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PARLIAMENT OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT-SECOND SESSION


DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS AND  
HOUSING

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DELEGATION REPORT ON  
THIRTEENTH AIR NAVIGATION CONFERENCE

MONTREAL, CANADA

9<sup>TH</sup> TO 15<sup>TH</sup> OCTOBER 2018

 THE NATIONAL ASSEMBLY PAPERS LAID	
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TABLED BY:	<i>Chair, Hon Sand Prosser</i>
CLERK-AT-THE-TABLE:	<i>Mr. Lemuna</i>

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## ABBREVIATIONS

ANS	-	Air Navigation Services
AFI PLAN	-	Implementation Plan for Aviation Safety in Africa
ANSPs	-	Air Navigation Services Providers
AFI	-	Africa-Indian Ocean
API	-	Advance Passenger Information
AUC	-	African Union Commission
AFPP	-	African Flight Programme
ASBU	-	Aviation System Block Upgrade
AGA	-	Aerodromes and Ground Aids
ASTs	-	Abuja Safety Targets
APIRG	-	Planning and Implementation Regional Group
AFCAC	-	African Civil Aviation Commission
CMA	-	Continuous Monitoring Approach
EFOD	-	Electronic filling of Differences
EU	-	European Union
GNSS	-	Global Navigation Satellite System
GASOS	-	Global Aviation Safety Oversight System
ICAO	-	International Civil Aviation Organization
NFALC	-	National Facilitation Committee
PNR	-	Passenger Name Record
SBAS	-	Satellite-Based Augmentation System
PBN	-	Performance-Based Navigation
RASG-AFI	-	Regional Aviation Safety Group - Africa-Indian Ocean

<sup>1</sup> TPWHC .



- SAR - Search and Rescue
- SMS - safety management system
- SARPs - Standards and Recommended Practices
- SSP - State safety programme

<sup>1</sup> TPWHC .

## **PREFACE**

### **A. Mandate of the Committee**

The Departmental Committee on Transport, Public Works and Housing is mandated, pursuant to the Standing Order 216 (5), to;

- a. investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- b. study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
- c. study and review all legislation referred to it;
- d. study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- e. investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
- f. to vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (*Committee on Appointments*);
- g. examine treaties, agreements and conventions;
- h. make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- i. make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- j. consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
- k. examine any questions raised by Members on a matter within its mandate.

Further, the Second Schedule to the Standing Orders mandates the Committee to consider matters relating to the following subjects:-

- a) Transport;
- b) Roads;
- c) Public works;
- d) Construction and maintenance of roads, rails and buildings;
- e) Air and seaports; and
- f) Housing.

In executing this mandate, the Committee oversees various State Departments, namely:

- i. The State Department of Transport;

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- ii. The State Department of Infrastructure;
- iii. The State Department of Housing and Urban Development;
- iv. The State Department of Public Works; and
- v. The State Department of Shipping and Maritime Affairs.

## **B. Membership of the Committee**

The Departmental Committee on Transport, Public Works & Housing was constituted by the House on Thursday 14<sup>th</sup> December 2017 comprising of the following Members:-

- |  |                         |
|--|-------------------------|
| 1. Hon. David Pkosing, M.P.                  | <b>Chairperson</b>      |
| 2. Hon. Moses Kuria, M.P.                    | <b>Vice Chairperson</b> |
| 3. Hon. Johnson Many Naicca, M.P.            |                         |
| 4. Hon. David Njuguna Kiaraho, M.P.          |                         |
| 5. Hon. Samuel Arama, M.P.                   |                         |
| 6. Hon. Peris Pesi Tobiko, M.P.              |                         |
| 7. Hon. Suleiman Dori Ramadhani, M.P.        |                         |
| 8. Hon. Rigathi Gachagua, M.P.               |                         |
| 9. Hon. Savula Ayub Angatia, M.P.            |                         |
| 10. Hon. Ahmed Abdisalan Ibrahim, M.P.       |                         |
| 11. Hon. Ahmed Bashane Gaal, M.P.            |                         |
| 12. Hon. Dominic Kipkoech Koskei, M.P.       |                         |
| 13. Hon. Gideon Mutemi Mulyungi, M.P.        |                         |
| 14. Hon. Kulow Maalim Hassan, M.P.           |                         |
| 15. Hon. Mugambi Murwithania Rindikiri, M.P. |                         |
| 16. Hon. Rehema Dida Jaldesa, M.P.           |                         |
| 17. Hon. Shadrack John Mose, M.P.            |                         |
| 18. Hon. Tom Mboya Odege, M.P.               |                         |
| 19. Hon. Vincent Kemosi Mogaka, M.P.         |                         |

