



WORKING PAPER

ASSEMBLY — 41ST SESSION

EXECUTIVE COMMITTEE

Agenda Item 13: Facilitation Programmes

ESTABLISHMENT OF FACILITATION OVERSIGHT SYSTEM

(Presented by the African Civil Aviation Commission (AFCAC) on behalf of 54 African States¹)

EXECUTIVE SUMMARY

Successful implementation of Facilitation requires close coordination and collaboration between government entities, border control authorities, and the industry. Standard 8.19 of Annex 9 emphasizes the need to have established National Air Transport Facilitation Committee (NATFC) that provides a forum for consultation and information sharing about facilitation matters amongst government agencies, stakeholders, and industry at the National and airport levels. While Annex 9 — *Facilitation* first came into being in 1949, its implementation has largely lagged compared to safety and security Annexes.

This working paper highlights the need to establish a National Facilitation oversight system and a department responsible for Facilitation under the purview of Civil Aviation Authorities (CAAs) to enable Member States to monitor the effective implementation of Annex 9 — *Facilitation* Standards and Recommended Practices (SARPs). A National Facilitation oversight system will ensure that the aviation industry provides a level of air transport facilitation equal to, or better than, that defined by the SARPs. Additionally, it will give States the impetus and political will to enhance the full implementation of the provisions of Annex 9 — *Facilitation*.

Action: The Assembly is invited to:

- a) urge States to establish a National Facilitation Oversight System;
- b) urge States to designate appropriate authority for facilitation oversight, preferably the Civil Aviation Authority, with appropriate funding;
- c) request ICAO to assist States in developing a self-assessment mechanism to assess States' level of implementation of the provisions of Annex 9 — *Facilitation*; and
- d) request ICAO to develop training for Facilitation oversight inspectors to enhance capacity building.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objectives: <i>Security and Facilitation</i> .
<i>Financial implications:</i>	No additional financial implications.
<i>References:</i>	Annex 9 — <i>Facilitation</i> (15 th Edition 2017)

¹ Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cabo Verde, Central African Republic, Chad, Comoros, Cote d'Ivoire, Democratic Republic of the Congo, Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, São Tomé and Príncipe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan, Sudan, Tanzania, Togo, Tunisia, Uganda, Zambia, Zimbabwe.

1. INTRODUCTION:

1.1 The Facilitation Programme (FAL Programme) is aimed at providing the necessary tools for Member States to set realistic goals and objectives in their national Facilitation (FAL) Programmes and guidance to assist them in taking the necessary steps to achieve the goals and objectives. The core of the FAL Programme is improving border control and clearance procedures so that they are more efficient and effective in ensuring compliance.

1.2 Standard 8.19 obliges States to establish National Air Transport Facilitation Committee (NATFC) to coordinate broad policy issues at the national level. Airport Facilitation Committees are required to be set up to harmonize various practical, day-to-day issues and find solutions to problems that might arise at the local level. Implementing FAL Programme, as set out in Annex 9 and other related documents involves civil aviation authorities and other governmental departments whose primary interests lie in fields other than aviation. The challenge for the FAL Programme is to address all of these interests in a coordinated manner, while working towards the objective of a more efficient, orderly, and attractive transportation product.

1.3 The lack of a comprehensive audit of Annex 9 — *Facilitation* SARPs contributes to States not prioritizing the implementation of Facilitation provisions. Therefore, there is a need to establish a national oversight mechanism for Facilitation to enable States monitor the effective implementation of Annex 9 — *Facilitation* SARPs and set up a Coordinating Structure with State Agencies to develop legislation and training programmes as well as provide resources to implement an effective quality control system. In addition, a National Facilitation Oversight System will ensure that the aviation industry provides a level of air transport facilitation equal to, or better than, that defined by the SARPs.

2. DISCUSSION

2.1 Whereas the structure of a National Facilitation Oversight System is an internal matter of the State, there may be a need to centralize facilitation regulatory and oversight matters under one entity. The Designated Authority responsible for the National Air Transport Facilitation Programme (NATFP) should establish an oversight structure that coordinates with all responsible Ministries, Departments, and Agencies (MDAs), involved in facilitation. The MDAs should keep full responsibility for their specific areas of competence while coordinating with the designated/coordinating authority.

2.2 The designated authority responsible for the NATFP should not try to assume the responsibility for implementing the entire NATFP itself, to the exclusion of the industry and other MDAs involved in facilitation. Instead, the designated authority should request MDAs to formally appoint facilitation focal persons to enhance processes and procedures to facilitate movement and improve efficiency, productivity, and service quality of air transport.

2.3 The tasks involved in the regulation and oversight of facilitation of air transport include audits, inspections, tests, reviews, and analyses. The satisfactory performance of these functions will depend largely on the qualifications, experience, and competence of personnel responsible for oversight of air transport facilitation activities. Therefore, ICAO needs to introduce training for facilitation oversight inspectors to give them knowledge and understanding of the methodology, tools, and techniques used for inspecting facilitation standards. Personnel responsible for the regulation and oversight of facilitation activities should be fully qualified with specific regulatory skills and demonstrate appropriate technical knowledge.

2.4 The designated authority within a State responsible for facilitation oversight needs to be provided with the necessary human and financial resources to enable them to fulfil their oversight responsibilities effectively. Adequate funding is essential to establishing and sustaining a Facilitation Oversight System.

3. RECOMMENDATION

3.1 Member States should endeavour to work closely with ICAO to establish a National Air Transport Facilitation Oversight System on a similar model that was used to develop Safety and Aviation Security oversight systems. This may include but not limited to the development of primary Legislation to anchor the requirements of facilitation in the National Legislation, establishing regulations and national facilitation programmes to domesticate Annex 9 — *Facilitation* SARPs, establishing the appropriate authority with clear responsibilities to regulate the industry, and establishing minimum knowledge and experience requirements for technical personnel performing the State FAL oversight and regulatory functions.

3.2 States should appoint focal persons in the multifaceted agencies to handle the different technical functions but with a direct reporting line to the coordinating Agency and the regulator, and establish a robust and functional annual inspection schedule to check compliance. *This will promote effective implementation and enhance States' compliance with Annex 9 — Facilitation SARPs.*

— END —