, Part II — International General Aviation — Aeroplanes** highlights the philosophy that a lower level of safety is acceptable in domestic aviation when compared with international aviation.

As a consequence the focus on large aircraft accidents is different to that on “small aircraft”.

This approach gives the impression that whatever a State does **internally/domestically** has no bearing on the international movement of persons and goods and services, which are governed by the systems and laws peculiar to a particular destination.

By all reports the year 2017 is regarded as one of the best for “International Aviation” because there were no deaths directly attributable to air operators involved in the movement of passengers and cargo. However, the industry recorded over five hundred deaths of persons who were involved

in commercial aviation (domestic aviation) operations either as passengers commuting or tourists sight-seeing.

This paper does not in any way suggest that ICAO should directly regulate or audit “domestic aviation” but it is suggested that there must be a change in the way aviation is conceptualized to be able to bring to the benefit of those we serve the continued improvements that we seek in the levels of safety attained in each State.

Persons should have the same level of guaranteed level of safety and security regardless of the nature of the air travel once it is commercial air travel.

Therefore as we celebrate the 75th anniversary of ICAO it would be worthy effort to revisit the Convention and its focus only on “international” aviation and seriously consider a broader view and include “domestic aviation”.

Action: The Conference is invited to:

- a) review this paper and adopt an action plan aimed at changing the philosophy;
- b) recommend that the Council review relevant Annexes so as to bring greater focus to commercial aviation activities and so further impact the level of safety of aviation; and
- c) alternatively this paper recommends that consideration be given to the matters raised herein for further discussion.

1. INTRODUCTION

1.1 How we conceptualize our role and function and the outcomes of what we do and achieve is largely driven by what is assumed achievable within the available resources.

1.2 This paper focuses on four elements for our deliberations, the Convention, the 2017-2019 edition of the *Global Aviation Safety Plan* (Doc 10004, GASP), Annex 1 — *Personnel Licensing*, Annex 6, Parts II and III — *International Operations — Helicopters*, Annex 8 — *Airworthiness of Aircraft* and Annex 19 — *Safety Management*.

1.3 The Convention is the primary document that focuses our attention on what States have agreed to do by appending their signature and ratifying same. Currently the convention is silent on “domestic aviation”.

1.4 The results of ICAO’s USOAP are posted on the website and shows the level of effective implementation of the Standards and Recommended Practices (SARPs). These results enable States to form an opinion on how well States perform and the level of safety achieved by States.

2. DISCUSSION

2.1 This paper suggests that if the aim is to address aviation safety in its broadest sense then it is insufficient to simply consider international aviation and neglect what may happen in the domestic environment which will be based on “National Regulation” that apply from State to State.

2.2 Looking at a few of the documents referenced above:

2.2.1 **The CONVENTION:** From a review of the Convention leads one to interpret the document as silent on what may be classed as domestic aviation. Article 5 requires that countries observe the principle that an aircraft not engaged in scheduled international services can make a stop for non-traffic purposes, Article 29 lists those documents that an aircraft engaged in international navigation shall carry, Article 31 specifically states that aircraft engaged in international aviation shall have an airworthiness certificate. No mention is made of the certification necessary for domestic operation commercial or otherwise. Article 26 makes provision for aircraft accident investigation but it is silent on the treatment of aircraft engaged in domestic aviation.

2.2.2 **The GASP:** ICAO, at the 38th Session of the Assembly, adopted Resolution 38-2, *ICAO global planning for safety and air navigation*, which required the development of the GASP and the Global Air Navigation Plan (GANP), this mandated that these plans be kept current, however a review of the resolution will show that it is silent on how “domestic aviation” should be treated.

2.2.3 Integral to the State safety plan developed by any country is the consideration of the complexity of its aviation environment such that the regulatory agency can develop a response to treat with domestic needs and the need to satisfy its international obligations for safety of flight. In defining a State safety plan it is necessary that the complexity of the environment be paramount this means the domestic aviation environment but the guidance material is silent on this.

2.2.4 Given a single sky and many countries do not have the good fortune to be able to segment the skies so that large international, military and domestic commercial activities are provided different levels of service in the same air space. The 2017-2019 edition of the GASP is silent on what is expected with respect to the domestic aviation.

2.2.5 Chapter 2 of the GASP focuses our attention on the ICAO Strategic Objectives on Safety, and though these will impact the domestic aviation, they seem not to specifically address the domestic space.

2.2.6 Chapter 3 of the GASP speaks to “focus on areas to improve safety” but is also silent on domestic aviation.

2.2.7 **ANNEX 1:** Personnel licensing covers aircraft involved in international aviation but does not explicitly create different classes of licences for persons certifying work done on aircraft involved in domestic aviation.

2.2.8 **ANNEX 6, PART II:** This Annex may have captured the conceptual thinking that is the basis for the Convention and how persons perceived the industry and why it is now “time to change”.