## **C. Committee Secretariat**

- |                             |                              |
|-----------------------------|------------------------------|
| 1. Ms. Chelagat Tungo Aaron | <b>First Clerk Assistant</b> |
| 2. Mr. Ahmed Salim Abdalla  | <b>Third Clerk Assistant</b> |
| 3. Ms. Mercy Wanyonyi       | <b>Legal Counsel</b>         |
| 4. Mr. James Muguna         | <b>Research Officer</b>      |
| 5. Mr. Abdinasir Moge Yusuf | <b>Fiscal Analyst</b>        |
| 6. Mr. Eugene Luteshi       | <b>Audio Officer</b>         |

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#### **D. Committee Delegation**

The following Members of the Committee undertook the visit to Montreal Canada;

1. Hon. David Pkosing, M.P. **Chairperson**
2. Hon. Shadrack Mose, M.P.
3. Hon. Tom Odege, M.P.
4. Hon. Gideon Mulyungi, MP.
5. Ms. Chelagat Tungo **Delegation Secretary**

#### **E. Theme and Main Objectives of the Visit**

The theme of the conference was “*From Development to Implementation*” which encompasses implementation of operational improvements, such as technology, operational concepts, and roadmaps, from the conceptual phase until deployment. It emphasized the importance of concepts for global use, development of implementation plans regionally, and implementation of performance improvements locally, based on specific operational requirements in a cost-effective manner.

The operation of the air navigation system covers a wide variety of subjects. AN-Conf/13 was the event for open discussion on issues and proposed solutions relating to flight safety and air navigation capacity, efficiency and other key performance areas of particular interest to the aviation community and which would benefit the society in general. The in-depth technical discussions at AN-Conf/13, took place in two committees — the Air Navigation Committee (Committee A) and the Safety Committee (Committee B), resulted in realistic global plans and a work programme focused on the pressing and forecasted needs of international civil aviation.

#### **F. Conference Expectations**

The conference was a formal ICAO meeting that provided an opportunity for Member States and aviation stakeholders to work towards ever-evolving global strategies for safety and air navigation planning, development and implementation. It coalesced views of the global aviation community around major objectives for safety and air navigation and set priorities for the coming years.

At the conference, subject matter experts participated in detailed technical discussions which were expected to lead to agreement on a set of high-level recommendations in different key performance areas of the air navigation system. These recommendations would be submitted

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for approval to the ICAO Council for subsequent endorsement by the 40th Session of the Assembly in 2019.

The technical discussions at the conference lead to a more efficient and effective decision-making process during the ICAO Assembly and allowed for the focus to be on strategic issues based on sound technical advice.

#### **F. Acknowledgement**

The Committee wishes to sincerely thank the Offices of the Speaker and the Clerk of the National Assembly for the necessary support extended to it in the execution of its mandate.

#### **Hon. Speaker,**

I take this opportunity to thank the Members of the Committee for their useful contribution in enriching the Committee Report. The Committee further wishes to record its appreciation to the office of the Clerk for general facilitation that enabled the Committee undertake the visit with ease.

On behalf of the Members of the Departmental Committee on Transport, Public Works and Housing, it is my pleasure and duty to present to the House, the Report of the Committee on its visit to Montreal, Canada from 9<sup>th</sup> to 15<sup>th</sup> October, 2018.

SIGNED .....



