INTERNATIONAL CIVIL AVIATION ORGANIZATION

ASSEMBLY — 35TH SESSION

EXECUTIVE COMMITTEE

Agenda Item 16:   **Improvement of safety oversight**

UNIFIED STRATEGY TO RESOLVE SAFETY-RELATED DEFICIENCIES

SUMMARY

This paper outlines a unified strategy to assist Contracting States experiencing difficulties in correcting safety deficiencies. The unified strategy, which responds to Resolution A33-9, provides for the identification of problems, the analysis of root causes, the tailoring of solutions and implementation methods at a regional, sub-regional or State level. Increased transparency, partnership, cooperation and assistance are the basic principles of the strategy. ICAO regional offices will have a leading role for the implementation of the strategy.

The appendix contains a draft resolution on the subject for consideration by the Assembly.

Action by the Assembly is in paragraph 9.

REFERENCES

A35/WP/7
A35-WP/35
A35-WP/60
A35-WP/67
Doc 9790, *Assembly Resolutions in Force* (as of 5 October 2001)
Doc 7300, *Convention on International Civil Aviation*

1.   **INTRODUCTION**

1.1   Assembly Resolution A33-9, *Resolving deficiencies identified by the Universal Safety Oversight Audit Programme and encouraging quality assurance for technical cooperation projects*,

recognized that some States did not have the resources, financial or human, to resolve their deficiencies without assistance. The Assembly requested the Secretary General to ensure that all the expertise of the organization be used, to the extent possible within budgetary constraints, to provide assistance to States in need.

1.2   The Council in the 171st Session, further to a progress report on the Universal Safety Oversight Audit Programme (USOAP), expressed concern at the percentage of States that proved unable to implement their action plan and to correct deficiencies. It therefore requested the Secretary General to develop a strategy to assist and urge States to remedy the deficiencies identified.

1.3   This paper proposes action by ICAO to assist States with the development of sustainable solutions to resolve safety deficiencies. It contains a unified strategy to address deficiencies through increased transparency, cooperation and assistance. Another element of the strategy is the establishment of partnerships between ICAO, States, airspace users, air navigation services providers and industry. All these parties share a responsibility for maintaining a safe international air transport system and have a role in contributing to a global seamless safety oversight system in a transparent manner by sharing safety-related information. Financial institutions are also partners in assisting States for improving their safety oversight programmes.

2.   **PROBLEM STATEMENT**

2.1   As indicated in the progress report on the implementation of USOAP in A35-WP/67, which will be presented to the Executive Committee under Agenda Item 16, overall results of the programme are encouraging. An analysis of the one hundred and fifty three audit follow-up missions conducted by 31 July 2004 revealed that most Contracting States continue to make progress in the implementation of their corrective action plans and the resolution of safety deficiencies. However, while these results are encouraging, it is noted with concern that a number of States have not made satisfactory progress in the resolution of safety deficiencies identified at the time of their initial audits. Audit follow-up missions indicate that approximately thirty per cent of the audited States experience difficulties in the implementation of their corrective action plans in relation to operating regulations, qualified technical personnel and the resolution of safety issues. The problem was not limited to any particular region or level of development. It should also be noted that eight Contracting States listed in paragraph 2.1.1 of the afore-mentioned working paper have not submitted any corrective action plan since their initial audit.

2.2   The audits have also revealed organization-related problems, arising mainly from a lack of commitment by certain Governments to adequately support their civil aviation authorities. Where such problems exist, the consequences include incorrect and insufficient safety oversight, and subsequent safety deficiencies.

3.   **UNIFORM IMPLEMENTATION**

3.1   Contracting States are expected to ensure the safety of air operations through the uniform implementation of Standards and Recommended Practices (SARPs) and procedures, in accordance with Article 37 of the Convention. In this connection, States have a responsibility to establish and perform their own safety oversight in all areas related to flight safety.

