



DIRECTORS GENERAL OF CIVIL AVIATION CONFERENCE ON A GLOBAL STRATEGY FOR AVIATION SAFETY

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Theme 1: The status of aviation safety today

Topic 1.3: Initiatives by States and industry

REGIONAL SAFETY OVERSIGHT INITIATIVES

(Presented by the Secretary General)

SUMMARY

Individually, many States face limits in their access to the skills, information and finance needed for the successful development of their aviation organizational structure. Regional and sub-regional safety oversight organizations (RSOOs) have great potential to assist States in complying with their obligations under the Chicago Convention through economies of scale and the promotion of uniformity on a large scale. The effectiveness of this kind of initiative is based mainly on the capability of States to establish sustainable partnerships and ensure that the goals of the RSOOs are supported at the highest levels of the governments and that the private sector is involved.

1. INTRODUCTION

1.1 Contracting States, as signatories to the Convention on International Civil Aviation, have an obligation to ensure safety oversight of aircraft operations in their airspace. Contracting States cannot turn over their safety oversight responsibilities to another party except as contemplated under Article 83 bis), but can delegate the tasks associated with their safety oversight responsibilities. In accordance with Article 37 of the Convention, each Contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulation, standards and procedures. Resolution A35-7: *Unified Strategy to resolve safety-related deficiencies*, urges Contracting States to foster the creation of regional or sub-regional partnerships, and provide tangible support for the strengthening and furtherance of regional safety oversight organizations (RSOOs).

1.2 In certain regions of the world, entering into regional or sub-regional cooperative initiatives could result in greater success than projects conducted on a unilateral basis. Sub-regional

cooperation includes regional aviation safety oversight organizations, multi-lateral agreements and Cooperative Development of Operational Safety and Continuing Airworthiness Programmes (COSCAPs).

2. PROBLEM STATEMENT

2.1 The findings of the follow-up missions of the Universal Safety Oversight Audit Programme (USOAP) have shown that many States are still experiencing difficulties in implementing Standards and Recommended Practices (SARPs). In particular, the control and supervision of aircraft operation is often deficient, therefore creating the opportunity for unsafe practices. These potential safety gaps are sources of risk to aviation safety, often as a result of the lack of adequate staff and financial resources, and in many cases because of the lack of political commitment.

2.2 A common problem is severe limitations in the civil service salary scale of States; therefore the risk of not retaining high qualified staff is significant. Even when resources are allocated to train personnel, the disparity between their salaries and those of the private sector results in a leak of technical personnel. This leaves the States in a cycle of constantly training new staff. However, it is not only a problem of resources but also a problem of size. Many ICAO States do not have a volume of aviation activity that will be sufficient to support an efficient safety oversight system.

2.3 Furthermore, there may be a misconception about the execution of the tasks associated with safety oversight activities, and some States may erroneously understand that there is a transfer of responsibilities from the State to the regional safety oversight system. Also, the lack of equal or proportional representation in the governing bodies of these regional systems can be a concern for the States involved.

3. THE REGIONAL STRATEGY

3.1 The establishment and management of a viable safety oversight system requires a high-level government commitment which in turn requires a good understanding of the benefits of this type of regional system. A regional safety oversight system can provide economies of scale by allowing for the sharing of required resources and building the capability for an effective safety oversight. Unfortunately, many States or groups of States are reluctant to join regional initiatives because of concerns of erosion of their sovereignty.

3.2 As the industry looks for optimization of resources in order to ensure economic viability while complying with international regulations, civil aviation authorities look for ways to be more efficient. This could translate into smaller States pooling resources through the establishment of a regional mechanism.

3.3 Through the development of a regional mechanism or a Regional Safety Oversight Organization, States can benefit from significant advantages to their aviation safety oversight systems. These advantages may include: the development of a common regulatory framework, and the standardizing of enforcement regimes over different areas of aviation activities. This will improve the objectivity and independence of inspectors, as well as providing increased scope for drafting and amending regulations and procedures that will be better adapted to the regional culture and aviation industry needs.