Reference is made to the foreword and historical background level of safety, which states “the Annex should ensure an acceptable level of safety to passengers and third parties. Also, as some international general aviation operations would be performed by crews less experienced and less skilled, with less reliable equipment to less rigorous standards and with greater freedom of action than in commercial air transport operations, it was there for accepted that passengers in international general aviation aircraft would not necessarily enjoy the same level of safety as the fare paying passenger in commercial air transport. However, it was recognized that in ensuring an acceptable degree of safety for third parties, an acceptable level of safety for flight crews and passengers would be achieved” (see Appendix 1).

This begs the question why is it reasonable for a fare paying passenger on international flight who transitions to a general aviation flight (domestic aviation) to accept a lower level of safety.

2.2.9 **ANNEX 6, PART III:** This Annex is a little more helpful as it specifically addresses, helicopters in international civil aviation, **general aviation**, as well as commercial air transport operations. This is a departure from other ICAO Annexes/documents, as it seeks to provide SARPS for helicopters specifically involved in commercial operation. Though the foreword speaks to general aviation this Annex is silent on general aviation. *On page I-I-5 general aviation operation is defined as “an aircraft operation other than a commercial air transport operation or an aerial work operation” (see Appendix 2).*

2.2.10 **ANNEX 8:** This document is also silent on what is required for domestic aviation and page (xv) states that *“national codes of airworthiness containing full scope and extent of detail considered necessary by individual states would be necessary as the basis for the certification of individual aircraft” (see Appendix 3).*

2.2.11 **ANNEX 19:** Like other documents this Annex is also silent on domestic aviation and its impact on the resources of States and in particular regulatory agencies.

2.2.12 If the philosophy of Annex 6, Part II holds true where States can apply different levels of safety for domestic aviation then it might be possible that States are not required to have the same level of safety oversight for domestic as for international aviation. If this were so they may hire flight operations and airworthiness inspectors with minimal experience.

2.2.13 The question then arises; will this meet the requirements of the USOAP?

2.2.14 How we conceptualize our aviation world has very far reaching consequences for all peoples those on board on a commercial flight domestic or international.

3. **CONCLUSION**

3.1 All that is said above has its root in the philosophy associated with and how the responsibility of ICAO was conceptualised and how do we drive down the fatal accident rates in all forms of aviation.

3.2 Looking forward it is now a **time for change**.

APPENDIX A

ANNEX 6 — PART II INTERNATIONAL GENERAL AVIATION — AEROPLANES

FOREWORD

Historical background

Standards and Recommended Practices for the Operation of Aircraft — International General Aviation were first adopted by the Council on 2 December 1968 pursuant to the provisions of Article 37 of the Convention on International Civil Aviation (Chicago, 1944) and designated as Annex 6, Part II, to the Convention. They became effective on 2 April 1969 and applicable on 18 September 1969.

Annex 6, Part II, was developed in the following manner: the Fifteenth Session of the Assembly, Montréal, June–July 1965, adopted Resolution A15-15: “Consideration of the needs of international general aviation in relation to the scope of ICAO technical activities”. Subsequently, the Fourth Air Navigation Conference (Montréal, November–December 1965) recommended a series of factors which it considered should be taken into account in extending the scope of Annex 6 to meet the needs of general aviation in accordance with the directives of Assembly Resolution A15-15.

The Fourth Air Navigation Conference recommended that the International Standards and Recommended Practices to be developed for International General Aviation Operations exclude, for the present, aerial work operations. It was however clearly the view of the conference that the Annex should be framed in such a manner as to facilitate its extension to cover aerial work operations at a later date, should such extension prove desirable.

Based on the above considerations, draft International Standards and Recommended Practices for the Operation of International General Aviation Aircraft were developed by the Air Navigation Commission and, after amendment following the usual consultation with the Member States of the Organization, were adopted by the Council so as to become, together with the Foreword approved by the Council, the text of this Annex. In developing this material in 1965 the Air Navigation Commission was guided by the following philosophies:

Presentation and conformity with Annex 6, Part I. The Annex should be, as nearly as practicable, equivalent in scope and conform as closely as possible to Annex 6 (now Annex 6, Part I).

Applicability. Although the definition of general aviation originally used in this Annex encompassed aerial work operations, these were specifically excluded from the provisions of this Annex by Chapter 1.2 — Applicability.

Level of safety. The Annex should ensure an acceptable level of safety to passengers and third parties (third parties meaning persons on the ground and persons in the air in other aircraft). Also, as some international general aviation operations (typically under 5 700 kg) would be performed by crews less experienced and less skilled, with less reliable equipment, to less rigorous standards and with greater freedom of action than in commercial air transport operations, it was therefore accepted that the passenger in international general aviation aircraft would not necessarily enjoy the same level of safety as the fare-paying passenger in commercial air transport. However, it was recognized that in ensuring an acceptable degree of safety for third parties, an acceptable level of safety for flight crews and passengers would be achieved.

Freedom of action. The maximum freedom of action consistent with maintaining an acceptable level of safety should be granted to international general aviation.

