



ASSEMBLY – 35TH SESSION

EXECUTIVE COMMITTEE

- Agenda Item 16: Improvement of safety oversight**
Agenda Item 16.1: Progress report on the implementation of the ICAO Universal Safety Oversight Audit Programme (USOAP)

DEVELOPMENTS SINCE THE 33RD SESSION OF THE ASSEMBLY

(Presented by The International Federation of Air Traffic Controllers' Associations)

SUMMARY

At the time of the convening of the 33rd ICAO Assembly in the Fall of 2001, the aviation industry was focusing on safety and security issues relating to both the Universal Safety Oversight Audit Program (USOAP) and, consequently the Global Aviation Safety Plan (GASP). The primary objective of ICAO remains ensuring the safety of international civil aviation through the promotion and implementation of international standards and practices. States are reminded that promoting the implementation of these standards and practices contributes to the over-all objective, and to their responsibilities for system safety. Audits conducted under the USOAP have indicated that some States experience difficulties in the implementation of ICAO SARPs and that critical elements of some States' safety oversight system may require assistance to overcome identified safety concerns. States are urged to apply political will, and Regional planning and implementation groups are called upon to identify problems and shortcomings leading to remedial action. Despite some significant improvements, IFATCA has concerns in several areas, identified in this paper.

Action by the Assembly is in paragraph 4.

1. INTRODUCTION

1.1 At the ICAO 33rd Assembly several important resolutions concerning particular elements of the ICAO Universal Safety Oversight Audit Program and the ICAO Global Aviation Safety Plan were adopted. The Assembly reminded us that the primary objective of ICAO continues to be ensuring the safety of international civil aviation. Recognizing that the implementation of the USOAP had been instrumental in the identification of safety concerns and in providing recommendations for their resolution, and realizing the continuation and expansion of the USOAP is essential to ensure the adequate

implementation of safety-related Standards and Recommended Practices, the Assembly resolved that the program be expanded to Annex 11- Air Traffic Services and Annex 14- Aerodromes in 2004. It is IFATCA's opinion that in the area of Air Traffic Services, improvements need to be realized.

2. DISCUSSION

2.1 Audits conducted under the USOAP have revealed that some States experience difficulties in the implementation of ICAO SARPs and other elements of their State's safety oversight system. IFATCA has on several occasions received credible information from its Member Associations indicating that safety oversight in their country leaves room for improvement. There appears to exist in some States, an apparent lack of "due diligence" in the application and monitoring of a Safety Management System. This, in spite of the various avenues of assistance available to States, such as ICAO's Technical Co-operation Bureau, one of the main instruments of ICAO to assist States in remedying the deficiencies identified through assessment and audit activities. ICAO has the expertise and experience to provide valuable assistance to States and international organizations should they experience difficulties in dealing with deficiencies. .

2.2 Resolution A33-16: The ICAO Global Aviation Safety Plan (GASP) urged all Contracting States to provide the needed support for the various elements of the ICAO Global Aviation Safety Plan. It also recognized that the human element in the aviation system is of paramount importance to accident prevention initiatives and aviation safety. Irrespective of global recognition of humans as the "key" to safety, certain States have in the recent past chosen to abandon long-standing and accepted international terms of reference pertaining to the assurance and maintenance of high levels of safety in aviation, by deploying non-current and/or unqualified personnel to man air traffic control positions. Professionally trained and licensed air traffic controllers have on several occasions been removed from control positions and replaced with said unqualified personnel, as part of "contingency plans" to deal with professional, industrial matters. It is policy of the International Federation of Air Traffic Controllers' Associations that in the interests of guaranteeing safety, controllers shall not be replaced by any personnel who do not hold an air traffic controller's license in accordance with the International Civil Aviation Organization (ICAO) Annex 1, with the ratings, recency, and competency appropriate to their duties. Additionally, any of the air traffic control functions outlined in ICAO Annex 1, including the use of radar for any purpose whatever, shall not be added to the work responsibilities of unlicensed personnel. IFATCA submits that use of unqualified personnel displays disrespect for the integrity of system safety, as well as a disregard for the safety of the flying public. IFATCA respectfully reminds States that safety must not be compromised to accommodate economy of ATS operations.

2.3 When considering the delicate subject of operational errors , we must always bear in mind that they are inadvertent. Well-trained, well-intentioned people make errors while maintaining, operating, or controlling well-designed equipment. Understanding the nature of operational errors combined with appropriate enforcement of rules, has served the industry well. However, we have recently witnessed a disturbing trend. Information from safety records and safety data acquisition systems, including names of persons involved in incidents and/or accidents, has been released to the press and other media often without verification and has resulted in tragic consequences such as the murder of an air traffic controller who was on duty during the Ueberlingen mid-air collision in 2002. As well the life of a controller in Italy who was working the day of an accident involving two aircraft on the ground in Milan's Linate airport was threatened. IFATCA has very serious concerns with regard to this trend to "strike first and ask questions later". The labelling without just cause, of any single system component as the cause of an accident or incident, is unacceptable in our environment. We must react positively to counteract this trend that, if unchecked, could undermine not only personal safety, but safety of the entire system.