**HON. DAVID PKOSING, CBS, M.P**

**CHAIRPERSON**

DATE .....

06/12/2018.

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## **1. INTRODUCTION**

The theme of the conference was “*From Development to Implementation*” which encompasses implementation of operational improvements, such as technology, operational concepts, and roadmaps, from the conceptual phase until deployment. It emphasized the importance of concepts for global use, development of implementation plans regionally, and implementation of performance improvements locally, based on specific operational requirements in a cost-effective manner.

The conference was a formal ICAO meeting that provided an opportunity for Member States and aviation stakeholders to work towards ever-evolving global strategies for safety and air navigation planning, development and implementation. It coalesced views of the global aviation community around major objectives for safety and air navigation and set priorities for the coming years.

At the conference, subject matter experts participated in detailed technical discussions which were expected to lead to agreement on a set of high-level recommendations in different key performance areas of the air navigation system. These recommendations would be submitted for approval to the ICAO Council for subsequent endorsement by the 40th Session of the Assembly in 2019.

The technical discussions at the conference lead to a more efficient and effective decision-making process during the ICAO Assembly and allowed for the focus to be on strategic issues based on sound technical advice.

## **2. ORDER OF EVENTS AND SUMMARY OF CONFERENCE PRESENTATIONS:**

On Tuesday, 9 October, 2018 the Programme of Work commenced with the Chief Delegates briefing in the Assembly Hall at 0930 hours. Thereafter, the first Plenary Meeting started at 1000 hours in the Assembly Hall. The plenary meeting was officially opened by the President of the Council, who addressed the delegates and presented Certificates of recognition. A report on participating States and international organizations was presented and the conference agenda adopted.

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Election of the Conference Chairperson and Vice-Chairperson as well as Committees Chairperson and Vice-Chairperson was then carried out in the meeting followed by Address by the Secretary General of ICAO. Finally, there was a briefing session by the Director of the Air Navigation Bureau and adoption of the organizational arrangements of the Conference

### **Summary Conference Presentations:**

Outlined below are summaries of presentations made by 54 Contracting States, Members of the African Civil Aviation Commission (AFCAC). The AFCAC members include; Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cap Verde, Central African Republic, Chad, Comoros, Congo, Cote D'Ivoire, Democratic Republic of The Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Republic of Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome And Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan ,Sudan, Togo, Tunisia, Uganda, United Republic Of Tanzania, Zambia, Zimbabwe.

Below are the summary working papers as presented:

#### **a. Reinforcing the USOAP CMA Mechanism through the Conduct of Audits, ICVMS and Other Approaches**

This working paper proposes a regionally harmonized approach to strengthen the Universal Safety Oversight Audit Programme (USOAP) Continuous Monitoring Approach (CMA) mechanism within the African Civil Aviation Commission (AFCAC) Member States by facilitating sharing of experiences in the conduct of safety oversight. The proposed approach takes into account the sharing of personnel, tools and approaches, best practices for the attainment of enhanced outcomes in safety oversight.

This paper also highlights some challenges faced by African States in the implementation of USOAP CMA and outlines some proposals in order to reinforce the use of the USOAP CMA system

**Action:** The Conference was invited to:

- a) take note of the information contained in the paper;
- b) request ICAO to allocate enough resources to support USOAP CMA;

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- c) endorse the initiative by AFCAC member States in reinforcing the USOAP CMA mechanisms as a method of enhancing the safety levels in Africa.

**b. African Air Navigation Services Providers (ANSPS)**

**Peer Review Programme**

The paper presents information related to the African Air Navigation Services Providers (ANSPs) Peer Review Programme, which was launched in February 2015 by the ICAO Council President.

This initiative was aimed at establishing a regional framework of cooperation and peer review mechanism to improve air navigation operational performance in Africa, and some ANSPs have initiated trials and drawn useful lessons.

The Comprehensive Regional Implementation Plan for Aviation Safety in Africa (AFI Plan) established in 2016 a specific project dedicated to support the development and implementation of an effective regional framework for this safety initiative.