4.   **MUTUAL RECOGNITION**

4.1   The Convention on International Civil Aviation and its Annexes provide the legal recognition and operational framework for Contracting States to build a civil aviation safety system based on mutual trust and recognition. For example, Article 33 of the Convention requires Contracting States to recognize as valid, certificates of airworthiness and personnel licences issued by another Contracting State, provided that the requirements under which such documents were issued are equal to or above the minimum Standards established under the Convention. This implies, prior to any recognition, that States be satisfied with other States' level of adherence to ICAO provisions and safety oversight provided. This can either be performed directly through bilateral contacts or by analysing the ICAO safety oversight audit results for the States concerned. These results are available to all Contracting States in the form of audit summary reports. These reports provide information to identify those States having difficulties in maintaining their safety oversight capability and performance. Contracting States have a responsibility to assist in the global safety oversight effort by increasing vigilance and taking appropriate action.

5.   **TRANSPARENCY AND INCREASED DISCLOSURE**

5.1   Assembly Resolution A32-11, *Establishment of an ICAO universal safety oversight audit programme*, which launched USOAP, requested in Resolving Clause 1 "that greater transparency and increased disclosure be implemented in the release of audit results".

5.2   As part of USOAP, ICAO has developed an Audit Findings and Differences Database (AFDD) in order to analyse the audit findings and thus accurately identify deficiencies impacting on safety. Beyond the current practice of distributing non-confidential audit and audit follow-up summary reports to all Contracting States by State letter, additional information from the AFDD could be made available to all Contracting States through the use of the ICAO secure web site.

5.3   In June 2004, the Council agreed that, as a means of increasing transparency, audit reports be issued in their entirety, which would be reflected in the generic Memorandum of Understanding relating to the conduct of USOAP audits under the envisaged comprehensive systems approach (A35-WP/7).

5.4   The principle of transparency, while meeting the requirements of USOAP for confidentiality and fairness, has served the aviation community well. However, it has become evident that additional safety-related information, e.g. ramp checks, non-ICAO audit programmes, incident and accident reports would also be useful to States. On the basis of such information, as well as that provided through the ICAO audit reports, civil aviation authorities may identify safety deficiencies and take appropriate measures affecting specific foreign air operators, e.g. placing additional conditions upon access to their airspace.

5.5   ICAO should facilitate the analysis by States of safety-related information, including information contained in audit reports, to permit States to identify those States that do not meet ICAO requirements. While States may always take unilateral measures in the interest of safety in their airspace, the Council considered that a multilateral approach was preferable in any necessary action to ensure that safety-related deficiencies were addressed, and that ICAO was in the best position to take multilateral action. Furthermore, the Council agreed that, as a last resort, it should warn a State that the latter was not complying with its safety obligations under the Convention. In this context, it is noted that several articles of the

Convention provide for action by the Council regarding States and their international airlines in relation to compliance with the provisions of the Convention.

5.6   States are responsible for taking measures, including the imposition of additional conditions to ensure that safety deficiencies are addressed. Transparency is a key element to enable flight safety to be maintained worldwide. Information related to safety deficiencies and subsequent additional conditions imposed on operators should be made available to all Contracting States. There may be a role for ICAO to assist States in accessing this type of information. Making links to safety web sites of credible organizations available on the ICAO secure website may provide States with such assistance.

5.7   The increased transparency referred to in the previous paragraphs would also be useful to States willing to provide assistance to those States having difficulty, in a more focussed and effective manner.

6.   **ENHANCING SAFETY OVERSIGHT PERFORMANCE**

6.1   The provision of support to States in the implementation of their corrective action plans is not a new idea in ICAO, some States and other organizations have been providing support to States upon request, in most cases through dedicated technical assistance projects. However, this approach has not always been as efficient and effective as intended in correcting deficiencies. A partnership approach is envisaged to analyse causes, develop and implement solutions in a more business-like approach. ICAO, as a partner, could assist in the development of sustainable solutions to resolve safety deficiencies resulting from insufficient safety oversight in individual States or groups of States. This approach, however, can only be successful where commitment from Governments is achieved and maintained.

6.2   Partnerships between States have been successful in strengthening individual State safety oversight capability. These partnerships may be limited to a State-specific technical cooperation project where dedicated experts are provided by one or more donor States to assist a State authority in the development and implementation of its safety oversight capability.

6.3   Another type of partnership involves a group of States sharing experts for the development of regulations, procedures and training. The Cooperative Development of Operational Safety and Continuing Airworthiness Programme (COSCAP) developed by the ICAO Technical Co-operation Bureau (TCB) and implemented in several sub-regions are examples of this type of partnership. These projects have, inter alia, provided flight safety training to government safety oversight and air operations personnel.

