



ASSEMBLY - 35th SESSION

EXECUTIVE COMMITTEE

Agenda Item 13.2: Transition to a New Policy on Technical Cooperation

NEW PERSPECTIVE FOR THE PROVISION OF TECHNICAL CO-OPERATION

SUMMARY

This paper provides information on the follow-up action taken by the Council on *Resolving* Clause 8 of Resolution A33-21, Update of the New Policy on Technical Co-operation. In particular, it considers the need to accord greater operational flexibility to the Technical Co-operation Bureau while maintaining the appropriate controls and safeguarding the Organization against potential risks. The paper also proposes the expansion of the provision of ICAO assistance through the Technical Co-operation Programme to non-State entities implementing projects in States, upon request, and presents a resolution in this regard.

1. INTRODUCTION

1.1 Upon consideration of a report on the progress of the implementation of the New Policy on Technical Co-operation, the 33rd Session of the Assembly adopted Resolution A33-21 whereby it “encourages the Council and the Secretary General to adopt a structure and implementation mechanism for the Technical Co-operation Bureau (TCB) that would use commercially related practices to allow fruitful partnerships with funding partners and recipient States” (A33-21, *Resolving* Clause 8). The Assembly directed the Council to report to the next ordinary session of the Assembly regarding the plan and the measures taken to implement this Resolution.

2. PROGRESS OF THE FOLLOW-UP ACTION

2.1 During its deliberations on the follow-up action to be taken on *Resolving* Clause 8 of Resolution A33-21, the Council, in acknowledging that the Technical Co-operation Programme should continue with its fundamental objective of providing assistance to States under the cost-recovery principle, recognized that it is necessary to allow for some flexibility in light of changing circumstances and civil aviation developments worldwide.

2.2 Particular consideration was given to the changes effected by the drastic decrease in UNDP core funding of civil aviation projects, representing today less than 3 per cent of the total Technical Co-operation Programme, the consequent need for TCB to undertake further mobilization of financial resources for developing States, and the new challenges encountered by ICAO in responding to specific requirements of funding partners and recipient States.

2.3 In connection with the introduction of commercially oriented practices in TCB, the Council stressed that the Technical Co-operation Programme should always operate within the rules and procedures of ICAO. The Council concluded that a greater degree of operational flexibility should be accorded to TCB, while maintaining an equitable balance between the degree of autonomy granted and the degree of oversight and control exerted over technical cooperation activities.

3. PROVISION OF SERVICES TO NON-STATE ENTITIES

3.1 In order to widen its role in providing technical assistance to Contracting States in the effective implementation of ICAO SARPs and ANPs and in the remedying of deficiencies identified through ICAO audit activities, TCB needs to be able to respond to the increasing requests for assistance from non-State entities (public and private) implementing projects for Contracting States in the field of civil aviation that aim at enhancing the safety, security and/or efficiency of international air transport.

3.2 In furtherance of ICAO objectives, the expansion of TCB activities would allow the opportunity for those entities requesting assistance to benefit from ICAO's cost-effectiveness, neutrality and technical expertise in the traditional technical cooperation fields.

3.3 Assistance presently requested from ICAO by non-State entities refers to the traditional technical cooperation areas, such as recruitment of project personnel, provision of field expertise, procurement of equipment and fellowship training. In particular, TCB's support has been increasingly sought after by non-State entities to ensure that the projects they implement for Contracting States are in accordance with ICAO SARPs.

3.4 In order to protect the Organization, requests for assistance from non-State entities shall be considered on a case-by-case basis, in accordance with established ICAO mechanisms and approval procedures, and thus subject to the approval in principle of the President of the Council and the signature of the project document by the Secretary General. Services shall be provided on the basis of the framework agreements on technical cooperation already in use by ICAO, such as Management Service Agreements (MSAs), Trust Fund (TF) agreements, and the Civil Aviation Purchasing Service (CAPS). Any new agreements or proposed amendments to existing model agreements, and procurement contracts shall be submitted to the Legal Bureau and Finance Branch for review before signature, as appropriate. Above all, no technical cooperation services shall be provided by ICAO to non-State entities in competition with any third party. Furthermore, it should be noted that ICAO does not participate in competitive tendering.

3.5 Concerns were expressed by Council regarding the increase in the potential risks to ICAO's reputation as well as its legal and financial obligations that could result from the increase in the scope of the provision of technical cooperation by adopting the new commercially oriented practices by TCB and how to safeguard the Organization from this potential risk. For this, the Technical Co-operation Bureau, in adopting commercially oriented practices, must continue to:

- a) strictly follow ICAO's rules, regulations and procedures;

- b) utilize existing framework agreements that have already been reviewed and approved by the Legal Bureau (LEB) and the Finance Branch (FIN) and any necessary modification must be reviewed, on a case-by-case basis, by LEB and FIN and;
- c) protect the Organization from professional liability through the continuation and renewal of the Professional Liability Insurance Policy purchased by TCB.

4. FINANCIAL IMPACT OF THE PROPOSED ACTION

4.1 The proposed work set out in this working paper would be undertaken within the resources available under the Technical Co-operation Programme (TCP) of the draft Programme Budget for 2005-2006-2007.

5. ACTION BY THE ASSEMBLY

5.1 The Assembly is invited to adopt the new draft Resolution in the Appendix.

APPENDIX

DRAFT ASSEMBLY RESOLUTION 13.2/2

Resolution 13.2/2

Expansion of ICAO Technical Co-operation Activities

Whereas A33-21 affirmed that the Technical Co-operation Programme is a permanent priority activity of ICAO that complements the role of the Regular Programme in providing support to States in the effective implementation of Standards and Recommended Practices (SARPS) and Air Navigation Plans (ANPs) as well as in the development of their civil aviation administration infrastructure and human resources;

Whereas the Council agreed that greater operational flexibility should be accorded to the Technical Co-operation Bureau with the appropriate oversight and control over technical cooperation activities;

Whereas A33-21 encouraged the Council and the Secretary General to adopt a structure and mechanism that would use commercially oriented practices to allow fruitful partnerships with funding partners and recipient States;

Whereas harmonized and fully SARPs-compliant project implementation by TCB or any other third party outside ICAO results in substantially enhanced safety, security and efficiency of civil aviation worldwide;

Whereas non-State entities (public and private) implementing projects for Contracting States in the field of civil aviation increasingly call upon ICAO, through the Technical Co-operation Bureau, to provide advice and assistance in the traditional technical cooperation fields and ensure project compliance with ICAO SARPs;

The Assembly:

1. *Resolves* that ICAO should expand the provision of technical cooperation services, upon request, to non-State entities (public and private) implementing projects in Contracting States in the field of civil aviation that aim at enhancing the safety, security and efficiency of international air transport;
2. *Stresses* that the Technical Co-operation Programme should always operate within the rules, regulations and procedures of ICAO;

3. *Directs* the Secretary General to consider, on a case-by-case basis, the requests from non-State entities (public and private) implementing projects in Contracting States in the field of civil aviation for the provision of ICAO assistance in the traditional technical cooperation areas, with particular regard to project compliance with ICAO SARPs.

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