3.4 Some of the concepts being expressed here, plus all the advantages and details on the establishment of regional safety oversight organizations, are given in the ICAO *Safety Oversight Manual*, Part B — *The Establishment and Management of a Regional Safety Oversight System* (Doc 9734B) which is accessible on the ICAO-Net.

3.5 Any regional strategy should focus on two key goals: improved effectiveness through economies of scale and uniformity in safety regulations. A regional safety oversight system can be implemented through the establishment of a stand-alone organization such as a Regional Safety Oversight Organization, or as a more simple mechanism which allows for coordination and cooperation amongst regional civil aviation authorities. Regional safety mechanisms can cover a wide range of tasks. These mechanisms can act as an expert advisory and consultative service body that can lend personnel to national authorities and help establish and maintain effective oversight. Additionally, regional mechanisms such as a RSOO can be delegated the execution of some or most of the safety responsibilities of a Contracting State.

3.6 As mentioned previously, developing a regional safety oversight organization and/or system comprises a political element which includes having a dynamic legislative process. To make it effective, a regional safety oversight mechanism needs resources. These resources range from providing adequate staffing and qualified technical personnel, to having a reliable budget. This is a fundamental requirement and the development of sustainable revenue sources is inevitable to sustain such a mechanism. The funding modality of any safety oversight organization should be agreed upon by all its members, including interested donors and financial institutions, whereby some contributions might come in the form of in kind assistance and/or in the form of training.

3.7 Currently there are several RSOOs that are operational or in the process of becoming established. In cases where these initiatives are being successfully implemented, the common denominator has been the identification of resources to establish, manage and sustain the organization in terms of legal and organizational structure. An overview of the different Regional Safety Oversight initiatives is included in the Appendix.

4. COSCAPS

4.1 Cooperative Development of Operational Safety and Continuing Airworthiness Programmes (COSCAPs) were originally conceived as cooperative agreements between member States, executed by ICAO by means of a Trust Fund, and aimed at enhancing the safety and efficiency of air transport operations in the region. These programmes are a dedicated forum for promoting continuing dialogue, coordination and cooperation in matters related to flight safety and create an environment for the harmonization and advancement of safety oversight policies, procedures and regulations among the participating countries.

4.2 A COSCAP programme is guided by a Steering Committee which is comprised of the Ministers or the Directors General of Civil Aviation of the member States, the TCB Director or his representative, the ICAO Regional Director or his representative and the programme's Chief Technical Advisor. Steering Committee meetings are held every six to eight months and representatives of the donor community or financing partners are invited to participate in these meetings.

4.3 While COSCAP programmes contain common elements, the priorities assigned to these elements vary depending on the maturity of the CAAs of member States and the needs that are identified

by the member States. Generally, in the early stages of many of the programmes, the main focus has been placed on providing training to staff of member States and developing guidance material.

4.4 Some of the new emerging COSCAP mechanisms are focusing on the development of a permanent or semi-permanent regional cooperative organization, that will be capable of providing a full range of support such as: developing regulations/standards/guidance material, providing training, including on-the-job training and assisting with certification and inspection activities in a harmonized manner. Harmonization of regulations is a major goal of the COSCAP programmes, but this requires extensive resources. Additionally, COSCAP programmes assist member States with preparations for audits under USOAP.

5. ICAO AND REGIONAL SAFETY OVERSIGHT ORGANIZATIONS

5.1 As stated in Resolution A35-7, ICAO recognizes that the establishment of regional and sub-regional safety oversight organizations has great potential to assist States in complying with their (safety oversight) obligations. The same resolution urges Contracting States to further develop regional and sub-regional cooperation and, whenever feasible, partnership initiatives with other States, industry, air navigation service providers, financial institutions and other stakeholders.

