



ASSEMBLY — 40TH SESSION

TECHNICAL COMMISSION

Agenda Item 30 Other issues to be considered by the Technical Commission

CREATION OF A NATIONAL INVESTIGATION OF ACCIDENTS AND INCIDENTS
AGENCY BY THE STATE OF NICARAGUA FUNCTIONALLY INDEPENDENT

(Presented by the State of Nicaragua)

EXECUTIVE SUMMARY

This working paper summarizes the effort made by the State of Nicaragua to achieve the creation of a Functionally Independent Aviation Accident and Incident Investigation Agency in its processes to comply with Standard 3.2 of Annex 13.

Action: The Assembly is invited to:

- a) continue with its efforts to establish functional independence in the investigation processes of accidents and incidents that occur in their territories ; and
- b) propose to ICAO to develop guidance material for the Accident Investigation authorities to take into account in their daily activities the conservation of the environment in the place where the accident occurs, and that also expose at risk the health of the human being, the destruction of flora and fauna. Since there are many chemical and flammable substances, as well as sharp articles that are in the environment and that are harmful if appropriate mitigation measures are not taken.

<i>Strategic Objectives:</i>	This working paper relates to the Safety Strategic Objective.
<i>Financial implications:</i>	It has no financial implications for ICAO
<i>References:</i>	Annex 13 — <i>Aircraft Accident and Incident Investigation</i> Annex 19 — <i>Safety Management</i> Doc. 9756, <i>Manual of Aircraft Accident and Incident Investigation</i> Annex 19 – <i>Safety Management</i> Convention on International Civil Aviation (Doc 7300) Law 988 (Reform to Law 595, General Law of Civil Aeronautics)

¹ English and Spanish versions provided by Nicaragua.

1. INTRODUCTION

1.1 The State of Nicaragua, aware of the deficiencies found in the audits carried out within the framework of the Universal Safety Oversight Audit Program (USOAP), indicates that most of the States in the region have not implemented an effective system for the investigation of accidents and aviation incidents. The findings have been related, in general, with the lack of human and financial resources, with the lack of legislation and legal regulations, the creation of an independent agency for the investigation of accidents and incidents; an instructional program for ; provide them with equipment to carry out the investigations; and creating policies, procedures and guidelines for the investigation of accidents and incidents is an imperative need in the region.

1.2 Based on this, the State of Nicaragua has made great efforts to obtain independence in the accident investigation processes through the establishment of an authority that guarantees this activity as established in Annex 13.

1.3 To achieve this objective, the national legal framework was reformed with the approval of Law 988 “Law of Reform and Additions to Law 595” General Law of Civil Aviation, through which the Nicaraguan Agency for Accident and Incident Investigation (ANIA) is created as a technical and specialized entity with independent functions of the Nicaraguan Civil Aviation Authority, whose main function is investigate all aircraft accidents and incidents that occur within the national territory and to participate in investigations of accidents that occur to Nicaraguan aircraft in foreign territory with the sole purpose of finding out the reasons that caused the event and do not determine the fault or liability.

2. BACKGROUND

2.1 The procedures applied by the State of Nicaragua in accident and incident investigations did not comply with ICAO requirements, because the national legal framework established that this responsibility was the responsibility of the Civil Aviation Authority of Nicaragua, generating conflicts of interest during the process, situation that did not allow to demonstrate before the evaluating organisms the existence of impartiality and transparency of the results of the investigations.

3. SUBORDINATION

3.1 ANIA will be a direct subordinate of the Presidency of the Republic of the State of Nicaragua and the Investigator in charge will be appointed by the President of the Republic, who will be the responsible person having considered his qualities to organise, realise and control an accident or incident investigation, who will also be invested with absolute authority to form their technical team, conduct interviews, have unrestricted access to the event site and the parts of the aircraft, technical documentation, and training records of the crew, among others.

3.2 The investigation team of ANIA may be made up of multidisciplinary technical specialists of the CAA of Nicaragua depending on the complexity of the event, who may have direct participation in an investigation at the request of the investigator in charge of ANIA through technical cooperation agreements between both entities, requiring from this staff to maintain at all times the maximum discretion in the protection of the information collected and following the requirements of the confidentiality agreements that will be signed in advance.

4. **FINAL REPORT**

4.1 For each investigation, ANIA will conclude with a technical report, which will include the conclusions related to the event, been adequate to the type and the severity of the accident or incident that will be investigated, the report will also be established and presented to the President of the Republic to guarantee that safety recommendations reflected in the report have a stricted compliance, thus guaranteeing the process transparency and impartiality predominant as the sole objective of preventing future accidents.

4.2 ANIA will ensure that the reactive method in the investigation processes is complemented with a proactive method, or what is the same, making sure the preventive part so that in the future the accident rates are reduced, this must achieve, not only from the lessons learned from the accident investigation, but from the analysis of the information that is collected from the data of the operations from other States.

5. **RESOURCES**

5.1 One of the indispensable requirements of the Investigation Agency to guarantee its total independence in its functions is the availability of human and financial resources for its functionality. Obtaining of these resources for the operation and training of its personal specialist, are well selected in the law 988, but not include mayor expenses originated from the investigation process, such as: search and rescue of victims and the remains of the aircraft, the latter will have to be covered by the operators or holder of the aircraft damaged through their insurance policies.

5.2 ANIA also relies on other organizations that are of great importance providing information about the accident, such as the Army, National Police; Legal medicine, Ministry of Foreign Affairs, Customs, Immigration, airports, among others, who, through the signing of a memorandum of understanding, clearly define the type of support they provide, the information they require and how to deliver it.

5.3 In addition, ANIA guarantees the induction in accident investigation issues to the personnel of all these organizations with the objective of their collaboration be more effective for the process that is being developed.

6. **OTHER FUNCTIONS**

6.1 ANIA investigators, within their technical functions, can also have direct participation, through bilateral agreements, in the Regional Aviation Accident Investigation Group (GRIAA) that has recently been created in the Central American Region, always and when is requested by affected States. The participation of these personnel will be technical assistance to the investigation team of the State of occurrence, who may count on their participation during the period that the State of occurrence considers necessary.