



International Civil Aviation Organization

**AFI PLANNING AND IMPLEMENTATION REGIONAL GROUP
SIXTEENTH MEETING (APIRG/16)
(Kigali, Rwanda 19-23 November 2007)**

Agenda Item 5.0: Air Navigation Safety and Deficiencies

5.2: National and Regional efforts to remove identified deficiencies

**ESTABLISHMENT OF A REGIONAL SAFETY AND SECURITY OVERSIGHT
AGENCY (CASSOA)**

(Presented by Uganda on behalf of the East African Community Partner States¹)

EXECUTIVE SUMMARY

This Paper presents the efforts undertaken by the East African Community in establishing a regional safety and security oversight system to ensure that air transport in the region is developed in a safe, secure and efficient manner consistent with the requirements and obligations under the Convention.

The establishment of the Civil Aviation Safety and Security Oversight Agency provides a common framework and mechanism for the Partner States to fulfil their international safety and security oversight obligations and a positive initiative supporting the implementation of the AFI Plan endorsed at the 36th ICAO Assembly.

Action by the Meeting is at paragraph 8.

1.0 INTRODUCTION

1.1 The Chicago Convention accepts the fundamental principle of complete and exclusive sovereignty of every State over the airspace above and within its territory. This implies that each State assumes responsibility for safety and security oversight within its territory, its airspace and of its aircraft operations wherever they are. However, the

¹ Republic of Burundi, Republic of Kenya, Republic of Rwanda, Republic of Uganda and United Republic of Tanzania

Convention does not imply that this obligation should be met individually. The Convention on the other hand encourages cooperation and coordination by contracting States.

1.2 In recognition of the above, a number of Resolutions have been passed calling for cooperation and establishment of regional and sub-regional organisation for resolution of safety deficiencies. East African Community (EAC) Partner States recognising the fact that individually they cannot effectively and sustainably provide safety and security oversight obligations, they have established a Regional Safety and Security Oversight Agency to ensure that air transport is developed in a safe and orderly manner consistent with the Chicago Convention.

1.3 This Paper provides background on the initiative by the EAC Partner States which resulted in the establishment of the Civil Aviation Safety and Security Oversight Agency (CASSOA). The Agency establishment is a correct initiative supporting the Comprehensive Regional Implementation Plan for Aviation Safety in Africa (AFI Plan) developed by ICAO and endorsed at the 36th Assembly.

2.0 BACKGROUND

2.1 Aviation safety initiatives in the civil aviation sub-sector started as far as 1999 following the ICAO safety oversight assessments/audits under the voluntary and universal safety oversight audit programme. The Partner States developed a project entitled “the East African Community Civil Aviation Safety Project” designed for the Community by the International Civil Aviation Organisation (ICAO).

2.2 The project provided for the establishment of a region safety and security oversight agency, harmonisation of legislative and regulatory requirements meeting the ICAO Standards and Recommended Practices. It also included the establishment of an East African Upper Flight Information Region (UIR), Search and Rescue, Region AIS/MAP and the strengthening and joint utilisation of training institutes in the region.

2.3 The Safety Project could not be implemented as was designed due to the protracted procurement process and problems in the procured firms as well as the logic that starting with a study before the establishment was extending the period unnecessarily to achieve the intended goal.

2.4 The Partner States cancelled the study and decided to fast track the harmonisation of safety regulations and establishment of a regional civil aviation safety oversight infrastructure. This decision triggered the learning mission in March 2004 to the Central American Civil Aviation Safety Agency (ACSA) in Costa Rica financed by the Department of Transportation of the United States of America. During the mission participants were also briefed on the Regional Aviation Safety Oversight System of the Caribbean (RASOS).

3.0 THE ESTABLISHMENT PROCESS

3.1 Task Force and Council Approval

3.1.1 In April 2005 the Heads of Civil Aviation and Airports Authorities (the Aviation Sectoral Committee) formed a Task Force drawn from the civil aviation authorities in the Partner States, the Attorneys General's offices, private civil aviation experts and the Secretariat. The Task Force was required to develop the road map for the establishment of the regional safety and security oversight organisation by assessing, reviewing and developing recommendations in three major areas involving financing, legal and organisational requirements.

3.1.2 In October 2006, the Aviation Sectoral Committee received and considered the draft financial, organisational and legal recommendations. It included the recommendation that the initial structure be in the format of the basic structure as recommended in the ICAO Safety Oversight Manual Doc 9734 – Part B – *the Establishment and Management of a Regional Safety Oversight System*. It also included a draft Protocol for its establishment in line with the requirement of the EAC Treaty.

3.1.3 Subsequently, the Council of Ministers at their 13th Meeting on 28th November 2006 approved the establishment of the Agency as an independent and self-accounting institution of the Community whose budget will be approved by a Board of Directors and forwarded to the Council for noting.

3.1.4 The initial basic staff of the Agency approved were the Executive Director, The Technical Coordinator and the Office management Assistant. It was agreed that the Agency will evolve as necessary to reach the complex model as recommended in ICAO Doc 9734.

