



**WORKING PAPER**

**ASSEMBLY — 40TH SESSION**

**EXECUTIVE COMMITTEE**

**Agenda Item 13: Audit Programmes – Continuous Monitoring Approach**

**ENHANCEMENT OF PROTOCOL QUESTIONS UNDER THE USOAP PROGRAMME**

(Presented by United Arab Emirates)

**EXECUTIVE SUMMARY**

The UAE recognises and supports the recommendations formulated by GEUSR and validated by the ICAO Council, as presented in Working Paper A40-WP/11-EX/6. Over and above the recommendations of the working paper mentioned above, the UAE hereby proposes additional points of enhancement of the tool used by ICAO in assessing States' compliance in the USOAP.

This paper calls on ICAO to consider an objective based approach when assessing State's compliance to Protocol Questions (PQs). In order to achieve this, ICAO may need to consider further training of its auditors on identifying whether a States has achieved the objective of enhancing aviation safety rather than basing an audit on PQs that are prescriptive in nature.

**Action:** The Assembly is invited to:

- a) recommend to ICAO to enhance its assessment of the level of compliance of States by ensuring that the Protocol Questions are premised on the objective to be achieved rather than being prescriptive;
- b) recommend to ICAO that PQs should be communicated to States for consultation prior to adoption, as part of quality enhancement. This consultation could be achieved by utilising the State letter process; and
- c) request ICAO to create a better synergy among National Continuous Monitoring Coordinators (NCMCs), either by establishing an online network of these experts which will facilitate data exchange and sharing with others.

<i>Strategic Objectives:</i>	This working paper relates to the Strategic Objectives: Safety, Air Navigation Capacity and Efficiency, and Economic Development of Air Transport
<i>Financial implications:</i>	This Working Paper has no financial implications
<i>References:</i>	Doc 9859, <i>Safety Management Manual (SMM)</i> Annex 19 – <i>Safety Management</i>

## 1. INTRODUCTION

1.1 Since its inception, the Universal Safety Oversight Programme (USOAP) has significantly contributed to enhancing safety worldwide. Since audits help identifying areas for improvement and also audits are used by all States for mitigating the risks induced by another operator or States into their own system.

1.2 The instruments used by ICAO in assessing State's level of compliance to the USOAP as well as to the safety management system (SMS) and State Safety Programme (SSP) requirements are the Protocol Questions (PQs), which contain guidance mainly used by ICAO auditors when assessing a State as well as by the State in its self-assessment. States are required to ensure that they are able to comply with, and show evidence of conforming to the matters required in the PQs. In some instances, as indicated in the discussion below, the prescriptive nature of the PQs may not assist in achieving the purpose for which they are designed.

1.3 The introduction of safety management system and the requirement for States to develop and implement a State Safety Programme, is a welcome step towards the enhancement of the safety of civil aviation. Just as is the case with USOAP, the requirement for the implementation and assessment of safety standards to 193 Member States is not an easy task for ICAO considering the significant differences in the State's legislative, political and economic conditions.

1.4 The UAE appreciates and is highly grateful to the ICAO Secretary General and the experts of the GEUSR who convened to recommend some evolutions in the USOAP. However, we believe that a lot still needs to be done if we intend to enable States to achieve an acceptable level of implementation of the ICAO critical elements.

## 2. DISCUSSION

2.1 Protocol Questions are a significant tool developed by ICAO which ICAO and States use to assess States' level of compliance to ICAO Standards and Recommended Practices (SARPs). During ICAO Assembly A39, a resolution was made for ICAO to conduct an evaluation of the USOAP and Post-Implementation Review. The outcome of such project is presented by ICAO Secretary General under A40-WP/11-EX/6.

2.2 This paper is presented to highlight further points of enhancement of the PQ development process as well as implementation thereof.

2.3 In our view, when conducting assessments of State's compliance to ICAO Standards, ICAO needs to put in place an objective based principle where if it is proven that a State is meeting the objectives of the PQ, then there is no need to follow the prescriptive guidance.

2.4 For instance, some PQs require an assessment of whether a State has sufficient resources to undertake its surveillance objectives and also whether the resources are commensurate with the complexity of aviation activities in such State. In relation to these PQs, and in order to ensure compliance therewith, a State can be required to demonstrate by showing that it is able to meet its surveillance programs, certification obligations, timely resolution of safety issues etc. This, therefore, should do away with the need for an auditor to require evidence relating to methodologies of ascertaining the number of resources or amount of finances a State has.

2.5 Our view is that following the objective based approach would yield positive results from the point of view of the Global Aviation Safety Plan (GASP). To achieve this objective, ICAO may have to consider the review of some PQs, whilst at the same time ensuring that the auditors are fully trained on how to review the PQs in an objective rather than prescriptive way.

2.6 Another example of a PQ that requires reconsideration is the State Safety Programme (SSP) PQ relating to the requirement for the designation of an entity who is tasked with the responsibility for the implementation of an SSP in a State. SSP, by definition, is an integrated set of rules and regulations aimed at improving aviation safety. The SSP is intended to address the civil aviation safety management functions and responsibilities of a State. States are required to promulgate a primary aviation law which, among others, establishes a civil aviation authority vested with the power to manage civil aviation safety within the State. The requirement, therefore, for the designation of an entity, usually the civil aviation authority, for purposes of implementation of SSP is viewed as cumbersome and unnecessary.

### 3. CONCLUSION

3.1 The UAE supports the conclusions and thanks ICAO and contributing experts and States for their outstanding work. In our view, the enhancement of the Protocol Questions as suggested in this paper is highly likely to have a positive impact towards the level of effective implementation of ICAO's critical elements by States, which will also serve the objective of NCLB initiative.

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