



DIRECTORS GENERAL OF CIVIL AVIATION CONFERENCE ON A GLOBAL STRATEGY FOR AVIATION SAFETY

Montréal, 20 to 22 March 2006

Theme 2: Improving aviation safety

Topic 2.4: Mutual recognition

MUTUAL RECOGNITION

(Presented by African States)²

SUMMARY

This working paper highlights the importance of mutual recognition between States and amongst regions in the enhancement of safety and safety oversight to avoid unilateral actions being taken by one State against another.

Action by the Conference is in paragraph 4.

1. INTRODUCTION

1.1 It has been noted that globalization, liberalization and privatization have brought fundamental changes in the air transport industry, some of which have implications on safety and security regulations.

1.2 Fully aware of this situation and in view of the need to ensure a safe, reliable and sustainable air transport system in Africa, specific provisions in relation to safety and the principle of mutual recognition have been adopted by the African States.

¹ English and French provided by African States.

² Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cap Verde, Central African Republic, Chad, Comoros, Congo, Cote d'Ivoire, Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Togo, Tunisia, Uganda, United Republic of Tanzania, Zambia, Zimbabwe.

2. ANALYSIS

2.1 The Decision relating to the implementation of the Yamoussoukro Declaration concerning the liberalization of Access to Air Transport Markets in Africa of November 1999 (Yamoussoukro Decision) includes several provisions related to the principle of mutual recognition, such as:

- a) the State parties reaffirm their obligation to comply with the ICAO safety Standards and Recommended Practices (SARPs); and
- b) to be eligible to the provisions of the Yamoussoukro Decision, an airline has to be:
 - duly licensed by a State party as defined in Annex 6 — *Operation of Aircraft* of the Chicago Convention; and
 - capable of demonstrating its ability to maintain standards at least equal to those set by ICAO and to respond to any query from any State to which it provides air services.

2.2 The safety issues were also brought to the attention of the African Ministers in charge of civil aviation during the 1st ordinary session of their meeting organized by the African Union and which was held in Sun City, South Africa, May 2005. The Ministers:

- a) agreed to adopt the necessary measures (in particular, in terms of basic aviation law and technical regulations) to discharge their responsibilities in terms of safety oversight;
- b) decided that they will look for every opportunity of bringing their resources together on a sub-regional basis in order to collectively discharge their responsibilities in terms of safety oversight, implement common regulations and rely on a common body of inspectors; and
- c) decided to encourage the African States to create sub-regional safety oversight agencies, particularly, within the framework of regional cooperation existing in integrated sub-regional communities.

2.3 Consequently, the African States are finalizing through the monitoring body of the Yamoussoukro Decision the drafting of common guidelines and regulations to facilitate and speed up the mutual recognition of certificates and licences among African States.

2.4 It is to be noted that a Dispute Resolution is also embodied within the Yamoussoukro Decision and was also endorsed by the meeting of African Ministers of Sun City.

3. CONCLUSION

3.1 Bilateral air services agreements and regional agreements are encouraged to honour and respect mutual recognition. Unilateral activities by States or parties on the banning of operations should be preceded by a consultative process between States and Parties. ICAO should be a resource in the resolution of disputes before the imposition of an operation ban.

3.2 The African States are concerned about possible emergence of flags of convenience, illegal operations and criminal activities that endanger safety of air transport, and the possible export of such activities from one State or group of States to another. In this regard, exchange of safety information among regulators will be encouraged to enhance safety of flights.

3.3 On the other hand, it has been noted that in some cases, a State that has denied recognition to airlines of another State continues to encourage its own airlines to operate into that other State for commercial advantage. Such developments tend to use safety in advancing economic advantage and should be discouraged.

3.4 It has to be noted that the African States support the conclusions of the fifth Air Transport Conference (ATConf/5) related to this issue and applaud ICAO's study on "Safety and security aspects of economic liberalization and relevant State responsibilities" circulated to Contracting States.

4. ACTION BY THE CONFERENCE

4.1 The Conference is invited to:

- a) request ICAO to develop guidelines on issues indicated in paragraphs 3.1, 3.2 and 3.3, and to encourage States and Regional Organizations to support this initiative; and
- b) support the action plan proposed by ICAO in paragraph 4.1 of DGCA/06-WP/8.

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