**Action:** The Conference was invited to:

1. take note of the information provided in this paper;
2. encourage ICAO to continue to provide its support to the African ANSP Peer Review Programme;
3. recognize the important contribution being provided by the AFI Plan towards the implementation of an effective regional framework for the African ANSP Peer Review Programme;
4. request African ANSPs to work together to operationalize the African ANSP Peer Review Programme to enhance safety and efficiency of air transport operations in Africa; and
5. encourage the other ICAO Regions to take benefits of this experience of African ANSP Peer Review Programme, as a means of improvement of Air Navigation services.

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### **c. Increasing the Efficiency and Effectiveness of APIRG and RASG-AFI**

This paper highlights some achievements made by the Africa-Indian Ocean (AFI) Planning and Implementation Regional Group (APIRG) in improving its contribution to regional air navigation development. The paper also outlines some proposals to improve the efficiency and effectiveness of APIRG and the Regional Aviation Safety Group - Africa-Indian Ocean (RASG-AFI).

**Action:** The Conference was invited to:

- a) note the progress of APIRG and RASG-AFI activities;
- b) endorse the proposal to better involve the Director General of Civil Aviation (DGCA) and other decision-makers, in order to facilitate ownership of the outcomes and implementation thereof;
- c) urge States, industry and donors to support the implementation of priority activities identified by APIRG and RASG-AFI;
- d) urge States and industry and all the partners to support the implementation of the proposed strategy of integration of APIRG and RASG-AFI to enhance their efficiency and effectiveness; and
- e) request ICAO to continuously encourage all Member States to provide the necessary support and technical expertise to their respective PIRGs and RASGs.

### **d. Implementation of a Plan of Action for Development of Aviation Infrastructure in Africa**

This paper presents information on the outcomes of the Third ICAO World Aviation Forum (IWAF/3) particularly on the Ministerial Declaration and the framework for aviation infrastructure development in Africa. The paper also highlights the decisions taken by ICAO with regards to the implementation of the plan and proposed future actions.

**Action:** The Conference was invited to:

- 1 note the information contained in the paper;
- 2 request ICAO, Contracting States, international organizations and industry Partners to support the implementation of the Declaration and the associated projects;
- 3 in line with the relevant Decision of the ICAO Council, support the implementation of the said declaration under the Comprehensive Regional Implementation for Aviation Safety in Africa (AFI Plan); and

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4 encourage other ICAO regions to consider the lessons learned from IWAF/3 (Abuja, Nigeria, 20 to 22 November 2017) for the development of similar programmes to support effective implementation of the Global Plans.

**e. Support to the Continuation of the Comprehensive Regional Implementation Plan for Aviation Safety in Africa (AFI PLAN)**

This paper presented the progressive achievements in improving safety in Africa through the implementation of the Comprehensive Regional Implementation Plan for Aviation Safety in Africa (AFI Plan). The paper also highlights the project-based approach adopted by the AFI Plan Steering Committee since 2016 by developing and launching specific projects in the areas of aerodrome certification, search and rescue (SAR), air navigation services providers (ANSPs) peer review, State safety programme (SSP)-safety management system (SMS) implementation, accident investigation and the fundamentals of safety oversight. These projects aim at supporting the implementation of the relevant ICAO Standards and Recommended Practices (SARPs) and other requirements by African States. The scope of the plan has been expanded to cover all safety-related areas, including accident investigation (AIG), Aerodromes and Ground Aids (AGA) and Air Navigation Services (ANS); and its continuation contributes to achieve further enhancement of aviation safety in the African Continent.

The assistance provided through the AFI Plan coupled with efforts made by States to effectively implement their ICAO Plans of Action has contributed to a number of African States registering significant improvements in their safety oversight systems as evidenced by the increase in effective implementation (EI) of the critical elements. Between July 2012 and July 2018, the number of States throughout the AFI Region, with EI of 60 per cent and above increased from fourteen to twenty-nine and the number of significant safety concerns (SSCs) also declined from twenty to two.