5.2 As part of the implementation of the Unified Strategy Programme (USP), ICAO can provide support to States willing to enter into a cooperation agreement for the establishment and management of a RSOO. One manner in which the USP can provide support to States is through direct assistance in the management of the RSOO, until such time that member States develop the ability to manage it on their own. This will involve the training of personnel to take over at a determined time.

5.3 ICAO can also provide assistance to simpler mechanisms of cooperation, with technical and logistical support, as well as information and documents as needed.

5.4 The ICAO Technical Cooperation Bureau can provide project management for these implementation mechanisms, not only for the COSCAPs, but also for other independent initiatives, and may provide assistance to the Regional Safety Oversight System until such a time as the regional system is self-sustaining.

6. CONCLUSIONS

6.1 The key objective of any regional safety oversight initiative is to improve the effectiveness of regional cooperation by ensuring that the targeted priorities reflect genuine, critical needs, which can be met in a more cost-effective fashion through a joint regional use of resources and cooperation.

6.2 Regional Safety Oversight Organizations represent a viable solution by providing economies of scale which leads to efficiency, allows for the sharing of human and financial resources required, ensures cooperation and coordination with member States for required actions, and allows for partnership with other sectors.

6.3 Regional cooperation does not mean that governments should give up their sovereignty, relinquish their authority, or give up their obligations as established in the Chicago Convention. It simply provides the mechanism to achieve solutions to common operational safety oversight needs.

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Appendix

OVERVIEW OF REGIONAL SAFETY OVERSIGHT INITIATIVES

Joint Aviation Authorities (JAA)

The JAA is an associated body of the European Civil Aviation Conference (ECAC) representing the civil aviation regulatory authorities of a number of European States who have agreed to cooperate in developing and implementing common safety regulatory standards and procedures. The JAA's work started in 1970 and its original objectives were to produce common certification codes for large aeroplanes and for engines. Since 1987 the JAA's work has been extended to operations, maintenance, licensing and certification/design standards for all classes of aircraft. The JAA has developed regulations (often referred to as JAR) that have been integrated in the national regulation of many of the European States and that are used as the basis of mutual recognition of activities between those States. The JARs are also being used as a model to customize regulatory frameworks in some States outside Europe. The JARs are now being incorporated in the European Regulations that are binding to EU member States.

European Aviation Safety Agency (EASA)

This agency is an independent European Community body with a legal personality and autonomy in legal, administrative and financial matters. EASA was formed in 2002 by the European Parliament and the Council of the European Union (EU) through its Regulation (EC) No 1592/2002. Accordingly, from 28 September 2003, EU Member States' national regulations on aircraft certification have been replaced by EU Regulations and certification tasks have been transferred from National Authorities (NA) to EASA. It is expected that EASA will progressively assume responsibility for operations, continuing airworthiness and flight crew licensing.

EASA main tasks consist of the following:

- assisting the European Commission in preparing legislation, and support the member States and industry in putting the legislation into effect;
- adopting certification specifications and guidance material, conducting technical inspections and issuing certificates where centralized action is more efficient; and
- assisting the European Commission in monitoring the application of European Community legislation.

Interstate Aviation Committee (MAK)

The Interstate Aviation Committee (MAK) was formed on the basis of an intergovernmental Agreement on Civil Aviation and Air Space Use that was signed on 30 December 1991. The current signatories of the Agreement are: Azerbaijan, Armenia, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Tajikistan, Turkmenistan, Uzbekistan and Ukraine. The tasks performed by MAK for the member States include airworthiness and accident investigation functions. Additionally the MAK is working on the development of a harmonized set of aviation regulations, that include Airworthiness Standards, Certification Procedures and guidance material. The Interstate Aviation Committee signed a working arrangement on airworthiness with the European Aviation Safety Agency (EASA), in St. Petersburg on 16 July 2004.

Central American Agency for Safety (ACSA)

Established in 1999 by the Executive Council of the Central American Corporation for Air Navigation Services (COCESNA), this agency's Headquarters is located in Costa Rica and serves the six member States of COCESNA (Belize, Costa Rica, El-Salvador, Guatemala, Honduras and Nicaragua).