6.4   An even closer partnership has been created by some States, through the establishment of a sub-regional organization responsible for the performance of safety oversight tasks for their member States. Some examples of such organizations are: Autorité Africaine et Malgache de l'Aviation Civile (AAMAC); the Regional System for Cooperation on Operational Safety Oversight (SRVSOP) of the Latin American Civil Aviation Commission (LACAC); the Regional Aviation Safety Oversight System for the Caribbean (RASOS); the Central American Agency for Aviation Safety (ACSA); and the Pacific Aviation safety Organization (PASO). In the specific case of ACSA, common regulations were adopted and a regional core of qualified flight operations and airworthiness inspectors perform the full range of flight safety inspection functions on behalf of the participating States. This arrangement has produced measurable results in follow-up missions of USOAP.

6.5   The root causes of persistent problems in implementing effective safety oversight and the development of sustainable solutions need to be analysed in a partnership approach involving the Air Navigation Bureau (ANB), the appropriate ICAO regional office and the States concerned. Regional offices, as the operative arm of ICAO most familiar with the regional environment, are well positioned to identify root causes for difficulties experienced by States within their areas of accreditation. Regional offices should also have a leading role in fostering collaboration between States in the development of solutions to common problems and in the tailoring of partnerships and solutions to specific circumstances. This includes the establishment of sub-regional safety oversight organizations. Planning and implementation regional groups (PIRGs) are expected to contribute to this collaboration process.

6.6   TCB is in a position to seek and provide expertise and identify additional resources as required for the development of solutions. These solutions need to be tailored to the level and complexity of aviation activities in the concerned State(s) and formulated as business plans with clearly identified deliverables, time lines and milestones.

6.7   Under the unified strategy, partnerships are not limited only to States and ICAO; the Organization should foster cooperation and partnerships between States, industry, air navigation service providers, other stakeholders and financial institutions with the objective of assisting States in improving their safety oversight. States in principle cannot delegate their responsibilities regarding flight safety (except under Article 83 bis). However, it is possible for them to delegate or transfer certain functions and duties to other authorities, or to specific entities, by mutual agreement, to perform tasks which would help them discharge their responsibilities for safety oversight. Even in the case of such transfers, any delegating State will remain fully responsible under the Convention, for instance under Article 28 thereof.

7.   **IMPLEMENTATION**

7.1   Implementation of sustainable solutions is the most critical aspect of the strategy. Overall coordination would be provided by ANB so that TCB would assist in identifying donors, arrange for expertise to be provided and manage implementation projects, as required. As the strengthening of safety oversight is directly related to safety-related deficiencies identified through USOAP, the financing of sustainable solutions through partnerships may be obtained through loans and/or grants from various donors or financing mechanisms, including the International Financial Facility for Aviation Safety (IFFAS) to which States may wish to submit an application accordingly.

7.2   Progress on implementation of the aforementioned plans would be monitored by regional offices which would identify any emerging difficulties with the process, including time lines and major milestones, and provide feedback to ICAO Headquarters and other partners involved. Similarly, the partners will use the feedback received from regional offices to adjust the business plan as required to overcome difficulties encountered.

7.3   The Flight Safety Enhancement Programme (FSEP), designed to provide assistance by making available generic examples of technical procedures, could be used in the implementation of the strategy, under any of the envisaged partnerships. Details concerning FSEP are contained in Assembly working paper A35-WP/60 to be considered under Agenda Item 24.

7.4   To ensure optimum effectiveness of the unified strategy to resolve safety deficiencies, its implementation should be monitored closely. To this end, the Council should implement an efficient

monitoring system. The regional offices would have a key role in this process. It is envisaged the Secretary General will provide regular reports to Council.

8.   **FINANCIAL IMPACT**

8.1   Implementation of this strategy will be achieved primarily through the realignment of resources rather than the addition of new resources. However, some expense may be incurred by the Secretariat in the development of information-sharing technologies to implement the intent of paragraph 5. Careful integration of this technology requirement into other technology requirements specified in A35-WP/35 on efficiency and effectiveness should allow the Secretariat to manage these costs within the budget proposed to the Assembly. If necessary, the Secretariat will solicit technical support from States to contain this cost within budgeted levels.