APPENDIX B

ANNEX 6 — PART III INTERNATIONAL OPERATIONS — HELICOPTERS

FOREWORD

Historical background

Standards and Recommended Practices for the Operation of Aircraft were first adopted by the Council, pursuant to the provisions of Article 37 of the Convention on International Civil Aviation (Chicago 1944), on 10 December 1948 for International Air Transport and on 2 December 1968 for International General Aviation. The documents containing these Standards and Recommended Practices are now designated as Annex 6, Parts I and II, respectively, to the Convention. In general, Parts I and II address aeroplane operations; neither part is specifically applicable to helicopter operations.

Therefore, Part III was introduced as a means of including provisions for helicopter operations. Initially, provisions related to flight data recorders and cockpit voice recorders for helicopters were developed by the Air Navigation Commission following Recommendation 10/1 of the Accident Prevention and Investigation Meeting AIG (1979) and adopted by the Council on 14 March 1986. They became effective on 27 July 1986 and applicable on 20 November 1986. Subsequently, proposals for comprehensive Standards and Recommended Practices covering other aspects of helicopter operations were developed with the assistance of the Helicopter Operations Panel; these provisions, incorporated in Amendment 1, were adopted by the Council on 21 March 1990. The amendment became effective on 30 July 1990 and applicable on 15 November 1990.

Table A shows the origin of subsequent amendments together with a list of the principal subjects involved and the dates on which the Annex and the amendments were adopted by the Council, when they became effective and when they became applicable.

Applicability

The Standards and Recommended Practices included in Annex 6 — *Operation of Aircraft*, Parts I and II, cover the operation of all aeroplanes in international civil aviation, except where specifically excluded. Similarly, the Standards and Recommended Practices in Annex 6, Part III, cover the operation of all helicopters in international civil aviation, general aviation as well as commercial air transport operations.

Action by Contracting States

Notification of differences. The attention of Contracting States is drawn to the obligation imposed by Article 38 of the Convention by which Contracting States are required to notify the Organization of any differences between their national regulations and practices and the International Standards contained in this Annex and any amendments thereto. Contracting States are invited to extend such notification to any differences from the Recommended Practices contained in this Annex, and any amendments thereto when the notification of such differences is important for the safety of air navigation. Further, Contracting States are invited to keep the Organization currently informed of any differences which may subsequently occur

APPENDIX C

FOREWORD

Historical background

Standards and Recommended Practices for the Airworthiness of Aircraft were adopted by the Council on 1 March 1949 pursuant to the provisions of Article 37 of the Convention on International Civil Aviation (Chicago 1944) and designated as Annex 8 to the Convention.

The Annex contained, in Part II, general airworthiness procedures applicable to all aircraft and in Part III, minimum airworthiness characteristics for aeroplanes provided, or to be provided, with certificates of airworthiness classifying them in an established ICAO category. Part I contained definitions.

At its fourth session, the Airworthiness Division collaborating with the Operations Division made recommendations concerning the use of a performance code as an alternative to the one contained in the Annex, in which the climb values had the status of Recommended Practices. Further, the Airworthiness Division made recommendations concerning certain aspects of the certification in ICAO categories. As a result of those recommendations, the Council approved the incorporation of the alternative performance code as Attachment A but stated its belief that since agreement had not yet been reached on Standards covering performance, there existed no basis for certification in ICAO Category A. It urged the Contracting States to refrain from such certification pending the becoming effective of Standards on performance or until such time as the Council decides on the basic policy on airworthiness.

The Assembly at its seventh session (June 1953) endorsed the action already taken by the Council and the Air Navigation Commission to initiate a fundamental study of ICAO policy on international airworthiness and directed the Council to complete the study as rapidly as practicable.

In pursuing such study, the Air Navigation Commission was helped by an international body of experts designated as the "Airworthiness Panel", which contributed to the preparation of the work of the Third Air Navigation Conference.

As a result of these studies, a revised policy on international airworthiness was developed and it was approved by the Council in 1956. According to this policy, the principle of certification in an ICAO Category was abandoned. Instead, Annex 8 included broad Standards which defined, for application by the competent national authorities, the complete minimum international basis for the recognition by States of certificates of airworthiness for the purpose of the flight of aircraft of other States into or over their territories, thereby achieving, among other purposes, protection of other aircraft, third persons and property. It was considered that this met the obligation of the Organization under Article 37 of the Convention to adopt International Standards of airworthiness.

It was recognized that the ICAO Standards of airworthiness would not replace national regulations and that national codes of airworthiness containing the full scope and extent of detail considered necessary by individual States would be necessary as the basis for the certification of individual aircraft. Each State would establish its own comprehensive and detailed code of airworthiness or would select a comprehensive and detailed code established by another Contracting State. The level of airworthiness defined by this code would be indicated by the Standards, supplemented, if necessary, by Acceptable Means of Compliance.

In application of those principles, the Annex was declared as constituting the minimum standards for the purpose of Article 33. It was also recognized that the Annex might, at the time of adoption, not include technical Standards for all classes of aircraft or even for all classes of aeroplanes, if the Council felt that no technical Standards were required at that