ACSA provides to its member States support for, the tasks associated with recruitment, training and equipping of inspectors who assist States in conducting safety oversight activities and helps States prepare for audits and adapt legislation to a common regulatory framework. This regulatory framework called the RAC's (Central American Regulations) is a direct derivation from the JAR model, and was developed and adopted by its member States and allows for the appropriate delegation of authority to its inspectors in order to exercise surveillance activities on behalf of the respective Civil Aviation Authorities.

Current partnerships involved in ACSA activities include: the Federal Aviation Administration (FAA), industry such as Airbus and financial institutions such as the European Union and the World Bank.

Regional Aviation Safety Oversight System for the Caribbean (RASOS)

In 2001, the Directors General of Civil Aviation of seven member States of the Caribbean Community and Common Market (CARICOM)- Barbados, Belize, Guyana, Haiti, Jamaica, the Organisation of Eastern Caribbean States (OECS), Suriname and Trinidad and Tobago- agreed to form an Association of Civil Aviation Authorities of the Caribbean (ACAAC). The agreement aims at intensifying efforts aimed at harmonizing the group's approach to certain key safety oversight areas through the Regional Safety Oversight System (RASOS). RASOS is based in Kingston, Jamaica.

This regional safety oversight organization provides technical assistance to ACAAC member States through the resource-sharing mechanism such as the provision of certified, experienced operations and airworthiness inspectors, and organization of necessary training facilities and courses.

RASOS also assists with the development and implementation of the use of common procedures, criteria and guidance materials by staff trained at the same standards.

Pacific Aviation Safety Office (PASO)

PASO is an emerging regional agency that is expected to provide aviation safety oversight services, in the form of inspections and technical assistance to airlines, airports, and civil aviation authorities of Pacific developing member countries (Cook Islands, Fiji, Kiribati, Papua New Guinea, Samoa, Solomon Islands and Vanuatu). The Pacific Forum aviation ministers met in Apia in September 2001 and approved in principle an intergovernmental cooperative approach to establishing PASO.

The Pacific Aviation Safety Office was opened in 2002, in Port Vila, Vanuatu with eight founding members. It was consolidated through the Pacific Islands Civil Aviation and Security Treaty PICASST, signed in August 2004. Australia and New Zealand are part of the Treaty and form part of the Council of PASO supporting the activities of this regional initiative.

Two applications for financial assistance have been submitted; one to the Asian Development Bank and one to the ICAO International Financial Facility for Aviation Safety (IFFAS). Both of these applications request funding to finance technical assistance to PASO during the inception phase. These grants would

finance regulatory and legislative harmonization, followed by the recruitment and training of technical personnel to develop a surveillance programme for the member States.

East African Community (EAC)

The East African Community is the regional intergovernmental organization of the Republics of Kenya, Uganda and Tanzania, with its Headquarters located in Arusha, Tanzania. The East African Heads of State signed the Treaty for the Establishment of the East African Community in Arusha on 30 November 1999.

The EAC strategy emphasizes economic cooperation and development with a strong focus on the social dimension. Their scope of activities other than aviation include: trade, investments and industrial development, infrastructure, environment and natural resources management.

Within the civil aviation environment, the Kenyan Civil Aviation Authorities have taken a leading role towards the development of a harmonized aviation regulatory framework and the FAA is currently assisting the EAC CAAs in developing a common regulatory framework with related guidance material. EAC is committed to creating a RSOO to help States in their safety oversight responsibilities.

Sistema Regional para la Vigilancia de la Seguridad Operacional (SRVSOP)

The Regional System for Cooperation on Safety Oversight in Latin American (SVRSOP) was initially conceived in 1996 after a meeting of the South American Civil Aviation Directors Meeting and was born in 1998 under the auspices of the Latin American Civil Aviation Commission (LACAC) under a Memorandum between LACAC and ICAO. The System started its activities in 2002 after the required number of States adhered to the System. Currently there are eleven member States of LACAC (Argentina, Bolivia, Brazil, Chile, Cuba, Ecuador, Panama, Paraguay, Peru, Uruguay and Venezuela).