3.2 The Summit Approval

3.2.1 The Treaty for Establishment of East African Community provides that organs and institutions of the Community are established by the Summit. The EAC 8th Summit of the Heads of State on 30th November 2006 cognisant of the importance of the Agency and the positive role it would play in the development of the region took note of the Council approval for the establishment of the Agency pending the signing of the Protocol.

3.2.2 The draft Protocol on the Establishment of the Agency was considered and cleared by the Legal and Judicial Affairs Sectoral Council at their Meeting in Zanzibar in March 2007. Following this, the Protocol was signed by the Ministers responsible for civil aviation on 18th April 2007. Thereafter, at the 5th Extraordinary Summit of EAC Heads of State held in Kampala Uganda the Heads of State established CASSOA and directed its immediate operationalisation.

3.3 Recruitment and start of operation

3.3.1 Following the approval by the 13th Council of Ministers and the clearance by the 8th Summit, the process for recruitment of the basic staff started. On 18th April 2007, the Council appointed the Executive Director and the Technical Coordinator and took note of the appointment of the Office Management Assistant. The Agency started operation on 1st June 2007.

4.0 OBJECTIVES AND FUNCTIONS OF THE AGENCY

4.1 Articles 4 and 5 of the Protocol establishing the Agency specifies its principal objectives and functions. In brief its main objectives can be summarised as to ensure coordinated development of the civil aviation safety and security oversight infrastructure in the Community States through effective implementation of the international safety and security-related standards and recommended practices.

4.2 In its initial basic structure the main functions of the Agency is of a coordination nature in the civil aviation safety and security oversight activities, providing assistance where required by the use of experts in or outside the region. The Agency is also tasked to ensure the harmonisation of civil aviation regulations and the development of technical guidance materials conforming to the international standards and recommended practices.

5.0 STRUCTURE OF THE AGENCY

5.1 The Board and Secretariat of the Agency

5.1.1 The Protocol provides the structure of the Agency to include the Board and the Secretariat as the organs of the Agency. However, cognisant of the dynamism in the aviation industry and the fact that the Agency will develop, the Protocol empowers the Board to establish any other organs and offices as necessary.

5.1.2 The Board is the governing body of the Agency and its membership is composed of the Heads of Civil Aviation in the Partner States, the Executive Director and one aviation expert from each Partner States appointed by respective Minister responsible for civil aviation. The aviation expert shall be a person not regulated by a Partner State CAA or has an interest in a regulated entity.

5.1.3 The Secretariat of the Agency is headed by the Executive Director whose appointment is by the Council of Minister on recommendation of the Board. The Executive Director holds office for one non-renewable term of five years. The office of the Executive Director is filled on a competitive basis and under the principle of rotation among the Partner States.

5.2 Funding of the Agency

5.2.1 The Agency is mainly funded by contributions from the Partner States' Civil Aviation Authorities. Other source of funds specified under Article 15 of the Protocol

include resources mobilised by the Community, grants, revenue from the activities of the Agency and any other sources approved by the Council.

5.3 Membership to the Agency

5.3.1 A State may become a member to the Agency subject to two conditions –

- (a) It must be a party to the Treaty, i.e. a Partner State of the East African Community; and
- (b) It should accede to the Protocol and depositing the instrument of accession to the EAC Secretary General.

6.0 IMMEDIATE AND FUTURE WORK

6.1.1 The Agency when it started in June 2007, it embarked on developing its first annual work programme of activities and the budget for approval by the Board. The Annual Programme of Activities for 2007/2008 is geared towards operationalising the Agency and putting in place documentations and facilities necessary for institutional building. The programme includes activities for assisting Partner States in preparing for the ICAO safety audits under the Universal Safety Oversight Audit Programme (USOAP).

6.1.2 In order for the Agency to implement the objectives outlined in the Protocol it is was seen essential to have a five-year medium term Strategic Plan. The annual programme therefore includes development of the Agency's Five Year Strategic Plan. The Agency is looking for support in developing this Plan which will also provide the development plan of the Agency.

7.0 CONCLUSION

7.1 The 36th Assembly endorsed the Comprehensive Regional Implementation Plan for Aviation Safety in Africa ((Africa-Indian Ocean (AFI) Plan) and recognised that the Plan be built upon tangible implementation initiatives which are already taking place in the Africa-Indian Ocean Region.

7.2 The establishment of CASSOA in East Africa Community provides a common framework and mechanism for the Partner States to fulfil their international safety and security oversight obligations as provided by the Convention in an effective and efficient way. This is such positive initiatives supporting the implementation of the AFI Plan.

8.0 ACTION APIRG:

8.1 The Meeting is invited to:

8.1.1 note this positive initiative by the East African Community Partner States to meet its obligations under the Convention of ensuring aviation safety and security in the region.

8.1.2 support such initiative and consider it as one of the tangible initiatives in the region when implementing the AFI Plan.