



ASSEMBLY — 36TH SESSION

EXECUTIVE COMMITTEE

Agenda Item 20: Transition to a new policy on technical co-operation

COMMENTS ON THE NEW POLICY ON TECHNICAL COOPERATION

(Presented by Colombia)

EXECUTIVE SUMMARY

This working paper presents an analysis of the suggested resolution on the consolidated statements of the policies of Technical Cooperation of ICAO, taking into account the importance of the mentioned policy and making emphasis on the clarity about the authorized commercial methods of TCB, the need for a clear ethics code, the importance of living the proper management with the aeronautic authorities when the beneficiary of technical cooperation are private agents or non states, the inclusion of the regional groups as support elements of the programmes of cooperation and the need to separate the subjects related with instructions in order to hold them in a resolution, especially regarding this matter. Finally, it suggests substantial changes in some paragraphs of the proposed resolution.

Action: The Assembly invites:

- a) Entrust the Secretary General to revise and elaborate a protocol that contains the scope of the commercial methods and its ethical codes applied by TCB to the approval of the Council.
- b) Modify number 7 of the proposed resolution, indicating the following: “Recommend to the donating States, financial institutions and other developing associates, including the aeronautic sector and the private sector, that if it is the case, through the aeronautic authorities give preference to ICAO, for the identification, preparation, analysis, performance and evaluation of projects of technical assistance in the civil aviation field and that through Aeronautic Authorities the Secretary General would maintain in communication with the mentioned entities and the possible beneficiary States, with the vision of assigning funds for the developing of the civil aviation, considering ICAO the execute organism;
- c) Amendment the numeral 10 as follows: Reaffirm the need to extend the supply of technical cooperation of ICAO to the non states entities (public or private) that are in charge directly of the civil aviation, in accordance with the policies that defines the State for this purpose, and accomplishing the National and ICAO Strategic Objectives, in order that the assistance will be oriented with the vision to improve the safety oversight, protection y the efficiency of the International Air Transportation, and even more, consider the activities of the ones that traditionally were in charge the national administration of the civil aviation and that are being privatized in certain point, in the way that States will continue assuming in light of the Chicago Convention, the responsibility regarding the quality of the given services and the application for the same as ICAO’s SARPs, and asks the Secretary General that in these cases coordinate with the corresponding civil aviation authorities, in particular to guaranty that the projects follow ICAO’s SARPs;

<p>d) Eliminate numeral 11 proposed since it was compiled on numeral 10.</p> <p>e) Add the following numeral on Appendix A: “xx-recognizes the importance of the international advisors group of experts and other initiatives, incorporating the support towards the work of technical cooperation, to join the efforts, contribute with the experiences and initiatives to increase the effectiveness of the programmes of cooperation if ICAO.</p> <p>f) Move the numerals 3 and 4 of appendix C to conform one resolution oriented towards the instruction and formation of the aeronautic personal.</p>	
<i>Strategic Objectives:</i>	This working paper relates with all Strategic Objectives.
<i>Financial Implications:</i>	Not aplicable
<i>References :</i>	<ul style="list-style-type: none">▪ A35-WP/15 EX/4▪ Resolution A33-16

1. BACKGROUND

1.1 Technical cooperation is an important instrument for the development of civil aviation, the correction of deficiencies and the support of the States to overcome their difficulties in the pursuance of their obligations with the convention and with the international standards in relation with safety and security.

1.2 The Cooperation and the technical assistance undertake a responsible relation regarding the objectives that pursue each other and its impacts towards the safety and security.

1.3 The State continue to be responsible in the course of their obligations of the convention, even though they had decided to have public or private organisms to obtain the services of air navigation, for the management of airports or through multinational organisms; for this reason is that technical cooperation and the assistance always have to find the collective benefit in general for the civil aviation.

1.4 The proposed policy as an appendix in the working paper A36-WP/48 which includes a resolution project numbered 20/1 of the assembly concerning the consolidated statements of the policies of Technical Cooperation of ICAO, deserves a detailed analysis, since the control within the Resolution A33-9 (dispositive clauses 5 and 6) which requested to the Secretary General to develop a function of guaranty for the quality of projects of importance and for all the projects of technical cooperation related to the detected deficiencies on the audits of the Universal Safety Oversight Audit Programme (USOAP) and should be taken by an independent office; was interpreted by the Council, determining that for 2006 the evaluation of programme Office, Audit and Administrative exam (EAO) would be in charge in accomplishing this task for at least once a year and would be in responsible of keeping the integrity of the post - programmes in relation to the policies of cooperation within the proposed resolution, consequently the resolution compiled should have details that help the control.