2.4 Within the ATM structure, tougher legislation is required that protects the privacy of individuals working within the system. Well-established legislative-based systems of safety regulations are needed to enable governments to ensure the continuing safety of their citizens. ICAO assumes the leading role with respect to safety initiatives worldwide, and IFATCA is pleased to see that ICAO is taking affirmative action in addressing these important topics via its Assembly WP #52, Protecting Information from Safety Data Collection Systems. IFATCA has been promoting the importance of the protection of safety information from inappropriate use, as well as our grave concern surrounding the trend for safety information to be used for disciplinary and enforcement actions. A working paper submitted by IFATCA to the 11th ICAO Air Navigation Conference (2003) was titled The Need for a Just Culture in Aviation Safety Management (WP 92). The working paper invited ICAO to develop guidelines promoting the concept of a “just” culture; i.e. a culture in which front line operators are not punished for actions or decisions that are commensurate with their experience and training, but also a culture in which violations and wilful destructive acts by front line operators or others are not tolerated, and to ensure that judicial aspects are adequately addressed in ICAO guidance material on Safety Management Systems for ATS. IFATCA encouraged ICAO Member States to review existing aviation laws with the aim to remove factors that could be deterrents to the collection and analysis of valuable safety-related information; and/or develop legislation that adequately protects all persons involved in the reporting, collection and analysis of safety-related information in aviation.

National laws and regulations in many States may not adequately address the protection of safety information, therefore, we appeal to States to endorse WP #52, and to subsequently act swiftly and decisively in fulfilling their obligations under the GASP.

2.5 IFATCA has for some time been advocating the necessity for changes in the collection and dissemination of safety-related materials, and has lobbied other international organizations to join us in furthering this cause. We are very pleased to see the Flight Safety Foundation (FSF) shares our position. The Foundation first proposed in 2003 that appropriate principles for protecting critical safety data be incorporated into guidance for member states of ICAO. The Flight Safety Foundation welcomes continuing action by the ICAO in ensuring the free flow of safety information worldwide, in its endorsement of the ICAO Assembly draft resolution to protect critical safety data. Acceptance of WP #52 will be a significant step forward in the never-ending task of improving aviation safety. Adoption would lead to the development of legal guidance thereby assisting ICAO member states to enact legislation to "effectively protect information from safety-data-collection systems, both mandatory and voluntary, while allowing for the proper administration of justice." Along with the Flight Safety Foundation, IFATCA is hopeful the ICAO Assembly will vote in favor of this resolution.

3. CONCLUSION

3.1 The enviable safety record enjoyed by international civil aviation is due to three factors: 1. dedication to safety by well-trained professionals in aviation organizations; 2. free-flow of safety information; and 3. learning from errors. IFATCA agrees that “the free flow of safety information, obtained through established industry safety data acquisition systems, or voluntarily submitted by operational personnel, is a fundamental requisite of a systems safety approach, as exemplified by safety management systems”- (AN-Conf/11-WP/33).

3.2 In its ANC 11 WP/92, IFATCA invited Conference to task ICAO with inter alia, ‘ensuring that judicial aspects are adequately addressed in ICAO guidance material on Safety Management Systems for ATS; and to encourage ICAO Member States to: a) review existing aviation laws with the aim of removing factors that could be deterrents to the collection and analysis of valuable

safety-related information; and/or b) develop legislation that adequately protects all persons involved in the reporting, collection and/or analysis of safety-related information in aviation.' The implications of the latter, b) have new meaning in today's environment. The system must also provide the individual with a guarantee of a certain level of protection. Recent events have accelerated the need for the industry to act. We have become painfully aware that there is the need to provide for another dimension ... the protection of operational personnel from physical or emotional harm from the public, and protection from improper judicial proceedings relating to their duties. Proceedings should be based primarily on evidence and not solely on information obtained from sources of safety information, or the media.

3.3 In this meeting of the ICAO 35th Assembly a Draft Resolution is presented that, if adopted, will lead to the development of legal guidance to assist all ICAO member states in enacting legislation to effectively protect information from safety-data-collection systems, both mandatory and voluntary, while allowing for the proper administration of justice. We believe that focussing blame on system components (operators), is not the correct way to improving aviation safety, and is in fact, counter-productive as it stifles the reporting process. A culture that is free from the threat of punishment is needed to ensure comprehensive and systematic safety occurrence reporting. IFATCA endorses this resolution.

4. ACTION BY THE ASSEMBLY

4.1 The Assembly is invited to endorse the ICAO WP # 52, Instructing the Council to develop appropriate legal guidance assisting States to enact national laws and regulations effectively protecting information from aviation safety data collection systems, while allowing for the proper administration of justice in the State.

4.2 IFATCA urges States to examine their existing legislation and adjust as necessary, or enact laws and regulations to effectively protect information from aviation safety data collection systems based on the legal guidance developed by ICAO.

4.3 IFATCA urges States to fulfill their commitments to both the ICAO Universal Safety Oversight Audit Program, and the Global Aviation Safety plan, by discontinuing the practice of deploying individuals to perform the tasks of an air traffic controller, if they are not duly qualified and current as per the criteria laid down in ICAO Annex 1, Personnel Licensing.

4.4 IFATCA urges States to re-examine their commitment to system safety within their country's aviation industry, and to employ all available resources in ensuring adequate measures are taken in the fulfillment of responsibilities on a timely and consistent basis.