Based on its recorded achievements, AFCAC and African States support the objectives of the AFI Plan and are convinced that its continuation will contribute to further enhancing aviation safety in Africa as

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**f. Study to Investigate the Development of SBAS/GNSS in Africa Including an Independent Cost/Benefit and Impact Assessment for both Aviation and Non-Aviation Use**

This paper presented the status of implementation of the study to investigate the development of satellite-based augmentation system (SBAS)/ global navigation satellite system (GNSS) in Africa including an independent cost/benefit and impact assessment for both aviation and non-Aviation use. The paper also refers to the introduction of GNSS in the African-Indian Ocean (AFI) region as adopted by AFI Planning and Implementation Regional Group (APIRG) and as recommended by first African Union Commission (AUC) Sectorial Technical Committee on Transport Infrastructure in Lomé.

**Action:** The Conference was invited to:

- a. take note of the information that AUC is the Contracting Authority for the study;
- b. take note of the information that AFCAC shall be in charge for the executive management of the project assisted by the Project steering Committee;
- c. note the progress reported on the implementation of the Project;
- d. request additional States who wish so to appoint experts to the Task Team;
- e. encourage the States of the AFI Region and the Designated Organizations to continue providing the necessary information to AFCAC for the proper conduct of the Study by the Consultant; and
- f. request ICAO to support AFCAC through relevant working groups on the evaluation of the project deliverables, including the appropriate methodology for economic impact analysis by the consultant; in accordance with the aviation system block upgrade (ASBU) module APTA.

**g. Status of Implementation of the African Flight Procedure Programme (AFPP)**

This paper presented the implementation status of the African Flight Programme (AFPP) since the operations started in June 2014 in relation to performance-based navigation (PBN) implementation in aviation system block upgrade (ASBU) framework.

**Action:** The Conference was invited to:

- a. note the information contained in this working paper;
- b. acknowledge the contribution of the AFPP to the implementation of the performance-based navigation goals by African States;
- c. encourage African States to join the AFPP; and

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- d. encourage States, organizations and industry to continue to provide their support to the AFPP activities during Phase II of the Programme to achieve PBN goals and enhance safety and efficiency of air transport operations in African States.

**h. The Global Aviation Safety Oversight System (GASOS)**

This paper presented Africa's views as regards working paper AN-Conf 13-WP/17.

**Action:** The Conference was invited to:

- a) note Africa's position with reference to working paper AN-Conf 13-WP/17;
- b) urge ICAO to set aside working paper AN-Conf 13-WP/17 recommendation (d) "request ICAO to present GASOS for endorsement at the 40th Session of the Assembly";
- c) urge ICAO to complete the gap analysis to strengthen and improve the current Regional Safety Oversight Organizations (RSOOs);
- d) encourage ICAO to explore alternative safety oversight models to resolve current inefficiencies and address future challenges;
- e) recommend that GASOS Study Group should continue to:
  - 1) be utilized to ensure access to the expertise needed to mature the program; and
  - 2) work to address the political, administrative, legal, and safety related aspects which may be affected by this approach before any implementation may be considered.

**i. Strategies for the Implementation of the Revised Abuja Safety Targets and ANS Performance Indicators**

This working paper described the revised approach and strategies for monitoring and measurement of implementation of the Abuja Safety Targets (ASTs) and air navigation services (ANS) performance indicators. African Civil Aviation Commission (AFCAC) developed a monitoring and measuring mechanism for implementation of the ASTs by Member States. The mechanism is an information gathering, sharing and feedback system to encourage member States to implement the ASTs and provision of technical assistance to ensure implementation where there is limited capacity.

**Action:** The Conference was invited to

- a) note the concept of the proposed monitoring and measuring mechanism for implementation of the ASTs;
- b) urge ICAO to share with AFCAC other methods for effective data collection, collation, analysis and sharing among all key stakeholders; and

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- c) request for ICAO to support AFCAC to obtain compliance information from the ICAO Continuous Monitoring Approach (CMA) online-framework and other relevant dashboard data sources.