2. DISCUSSIONS

2.1 Proposes the project of resolution in the eighth paragraph of the appendix A that “Considers that the Resolution A35-21 suggested to the Council and the Secretary General to adopt a structure and a mechanism that would implement commercial methods with the purpose of allowing positive links with financial institutions and the States beneficiaries;” and the ninth numeral indicates. Reaffirm that by adopting methods oriented to commerce for the Direction of technical cooperation, it is necessary to assure the maintenance of a good reputation of ICAO;” it is necessary to review again the content under the methods commercial type and the ethical code that could be implemented; it is important to remember that the Council, has sustained the idea that the methods should be oriented to an fair equilibrium between the conceived degree of autonomy and the surveillance degree and control of the activities of technical cooperation; at the same time it is advise the concern toward the increase of possible risks that ICAO reputation would be exposed, even regarding legal and financial obligations, in the increase in the amount of given services of technical cooperation through the application to the methods of commercial type of TCB.

2.2 In the ninth paragraph of the mentions appendix A it is indicated that “Considering that the Council compiled that it should be given major operational flexibility to the Direction of technical cooperation with the surveillance and the proper control of the activities of technical cooperation” should be reflected if these mechanisms of surveillance and control are established correctly in a formal and continuous procedure that assures the quality, inviting that the mentioned procedure would be clearly detailed for the idea of maintaining the control of the programme.

2.3 Proposes the resolution project of its numeral seven of the appendix A that it recommended to the donor States, financial institutions and other developing associates, including the aeronautic sector and private sector, that if its is the case to give preference to ICAO for its identification, preparation, analysis, execution and project evaluation of technical assistance in the field of civil aviation and requests the Secretary General to maintain communication with the mentioned entities y possible beneficiary States, with the vision of assigning funds for the developing of the civil aviation, relying on ICAO as the execute organism; doubts the evident risk of dividing technical cooperation when it is established two types of relations, one with States and the another one with the private, increasing the risk of distorting the equilibrium and the authorities of a State by permitting the application of commercial type methods, when the aeronautic authority it is the only responsible towards the convention, since it has to be consider in the moment of establishing these cooperation programmes, therefore the Secretary General should channel the mentioned help through aeronautic authorities of the corresponding state and maintain it informed since safety oversight and the aviation is not tied to zones.

2.4 At the same time, the numeral 10 of Appendix A, reaffirms the need to extend the supplies of technical cooperation of ICAO to the entities non state (public and private) that are in charge directly to the civil aviation, in accomplishing the strategic objectives of ICAO, but it is important to keep in mind that there is also a national policy, that in the a lot of the cases of the Aeronautic authorities the responsible of the important plans of the civil aviation, because in the pacification and control processes the role of the State has not been replaced since only the execution if the one given to third parties; being the State responsible of planning, verifying and acting as it is mentioned in the paragraph as it quality of contracting State of the convention. If this is the role, it can not be given a distance between non states or private and institutional order since the authorities of civil aviation should be part of the processes of cooperation that are developed in the interior of their States, therefore it is suggested to modify the text of these paragraph in this sense.

2.5 During the 33rd Assembly of the International Civil Aviation Organization held on September of 2001, the resolution A33-16 was promulgated, Security Global Plan that the category clause number 14, the Assembly endorsed the States to promote the creation of a group of international experts to advise and accomplish other initiatives when is required about security and aeronautic assistance to unite the efforts, the experience and other resources of the interested sectors: countries, international organizations and regions, manufacturer and aircraft operators, financial institutional and ICAO; as to examine the items about aviation security of a subgroup of member States; and elaborate un management relation about the civil aviation security and formulate recommendation to intensify the safety oversight and give assistance, for what we consider that there should be a clear message that involves these efforts with the policy of technical cooperation to join possible efforts, therefore it is important to add a paragraph en this sense that would help construct these scenarios.

2.6 The numeral 3 and 4 of the Appendix C refer to the priority to the capacity of the national personnel of the technical aspects, operations and management of the civil aviation and develop more the existent instruction centers; it is important that the same are located within an specific resolution oriented towards the instruction on policy.

3. CONCLUSION

3.1 The Assembly is invited to consider the suggested modifications to the resolution on the policy that technical cooperation suggests.