

Airneth Report 9

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Airneth seminar 'ICAO: the innovator or the laggard?'

In cooperation with the Dutch Ministry of Transport,
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Introduction

On 4 November 2008, Airneth organized the workshop 'ICAO: the innovator or the laggard?'. During this seminar several experts on different policy fields have given their view on the future role of ICAO in a changing world of global aviation. In this report, you will find the main conclusions of our speakers and the discussions with the audience.

The full presentations are available at www.airneth.com.

For the discussion on the future role of ICAO we have selected four developments that are of interest to analyze. These four policy fields concern the major global developments that have a significant impact on international aviation: global civil aviation safety, global civil aviation security, effects of global civil aviation on the environment, and efficient use of airspace for aviation operations.

The views expressed in this report are not necessarily the ones of Airneth or the Ministry of Transport, Public Works and Water Management.

Introductory presentations

ICAO, EU & NL – Easy ways out in multi-level systems – Adriaan Schout, Clingendael Institute

Regionalization and focus on US regulatory issues in international civil aviation may be more efficient than working in an ICAO context. But this shift will result in more work (global lobbying, communication, pragmatism in positions and strategies) for the EU Commission, as well as for EASA and the Dutch Ministry of Transport. The EASA is not yet ready for such a responsibility, and the EU Commission should be more reactive and would need more political and practical cooperation.

Stop Nederlandse bijdrage aan ICAO waar EC/EASA competent is.....?- Bert Kraan, former Dutch delegation member ICAO Council

The Dutch Ministry of Transport, Public Works and Water Management will have more workload with the cutbacks in employees and will need to have more strategic planning in case of regionalization of aviation regulation. According to Kraan, the Dutch government may want to contribute more to technical regulation on European level (EASA, EC). Dutch panel members in several technical committees ought to gradually withdraw and should be replaced by for instance EASA representatives given their competencies in several fields. Kraan suggests if EASA or the EC should request assistance from Dutch experts, these can be made available by the Dutch Ministry of Transport.

In the case of The Netherlands, coordination within ICAO should gradually be managed by an EC representative instead of ABIS-group. This conclusion also holds for other regional groupings within Europe (NORDICS and Central Europe).



Air Traffic Management

ATM: Need for a global facilitator – Henk Hof, Manager Strategy and Performance, EUROCONTROL

In the coming years, a huge rise in air traffic is to be expected. This has to be managed well in order to cope with the environmental effects and to decrease the costs per flight. In order to reach these targets, the EU has initiated the ATM Master Plan (SESAR), while the US has come up with the Integrated Work Plan (NextGen). ICAO is invisible in these trajectory management developments in ATM, and states have the feeling that they have to make a political decision in whether they sign a bilateral treaty with the EU or with the US on these future plans.

The Global Operational Concept is the shared target but it does not guarantee interoperability. SESAR and NextGen are driven by performance and other regional interests. In this context a pro-active facilitation and timely decision making are needed and ICAO is the only body to provide the platform for this. Hence, ICAO needs to take its role as a global facilitator of a harmonized approach.

Security

Balans en Samenwerken – Harry Mayer

Minimization of costs and preventing terrorist attacks are two important subjects in international civil aviation. Eventually the costs issue weighs more than the political issue of terrorist prevention. This outcome benefits the terrorists. It is important to find a balance between the economic and political issues in aviation security.

The Netherlands is a popular stop for terrorists on their way to their final destination. It is very hard to find the one terrorist among the millions of travelers at airports.

In order to enhance security levels in The Netherlands it is important to cooperate on national as well as on international level (especially with the US).

ICAO is a laggard in this sense that its internal decision making process is too slow and complicated. Quicker decision making is necessary to combat terrorist threats. Sanctions have to be laid on states who do not comply with the rules.



Climate Change

Het klimaat rondom ICAO - Aniel Bangoer

ICAO has a role to fulfil when decreasing emissions; this is stated in the Kyoto protocol. Here lies a problem when trying to reach this through the Contracting States of ICAO. Some states interpret this by acting without engagement, while others take it seriously and take measures. The emission trading system (ETS) of the EU is supported by ICAO, but cannot oblige states outside of the EU to comply with them.

ICAO is aware that states act outside the ICAO framework to reach solutions in order to combat climate change, however is trying to be more active in this field. The internal UN framework is very complex; numbers of organizations participate in establishing regulation on climate change within and outside of ICAO, which further complicates the policymaking.

There are a number of options for the post-Kyoto regime:

1. Aviation will be a part of the post-Kyoto regime
2. Aviation will be dealt with outside post-Kyoto, nevertheless in a global or international aviation treaty
3. Aviation in ETS within the EU plus departing and arriving flights
4. Status quo

The rising problem with the first option is that states are sovereign according to the Chicago Convention; therefore it will be difficult to reach change in a post-Kyoto regime.

Safety

Het Europese luchtvaartveiligheidskader 'EASA' nu en in de toekomst – Rob van der Boom, DGLM, Dutch Ministry of Transport, Public Works and Water Management

EASA plays an important role in regulating safety in the aviation sector. EASA prescribes legislation, regulation, and harmonization on safety issues, yet the individual member states implement these rules.

EASA gives certificates for continuing airworthiness and maintenance for third countries, and AOC's for carriers in third countries. In 2010 EASA will be certified for ATM matters and airport safety issues. It also has a future role to play in environmental, security, and accident issues.

Conclusion

Conclusions - Chairman Jan Willem Weehuizen, former Director of Civil Aviation, Dutch Ministry of Transport, Public Works and Water Management



Regionalization demands more commitment from the Netherlands, in EU context as well as in ICAO. Through a repeated process on strategic level, a pro-active commitment on several fronts has to be chosen (different forums, different routes, and with third countries).

ICAO has to be organized in a more flexibly manner. It should be focused on basic standards and strategic discussions, and should leave the detailed technical interpretations to regional organizations that are an expert in these issues. The commitment of the Dutch Ministry of Transport in this context, should be focused on the participation in pools of experts and withdrawing from technical panels.

ICAO still remains an important actor as facilitator in regional developments. It should take an active role in a swift manner to realize a harmonized implementation of these developments.

On security issues, the main role lies with the EU and other regions and countries that cope with the highest threats of terrorist attacks. ICAO has currently only marginal role with respect to these issues.

The Netherlands should focus on reaching consensus on environmental objectives concerning aviation, irrespective of the forum it will be discussed in. We should bear in mind that the EU and the Netherlands should safeguard room for manoeuvre to come to an effective and widely supported approach. Expert knowledge is essential to achieve this.

The continuing role of EASA on safety issues in the EU is not only dedicated to EASA; the EC and the member states also play a role in this. Europe has different ways in which it can exercise its influence. Therefore, diverse and flexible ways to achieve the common goals are important.

ABIS fulfils a role in the formation of coalitions within the EU and ICAO. Only when the current developments lead to pan-European solutions, the role of ABIS will change and should be reviewed.

‘Real wisdom is when you know how little you know’

The programme, presentations and photos concerning this workshop can be found on our website www.airneth.com