The monitoring mechanism promotes the concept of automation of CAA Safety Oversight Systems and calls for AFCAC to seek cooperation from ICAO to establish viable methods for effective data collection, collation, analysis and sharing among all key stakeholders. Based on safety intelligence generated from automated systems, ICAO, RSOOs, AFCAC and other key stakeholders can identify safety risks proactively and will be able to provide targeted technical assistance missions to need States. Type of technical assistance shall include AFI-CIS, ICAO ROST, AFCAC High Level Technical Assistance or HRDF. Outcomes of the mechanism will include the following:

- a) 100% status of implementation of the Abuja Safety Targets by member States; and
- b) Improved Effective Implementation (EI) above 60% for all AFI States.

**j. Implementing SAR Services in Africa**

This paper gave an overview of the initiatives underway in Africa, for a significant and diligent improvement in the provision of search and rescue (SAR) services. It emphasized also the importance of regional cooperation in this area.

**Action:** The Conference is invited to:

- a) take note of the information contained in this paper;
- b) request ICAO, industry partners, donor States and international organizations to support AFCAC in the implementation of the SAR projects endorsed by the High-level Conference held in Lomé, Togo in 2017;
- c) request ICAO, when implementing the Global Aeronautical Distress and Safety System (GADSS), to initiate intensive awareness through training programmes, seminars/workshops for the improvement of SAR services in the regions; and
- d) support AFCAC initiatives by organizing a High-level Conference on SAR in the Africa-Indian Ocean (AFI) region, in coordination with ICAO, industry and international partners.

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Based on the ministerial declaration and action plan developed during the high-level conference organized by AFCAC in Lome, Togo in April 2017, African States are urged to accelerate implementation of the SAR services.

In the AFI region, regional bodies have launched strong high level initiatives to solve the longstanding deficiencies in the SAR domain; these initiatives are based mainly on regional cooperation and collaboration support these initiatives and assist in the implementation of effective SAR services in the region.

### **3. OBSERVATION AND CONCLUSION**

- a. Implementation and support of the AFI Plan together with the efforts made by States have contributed significant improvements in safety oversight systems of States in the AFI Region.
- b. In terms of achievements, the assistance provided through the AFI Plan coupled with efforts made by States to effectively implement the ICAO Standards and Recommended Practices (SARPs) has contributed to a number of African States to register significant improvements in their safety oversight systems. Most important is the reduction of the number of fatal accidents in Africa since 2012 to now. In addition, there were no fatal commercial flight accidents that occurred in Africa in 2013, 2015, 2016 and 2017.
- c. In view of these significant achievements, AFCAC and its member States commit to the continuation of the AFI Plan with effective and systematic implementation covering all safety-related areas, and recognize that it will help accelerate and sustainably maintain the progress being made by AFI States in enhancing their civil aviation systems.
- d. African States support the objectives of the AFI Plan and are convinced that its continuous implementation will further contribute to the enhancement of aviation safety in the AFI Region. Furthermore, the continuation will also contribute to reinforce the safety culture necessary for sustainable safety oversight in the continent.
- e. Building on the experience gained in the AFI Region, AFCAC and African States recommend that other ICAO regions consider adopting an approach similar to the AFI Plan to address safety deficiencies and challenges.
- f. The Conference was invited to acknowledge the contribution of the AFPP to the implementation of the performance- based navigation goals by African States;

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encourage African States to join the AFPP; and encourage States, Organizations and Industry to continue to provide their support to the AFPP activities during Phase II of the Programme to achieve PBN goals and enhance safety and efficiency of air transport operations in African States.

- g. There is a need to complete the gap analysis to strengthened and improve the current RSOO;
- h. To explore alternative safety oversight models to resolve current inefficiencies and address future challenges;

The GASOS Study Group should continue to:

- i. be utilized to ensure access to the expertise needed to mature the program; and
- ii. work to address the political, administrative, legal, and safety related aspects which may be affected by this approach before any implementation may be considered.

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