



ICAO

International Civil Aviation Organization
North American, Central American and Caribbean Office

WORKING PAPER

NACC/DCA/5 — WP/20
14/04/14

**Fifth North American, Central American and Caribbean Directors of Civil Aviation Meeting
(NACC/DCA/5)**

Port-of-Spain, Trinidad and Tobago, 28 to 30 April 2014

**Agenda Item 5: Air Navigation
5.7 Other Air Navigation Matters**

THE BAHAMAS FLIGHT INFORMATION REGION (FIR)

(Presented by Bahamas)

EXECUTIVE SUMMARY	
This Working Paper presents information to the Meeting on the on-going process for the establishment of a Memorandum of Understanding (MOU) between the Bahamas and the United States for the Management of the Bahamas Flight Information Region (FIR).	
Action:	Comments of the DCA/NACC
<i>Strategic Objectives:</i>	<ul style="list-style-type: none">• Safety• Air Navigation Capacity and Efficiency• Security & Facilitation• Economic Development of Air Transport• Environmental Protection
<i>References:</i>	<ul style="list-style-type: none">• Assembly Resolution A37-15• Radar Coverage Bahamas FIR

1. Introduction

1.1 In 1952 a special meeting was convened in Havana, Cuba, in attendance was The Bahamas, the United States Federal Aviation Administration (FAA) and Cuban Aviation Authorities. At the meeting the configuration of The Bahamas Control Airspace (BCA) was reduced from surface to unlimited, and from encompassing the entire Bahamas territory to an area approximately two hundred miles between the boundaries, to an upper limit of six thousand (6,000) feet. Further, it was determined that the FAA would provide air navigation services (including air traffic services and search and rescue services) for aircraft operating at Bahamian airports beyond the established BCA boundaries and overflight aircraft in Bahamian airspace. This airspace is currently designated as the Miami Oceanic (east) airspace. It is important to note that the only major adjustment to the BCA took place during 1986 when the Terminal Control Area (TMA) was introduced with the advent of radar approach control.

1.2 Thus, The Bahamas Civil Aviation Department (CAD) jurisdiction rests within the control airspace (lower limit 1,500 feet, upper limit 6,000 feet), the terminal control area at Nassau (upper limit 12,000 feet), and Freeport terminal control area 1,500 feet up to an altitude of 6000 feet.

1.3 The FAA exercises positive control, from the Miami Air Route Traffic Control Center (ARTCC), over the Bahamian airspace for all air traffic operating within and over flying through the Miami Oceanic airspace. The Miami ARTCC provides the services using air-ground communications and air surveillance systems located in the Miami Oceanic FIR – primarily in The Bahamas (Freeport communications and Nassau radar and communications). Of equal importance, The Bahamas has installed VSATs at the following locations: Nassau and Grand Bahama International, San Salvador airports. The VSATs at Family Island airports are primarily used for voice communications, ground to ground, and air ground between pilots and controllers at Nassau Air Traffic Services.

1.4 The Bahamas also shares data with the FAA, through a system termed a common digitizer, and other US agencies involved in:

- a) US Homeland Security to support defense and counter terrorism requirements.
- b) Search and Rescue, such as US Coast Guard

1.5 The US Congress in recent time approved an increase in both Oceanic and enroute user fees on flights overflying the US domestic airspace, which includes Miami Oceanic airspace.

1.6 In 2006, FAA presented Air Navigation Service Provider Proposal to the Bahamas, which provided for the United States (US) to continue to provide Air Traffic Services (ATS) for the upper airspace; the Government of the Bahamas (GOB) to reimburse the FAA out of user fees collected by designated third party. Since then Official dialog commenced on the 26th March, 2014 at the Ministry of Foreign Affairs, in Nassau, Bahamas with the hopes of finally formalizing an agreement between both ICAO Member States.

2. The Bahamian Civil Aviation Department Proposal

2.1 Under the Convention on International Civil Aviation (the Chicago Convention), each State has the complete and exclusive sovereignty over the airspace above the territory. While national sovereignty cannot be delegated, the responsibility for the provision of air traffic services can be delegated. The Assembly Resolution A37-15 (see **Appendix**) specifies that a State which delegates to another State the responsibility for providing air traffic services within airspace over its territory does so without derogation of its sovereignty.

2.2 The State Sovereignty is a fundamental principle of the international law. Sovereignty is dynamic, evolving with the development of the global institutional environment. The term sovereignty within Aviation refers to the ownership of airspace. In other words is interpreted as the exclusive competence of a State to exercise its legislative, administrative and judicial powers within its national airspace.

2.3 National Sovereignty cannot be delegated, but the responsibility for the performance of functional responsibilities, such as the provision of air navigation services can be delegated to third parties. States retain complete freedom to designate a third party service provider, be it national or foreign entity. States can therefore institute a Memorandum of Understanding (MOU) between foreign organizations and still not abandon the right of sovereignty. The delegating State prescribes the conditions under which the delegation is agreed, and the delegation can be revoked at any time. These

rights and obligations of a State to delegate its responsibilities for providing air traffic services over its territory, and that in doing so would not constitute a derogation of its sovereignty was recognized once again during the last ICAO Assembly in 2010 as contained in Resolution 37-15.

