



ASSEMBLY — 42ND SESSION

TECHNICAL COMMISSION

Agenda Item 24: Aviation Safety and Air Navigation Priority Initiatives

ARAB STATES POSITION ON A PROPOSAL TO ESTABLISH A GLOBAL AUDIT PROGRAMME OF AIR NAVIGATION EFFICIENCY

(Presented by Jordan on behalf of the Arab Civil Aviation Organization (ACAO) Member States²)

EXECUTIVE SUMMARY

This paper presents the position of the Arab Civil Aviation Organization (ACAO), expressing its opposition to a proposal to audit air navigation services in ICAO Member States, as suggested in a working paper submitted by ICAO Secretariat during the 14th Air Navigation Conference (AN-Conf/14). The paper also addresses ACAO's position opposing a feasibility study as regards establishing a global audit programme to evaluate air navigation efficiency, as suggested in AN-Conf/14 Report. In its Resolution No. 4-EC/71, the ACAO Executive Council has mandated the Organization to prepare a working paper, to be submitted by Jordan, on behalf of ACAO Member States, on the position of ACAO Member States opposing the proposal to add any ICAO audit programmes of air navigation services.

Action: The Assembly is invited to:

- take note of the contents of this paper;
- reconsider the undertaken decision to conduct a study to establish a global audit programme aimed at evaluating the efficiency of air navigation services, in light of the ACAO decision on that matter.

<i>Strategic Goals:</i>	This working paper relates to <i>Every Flight is Safe and Secure and Aviation Delivers Seamless, Accessible, and Reliable Mobility For All.</i>
<i>Financial implications:</i>	
<i>References:</i>	Doc 7300, <i>Convention on International Civil Aviation</i> Doc 10209, <i>Report of the Fourteenth Air Navigation Conference (AN-Conf/14)</i>

¹ Arabic version provided by ACAO.

² Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syrian Arab Republic, Tunisia, the United Arab Emirates, Yemen

1. INTRODUCTION

1.1 Operational efficiency in air traffic management (ATM) will support the achievement of net zero carbon emissions and provide the industry with numerous efficiency improvements in the near term. In that sense, air navigation efficiency has become increasingly important, especially in light of the environmental goals agreed upon.

1.2 The Global Air Navigation Plan (GANP) contributes to the implementation of ICAO's Strategic Objectives, particularly those related to improving the efficiency of airspace optimization and increasing its capacity. Some regions and entities took proactive measures aimed at leveraging the relevant information necessary to effectively assess the performance of air navigation services and identify operational enhancement initiatives.

1.3 Global civil aviation plans share one main objective; namely to enhance all areas of civil aviation, including carbon emissions, safety, security, facilitation and sustainability of air transport. International audits are not only a tool employed to ensure improvements in civil aviation. Rather, they are conducted in conformity with Member States' shared commitment to implement provisions of the Chicago Convention and its Annexes, based on their governments' ratification of the Convention.

1.4 ICAO conducts audits to assess Member States' effective implementation of a safety oversight system consistent with ICAO provisions. The Universal Safety Oversight Audit Programme - Continuous Monitoring Approach (USOAP-CMA) includes air navigation services (ANS) as an audit area. Securing the highest practicable degree of uniformity in regulations, standards, procedures and organization with ICAO provisions is an obligation of the Contracting States unless the States find it impracticable to comply in all respects in accordance with Articles 37 and 38 of the Convention respectively.

1.5 The Fourteenth Air Navigation Conference (AN-Conf/14) discussed a working paper presented by the ICAO Secretariat regarding a proposal to conduct a feasibility study with a view to establishing a universal audit programme to assess the efficiency of air navigation services, similar to Universal Safety Oversight Audit Programme (USOAP)-Continuous Monitoring Approach (CMA) and Universal Security Audit Programme (USAP)-CMA.

2. DISCUSSION

2.1 AN-Conf/14, held in September 2024 at ICAO Headquarters in Montreal, addressed the proposal of conducting a feasibility study to consider the potential benefits of setting up an independent air navigation services audit programme. AN-Conf/14 concluded discussions with Recommendation 2/3.1: "That ICAO undertake a study into the feasibility of establishing an ICAO air navigation efficiency audit programme, or other suitable initiative, involving states and international organizations throughout the study." AN-Conf/14 supported the idea, on the understanding that the study should determine if it should take the form of an audit or some alternative mechanism, such as an assessment or gap analysis of the management of air traffic flows.

2.2 The Air Navigation Commission and ICAO Council review the AN-Conf/14 recommendations and make decisions on the actions to be taken on the recommendations of the Conference. The decisions of the ANC and the Council are published in supplements to the AN-Conf/14 Report.

2.3 The Arab Civil Aviation Organization (ACAO), through its Executive Council, adopted Decision No. 4-EC/71, which states the following:

- a) Directing the General Administration of the Organization to prepare a working paper, in coordination with the Air Navigation Commission, indicating the Arab States' lack of support for the addition of any international audit programs conducted by ICAO to air navigation services to ICAO Member States. The paper will be presented to the 42nd session of the International Civil Aviation Organization (ICAO) General Assembly.
- b) ACAO's opposition to the new proposed ICAO audit, as well as a study to assess the feasibility of establishing such an air navigation services audit programme, is based on a number of objective reasons, most notably:
 - 1) The Chicago Convention is the primary reference in ICAO's work and the decisive factor in the conduct of its affairs and mandate. There is nothing in the Chicago Convention that establishes a direct relationship between ICAO and Air Navigation Service Providers (ANSPs). Instead, ICAO has a relationship with the governments of its Member States, as represented by their respective Civil Aviation Authorities (CAAs).
 - 2) There is no appropriate legal framework for the relationship between ICAO and ANSPs, with CAAs being the only entity responsible for the oversight, regulation, licensing and legislation of ANSPs in Member States.
 - 3) The need to provide legal tools regarding ICAO's responsibility in the event of accidents or incidents occurring after ICAO audits and introducing amendments based on the results of ICAO audits. The civil aviation safety oversight structure mandates CAAs to issue licenses, inspect the validity of licensing requirements, and resolve safety issues by the operator or service provider.
 - 4) It is also possible to continue other similar ICAO programmes (such as the evolution of the ASBUs), without adding a new audit process that lacks any legal foundation, and mixes the responsibilities of the Organization, its Member States and the entities subject to the latter's oversight and regulation.
 - 5) If it becomes necessary to raise the minimum requirements in the field of air navigation, it will be necessary to follow the ICAO standard methodology, adopted since its establishment, of Annex amendments, and the Protocol Questions (PQs) should be updated accordingly and included in the appropriate existing international audit programmes.
 - 6) The financial burden shouldered by ICAO; some audit and evaluation programmes had to be abandoned after engaging in them for years, such as the State Safety Programme (SSP), which is to be included in USOAP-CMA to reduce expenses and enhance the relationship between ICAO and Member States in matters of civil aviation safety oversight, under which air navigation services are included, as one of the audit areas.