9.   **ACTION BY THE ASSEMBLY**

9.1   The Assembly is invited to:

   a) note the information provided in paragraph 2, relating to the difficulties encountered by some States in the implementation of their corrective action plans;

   b) agree that States share the responsibility to strengthen worldwide safety oversight;

   c) endorse the concept of a unified strategy to correct safety deficiencies and the supporting principles of increased transparency, partnership, cooperation and assistance described in this paper; and

   d) adopt the resolution contained in the appendix to this working paper relating to the unified strategy to resolve safety deficiencies.

— — — — — — — —

APPENDIX

A35 — DRAFT RESOLUTION

**UNIFIED STRATEGY TO RESOLVE SAFETY-RELATED
DEFICIENCIES**

Whereas a primary objective of the Organization continues to be that of ensuring the safety of international civil aviation worldwide;

Whereas ensuring the safety of international civil aviation is also the responsibility of Contracting States both collectively and individually;

Whereas in accordance with Article 37 of the Convention on International Civil Aviation each Contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulation, standards, procedures and organization in relation to aircraft, personnel, airports, airways and auxiliary services in all matters in which uniformity will facilitate and improve air navigation;

Whereas the improvement of the safety of international civil aviation on a worldwide basis requires the active collaboration of all stakeholders;

Whereas the Convention and its Annexes provide the legal and operational framework for Contracting States to build a civil aviation safety system based on mutual trust and recognition, requiring that all Contracting States implement the SARPs as far as practicable and adequately perform safety oversight;

Whereas the results of the Universal Safety Oversight Audit Programme (USOAP) indicate that several Contracting States have not yet been able to establish a satisfactory national safety oversight system;

Whereas the ICAO Technical Cooperation Bureau (TCB) can provide the required assistance to States in need;

Whereas the International Financial Facility for Aviation Safety (IFFAS) has been established to assist Contracting States in financing safety-related projects to correct deficiencies primarily identified through USOAP and for which they cannot otherwise provide or obtain necessary financial resources;

Recognizing that not all Contracting States have the requisite human, technical and financial resources to adequately perform safety oversight;

Recognizing that the assistance available to Contracting States experiencing difficulties in correcting deficiencies identified through the safety oversight audits would be greatly enhanced by a unified strategy involving all Contracting States, ICAO and other concerned parties in civil aviation operations;

Recognizing that transparency and sharing of safety information is one of the fundamental tenets of a safe air transportation system;

The Assembly:

1.   *Urges* all Contracting States to share with other Contracting States critical safety information which may have an impact on the safety of international air navigation and to facilitate their access to all relevant safety information;

2.   *Encourages* Contracting States to make full use of available safety information when performing their safety oversight functions, including during inspections as provided for in Article 16 of the Convention;

3.   *Directs* the Council to further develop practical means to facilitate the sharing of such safety information among Contracting States;

4.   *Reminds* States of the need to exercise vigilance of foreign operations within their territory and to take appropriate action when necessary to preserve safety;

5.   *Urges* Contracting States to further develop regional and sub-regional cooperation and, whenever feasible, partnership initiatives with other States, industry, air navigation service providers and financial institutions to strengthen safety oversight capabilities in order to foster a safer international civil aviation system and to better discharge their individual responsibilities;

6.   *Encourages* States to foster the creation of regional or sub-regional partnerships to collaborate in the development of solutions to common problems to build their individual safety oversight capability;

7.   *Invites* States to use the services of the ICAO technical Cooperation Bureau (TCB) to resolve deficiencies identified by the USOAP;

8.   *Invites* Contracting States experiencing difficulties in financing measures necessary to correct safety-related deficiencies identified through USOAP to take advantage of the funding opportunity offered by the International Financial Facility for Aviation Safety (IFFAS).

9.   *Requests* the Council to implement a unified strategy based on the principles of increased transparency, cooperation and assistance and to foster, where appropriate, partnership among States, users, air navigation service providers, industry, financial institutions and other stake holders to analyse causes, establish and implement sustainable solutions in order to assist States in resolving safety-related deficiencies; and

10. *Requests* the Council to implement an efficient system to monitor implementation of the unified strategy, with active involvement of the regional offices.

Associated Practice

1.   The Council should develop ways in which information from the Audit Findings and Differences Database (AFDD) could be made available to all Contracting States through the use of the ICAO secure website.

— END —