2.4 The Bahamas during the official dialog in March, 2014 presented a proposal to the FAA for the continued provision of air traffic services in the upper Bahamas airspace with the following components:

- *Establish provision for a minimum ten (10) year duration (option for extension depending on progress of Bahamas FIR);*
- *Institute equitable sharing revenue, based on formula to be agreed between parties;*
- *Develop a revenue agreement to be reviewable on a regular basis (3 yr. cycle);*
- *Exemption of Bahamian carriers from over-flight fee (or system for reimbursement) from operating in its domestic airspace;*
- *Recognition of the fact that the Bahamas is seeking to expand the existing airspace and include all its territories within the FIR;*
- *Formalize an agreement in a suitable bilateral instrument (i.e. MOU/MOA)*

3. Air Traffic Services Developments in the Bahamas

3.1 The Bahamas has now assumed responsibilities of the Grand Bahama ATS and most recently is in the process of transitioning the opening of the new control tower and terminal at the Marsh Harbour Airport.

4. New Communications, Navigation, Surveillance and Air Traffic Management Systems

4.1 A tripartite contract between the GOB and the International Civil Aviation Organization (ICAO) and Indra Sistemas of Spain was signed on May 5th 2013 for the acquisition, installment and operation of new collocated Primary Surveillance S-Band Radar (PSR), a Monopulse Secondary Surveillance Radar System (MSSR), Mode S capable, and an Approach Control Centre (APP) and all Ancillary and Services Radar equipment for Lynden Pindling International Airport (Nassau Airport).

4.2 The initial technical training commenced in Spain between the periods of October 2013 and February 2014. A combination of Operational and Airway Facility Technical employees were selected to receive training. Training is expected to continue over the next few months prior to the launch and live operation of the Radar. The Bahamas will also be receiving 3D Tower Simulator to conduct Air Traffic Training for ALL technical employees. The installation is expected to take 14 months as construction is commencing in April 2014. This major milestone will allow the Bahamas to possibly venture into an ICAO TRAINAIR *Plus* Centre to provide Air Traffic Training throughout the Caribbean.

4.3 The Bahamas in 2012 successfully purchased and installed an Automated Message Handling System (AMHS) from UBITECH. The system provided an improvement to the communication systems, which opened the door for further improvements to the Air Traffic Services within the archipelago of the Bahama Islands. The present system is currently managed by the technical staff of the Airway Facilities Section, with additional maintenance training and maintenance provided by UBITECH.

5 Recruitment and Training of Operations and Technical Staff

5.1 A recruitment exercise in the Bahamas is underway to hire ten (10) additional Trainee Air Traffic Controllers and as this exercise is almost completed, the Government is committed to ensuring that this exercise is continuous to ensure we have the qualified manpower and resources necessary to effectively provide quality and professional Air Traffic Services to an increasing Aeronautical Industry.

5.2 The Ministry of Transport and Aviation (MTA) has recently embarked on a series of institutional, legal and policy initiatives that constitute an overhaul of the existing air sector policy. These changes reflect the need to modernize sector policies and institutional arrangements to accommodate private sector participation in airport infrastructure financing and management and to meet the country's obligations as a member State of the ICAO.

6 Coordination with ICAO, the FAA and other Stakeholders

6.1 At the onset, a Bahamas FIR Implementation Team composed of the MTA and CAD and experts deemed appropriate by the Bahamas Government, developed a proposal for the establishment of a Memorandum of Understanding of the particulars as listed previously. Additionally, the MTA will seek ICAO assistance in regards to the expansion of the Bahamas FIR, with all neighboring States in the region as we seek to finalize the proposal.

6.2 Appropriate consultations are presently underway with the International Air Transportation Association (IATA), ensuring all users of the airspace like international airlines and aircraft operators remain informed, prior to any changes being implemented.

7 Benefits to the Bahamas

7.1 The benefits to the Bahamas are the following:

- 1. Exercise of regulatory control over and provision of NAS/ATM over its sovereign airspace (in cooperation with selected partner);*
- 2. Consistent, reliable source of revenue (depending on user fee formula employed);*
- 3. Revenue to finance operating costs of FIR and keep pace with technological developments in provision of ANS, which will ensure adequate maintenance of skill levels for services provided;*
- 4. Creation of direct employment for significant number of persons in high technology aviation industry and in support services;*
- 5. Opportunities to provide training support to other regional States and for the capacity building;*
- 6. Assist with meeting all the ICAO SARPS of Annex 17 and Annex 14 to facilitate the operations of the (28) Government owned Airports and (18) Ports of Entry.*

8 Proposed Action Items

8.1 Comments of the DCA/NACC area will be appreciated. The goal is to obtain ICAO approval of the Department of Civil Aviation’s proposed concept, in the interim, a detailed Memorandum of Understanding between the Bahamas and United States will be developed and presented to ICAO for input and final No-Objection once both countries finalize the proposal instrument.

APPENDIX
ICAO ASSEMBLY A37-15 RESOLUTION

A37-15: Consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation

Whereas in Resolution A15-9 the Assembly resolved to adopt in each session for which a Technical Commission is established a consolidated statement of continuing policies related specifically to air navigation up to date as at the end of that session;

Whereas a statement of continuing policies and associated practices related specifically to air navigation as they existed at the end of the 36th Session of the Assembly was adopted by the Assembly in Resolution A36-13, Appendices A to W inclusive;

Whereas the Assembly has reviewed proposals by the Council for the amendment of the statement of continuing policies and associated practices in Resolution A36-13, Appendices A to W inclusive, and has amended the statement to reflect the decisions taken during the 37th Session; and

Whereas the statement of continuing policies in Resolution A36-13 is hereby superseded;

The Assembly:

1. Resolves that:

- a) the Appendices attached to this resolution constitute the consolidated statement of continuing air navigation policies and associated practices of the Organization as they exist at the close of the 37th Session of the Assembly; and
- b) the practices associated with the individual policies in the appendices constitute guidance intended to facilitate and ensure implementation of the respective policies; and

2. Declares that this resolution supersedes Resolution A36-13 with its Appendices A to W inclusive.

RADAR COVERAGE BAHAMAS FIR