The initial strategy of the SRVSOP is to establish a set of harmonized safety oversight regulations and procedures compliant with ICAO SARPs as the first step on the establishment of multinational inspectors for certification and surveillance activities. For this purpose SRVOPS is developing the Latin-American regulations (LARs) under an agreed implementation strategy that comprises certification trials, multinational activities, training of inspectors, register, sharing of safety oversight information, mutual recognition, harmonization and adoption.

Current sponsors of SRVSOP include Airbus, EMBRAER and the European Commission.

Existing COSCAPs include:

COSCAP- Banjul Accord Group, started November 2005 (Cape Verde, Gambia, Ghana, Guinea, Liberia, Nigeria, Sierra Leone). Expected to evolve into a Regional Safety Oversight Organization called BAGASO.

COSCAP-CEMAC - (Cameroun, Congo, Gabon, Equatorial Guinea, Central African Republic, Chad, +Sao Tome and Principe). Project document has been signed. Implementation of the programme and receipt of funding is in progress. Expected to evolve into a Regional Safety Oversight Organization.

COSCAP-CIS, established in 2001 (Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan). Harmonization of regulations in line with JARS, ICAO SARPs and training of national flight safety staff.

COSCAP – Latin America (AM), established in 2002 (Argentina, Bolivia, Brazil, Chile, Cuba, Ecuador, Panama, Paraguay, Peru and Venezuela). Goals are to establish and operate a regional safety oversight system. Developed harmonized regulations called the Latin American Aviation Regulations (LARs).

COSCAP-NA, established in 2003 (China, Democratic People's Republic of Korea, Mongolia and Republic of Korea). North Asia Regional Safety Team (NARAST) established in 2004 focusing on enhancement of CAST/JSSI. Expanded in 2004 alongside USOAP expansion. Supported by the EC, IFFAS, governments of the United States and Canada and by industry.

COSCAP-SA, established in February 1998 (Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka). South Asia Regional Aviation Safety Team (SARAST) established in 2001, focusing on the enhancement of CAST/JSSI. Expanded in 2004, alongside USOAP. Programme run by regional experts with international short-term experts since 2003. Institutionalization in progress. Supported by the EC, IFFAS, governments of the United States, Canada, Norway and industry.

COSCAP-SEA, established in 2001 (Cambodia, Hong Kong China, Macao China, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Viet Nam). South East Asia Regional Aviation Safety Team (SEARAST) established in 2002, focusing on the enhancement of CAST/JSSI. Supported by the EC, IFFAS, governments of the United States and industry.

COSCAP-UEMOA, started in October 2005 (Benin, Burkina Faso, Côte d'Ivoire, Guinea-Bissau, Mali, Niger, Senegal, Togo and Mauritania). Expected to evolve into a Regional Safety Oversight Organization.

COSCAP-Gulf States, started in January 2006 (Bahrain, Kuwait, Qatar, UAE, Yemen). Harmonization, uniform and effective application of international and national safety oversight provisions, regulations and procedures are the focus of this programme.

COSCAPs in planning stages include:

COSCAP-East MED, (Cyprus, Jordan, Lebanon, Syria, Turkey). First Steering Committee Meeting is planned for April. Harmonization, uniform and effective application of international and national safety oversight provisions, regulations and procedures are the focus of this programme.

COSCAP-North Africa, (Algeria, Egypt, Libya, Morocco, Sudan, Tunisia). Harmonization, uniform and effective application of international and national safety oversight provisions, regulations and procedures are the focus of this programme.

COSCAP-SADC, (Angola, Botswana, Democratic Republic of Congo, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe). Programme document is currently under review.

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