



*International Civil Aviation Organization*

**FOURTH MEETING OF THE ASIA PACIFIC ACCIDENT INVESTIGATION GROUP  
(APAC-AIG/4)**

*Tokyo, Japan, 1-2 September 2016*

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**Agenda Item 5: AIG Developments in Member States**

**ESTABLISHMENT OF AN INDEPENDENT  
AIRCRAFT ACCIDENT INVESTIGATION BUREAU (AAIBSL)**

(Presented by Sri Lanka)

**SUMMARY**

This paper presents the work initiated by Sri Lanka towards the establishment of an independent Accident Investigation Bureau in order to comply with the new Standard implemented through Amendment 15 to Annex 13 to the Convention on International Civil Aviation.

**1. INTRODUCTION**

1.1 Sri Lanka acceded to the Convention on International Civil Aviation in June 1948 and thus became a Member State of the International Civil Aviation Organization (ICAO).

1.2 Pursuant to Amendment 15, vide Section 3.2 of Annex 13, Aircraft Accident and Incident Investigation, each Member State shall establish an accident investigation authority that is independent from State aviation authorities and other entities that could interfere with the conduct or objectivity of an investigation.

1.3 ICAO emphasised that the context of 'independence' is not to imply that the aircraft accident investigation authority would not be administratively supervised and accountable to a government ministry/parliament/congress for its finances, administration, policies and working methods. Rather, 'independence' means, a situation in which the investigation authority is functionally separate from State aviation authorities and other entities that could interfere with the conduct or objectivity of an investigation so that the associated causes and contributing factors are properly and adequately identified and documented.

1.4 Such independence needs to be afforded to both the process followed in an investigation and to the accident investigation authority itself. Hence, an environment of 'independence' avoids real or perceived conflicts of interest and enhances the credibility of the accident investigation authority and the conduct of the investigation.

## **2. LEGAL BACKGROUND**

2.1 The Department of Civil Aviation of Sri Lanka was established in 1946. Historically, the functions and duties of the Department were governed by the Air Navigation Act of 1950 and the Air Navigation Regulations (ANR) of Sri Lanka of 1955.

2.2 Pursuant to the Regulation 266 of Chapter XVI of the Air Navigation Regulations (ANR) of 1955, the Director shall be the Chief Inspector of Accidents. The Director had power to appoint investigators and conduct investigations as per the legal provisions provided in the ANR from Regulation 260 through Regulation 271.

2.3 The Department of Civil Aviation was transformed into an Authority in 2002. The Civil Aviation Authority of Sri Lanka (CAASL) was established in terms of the Civil Aviation Authority of Sri Lanka Act No. 34 of 2002 (CAASL Act) as an outcome of the voluntary safety oversight assessment conducted by International Civil Aviation Organization (ICAO) in 1997 and as a direct measure of remedying the organizational deficiencies of the civil aviation regulator that were prevailing. The CAASL empowered the Authority to initiate investigations on aircraft accidents and any other related incidents. Yet, the ANR of 1955 prevailed.

2.4 With the enactment of the Civil Aviation Act No 14 of 2010 (CA Act) which came into force in February 2011, the process of being 'Independent' progressed steadily with the responsibility of aircraft accident investigation being entrusted to the Civil Aviation Authority of Sri Lanka, enabled through 11 legal provisions.

2.5 Under the new CA Act, the Authority may appoint an Aircraft Accident Investigation Board (AAIB) for the purpose of carrying out an investigation for each aircraft accident or incident as the case may be, consisting of such number of persons as may be determined by the Authority, one of whom shall act as its Chief Investigator.

2.6 Subsequently, a new set of Regulations on Aircraft Accident and Incident Investigation was published in January 2012 which repealed the relevant Chapter in ANR of 1955.

## **3. ICAO AUDIT**

3.1 During the ICAO Universal Safety Oversight Audit (USOAP) conducted in Sri Lanka in 2010, the process of ensuring the independence of aircraft accident investigation established through the CA Act of 2010 was found to be inadequate, thus finding was raised. The recommendation arising out of the USOAP finding was that Sri Lanka should implement a process to ensure total independence in the conduct of aircraft accident and serious incident investigations.

## **4. DISCUSSION**

4.1 Sri Lanka was of the view that, functionally, the independence of an aircraft accident investigation bureau would avoid real or perceived conflict of interest and enhance the credibility of the investigation. Further it would improve the atmosphere to identify the causes properly and contributing factors to the occurrence, along with associated safety recommendations, which will bear a positive impact on safety.

4.2 Hence it was proposed that a Bureau for the Aircraft Accident and Incident Investigation be established in Sri Lanka under the direct supervision of the Ministry in charge of the subject of Civil Aviation, based on the 'Model Aircraft Accident and Incident Investigation Authority Act' which has been developed by ICAO for the guidance of States.

4.3 The Cabinet of Ministers has granted approval in July 2016 for the proposal to set up the independent body which will be called 'Aircraft Accident Investigation Bureau of Sri Lanka' (AAIBSL).

4.4 As the initial step, the Organization Structure of the AAIBSL may consist of a Board which consist of three commissioners and one of them would be appointed as the Chairman. It may have a fulltime Director assisted by two permanent experts, one specialized in flight operations and the other, in airworthiness and an Administrative Assistant.

4.5 Funds required for the functioning of the AAIBSL may be allocated from the National Budget under the Ministry in charge of the subject of civil aviation or from the Civil Aviation Authority of Sri Lanka and allocation of funds by the CAASL will not afford any power to influence the function of the AAIBSL as transfer of funds would be by operation of the proposed Act.

4.6 The establishment of the AAIBSL will require enactment of new primary law and enabling regulations to repeal the current legal provisions, securing of annual budget, recruitment of necessary personnel including experts, provision of training, developing facilities and acquiring equipment.

## **5. ACTION BY THE MEETING**

5.1 The Meeting is invited to note the information paper and:

- a) share the experience of other States; and
- b) share the different AIG structures established in other States

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