



WORKING PAPER

ASSEMBLY — 42ND SESSION

TECHNICAL COMMISSION

Agenda Item 24: Aviation Safety and Air Navigation Priority Initiatives

CAPACITY BUILDING OF REGIONAL ACCIDENT INVESTIGATION ORGANIZATIONS TO ASSIST STATES IN EFFECTIVE IMPLEMENTATION OF ICAO SARPS

(Presented by the Interstate Aviation Committee (IAC) on behalf of Belarus, Kyrgyzstan, Russian Federation, Tajikistan, Uzbekistan)

EXECUTIVE SUMMARY

The working document addresses the issues of increasing interest of ICAO Member States in their participation in regional accident investigation mechanisms, such as regional accident and incident investigation organization (RAIO) and enhancing the effectiveness of using RAIO potential by States which do not have sufficient resources for establishing and adequate functioning of national accident investigation authority.

Action: The Assembly is invited to:

- a) acknowledge the fruitful work of ICAO towards expanding regional cooperation and the work carried out by the Air Accidents Investigation Panel (AIGP) and the RAIO Cooperative Platform (RAIO CP) to introduce the necessary changes to the ICAO SARPS;
- b) direct the ICAO Council to study the feasibility of a conceptual review of the USOAP CMA programme to take into account in the audit results of States their participation in regional cooperation programmes as a means of equivalent compliance with individual ICAO SARPS;
- c) direct the ICAO Council to study the feasibility of amending ICAO Annex 13, the *Manual of Aircraft Accident and Incident Investigation* (Doc 9756), the *Manual on Aircraft Accident and Incident Investigation Policies and Procedures* (Doc 9962) regarding the need to establish an independent accident investigation body for States that have delegated accident investigation authority to RAIOs, with a view to optimizing financial costs to States and more efficient use of resources;
- d) include in the agenda of the next ICAO High-Level Safety Conference a report by the ICAO Council on the results of the study referred above; and
- e) reaffirm support for the further development of regional cooperation programs in the field of aviation safety and aviation security and to call States for fuller use of resources of such a regional organizations in accordance with resolutions of the ICAO Assembly sessions.

Strategic Goals:

This working paper relates to Strategic Goal *Every Flight is Safe and Secure*.

¹ English and Russian versions provided by IAC.

<i>Financial implications:</i>	Not applicable.
<i>References:</i>	Annex 13 — <i>Aircraft Accident and Incident Investigation</i> Doc 9946, <i>Manual on Regional Accident and Incident Investigation Organization</i> Doc 9756, <i>Manual of Aircraft Accident and Incident Investigation</i> Doc 9962, <i>Manual on Aircraft Accident and Incident Investigation: policy and strategies</i> ICAO Resolution A40-6: Regional cooperation and assistance to resolve safety deficiencies, establishing priorities and setting measurable targets

1. INTRODUCTION

1.1 It is undisputed that the need and effectiveness of establishing Regional Accident Investigation Organizations (RAIOs), has found unconditional support during the last three sessions of the ICAO Assembly. Along with Standard 3.2 of the Annex 13 — *Aircraft Accident and Incident Investigation*, States are to establish an independent accident investigation authority.

1.2 It should be recognized that many States still face challenges in allocating the necessary resources for establishing and adequate functioning of a State accident investigation authority. The Universal Safety Oversight Audit Programme (USOAP) audit results have clearly demonstrated that in many States, the level of effective implementation (EI) of ICAO Standards and Recommended Practices (SARPs) in the area of air accident investigation (AIG) is the lowest among indicators in other areas of audit (55.4 per cent).

1.3 Regional cooperation in investigations can provide significant savings through the sharing of necessary resources, both human and technical. Through joint efforts, States in a region or subregion can build an effective accident and incident investigation system and, as a result, have a more effective aviation safety management system.

1.4 Nevertheless, at present, RAIO resources are not fully used, particularly during ICAO USOAP audits, and States do not receive all possible support from RAIO, including due to limitations imposed by ICAO SARPs.

2. DISCUSSION

2.1 Undoubtedly, the development of regional cooperation mechanisms has significant potential to assist States in meeting their obligations under the Chicago Convention through economies of scale and greater coherence resulting from the cooperation of Member States in establishing and maintaining a common aviation safety system.

2.2 Standard 3.2 of Annex 13 establishes the following: “A 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.”

2.3 The *Manual of Aircraft Accident and Incident Investigation* (Doc 9756), Part I — *Organization and Planning*, provides guidance on the independence of an accident investigation authority, stating that the authority should be financially, organizationally and functionally independent from any outside influences, and should not be a branch of the Ministry of Transport or directly associated with the State civil aviation authority responsible for aviation safety oversight.

2.4 Doc 9756, Part I, Chapter 2, paragraph 2.1.9 stated “When States’ resources for aircraft accident and incident investigations are limited, ICAO encourages States to foster RAIOS and regional aviation safety groups”.

2.5 Nevertheless, simultaneously paragraph 2.1.10 of Doc 9756, Part I suggests the following: "When a State delegates the conduct of all investigations under its responsibility to another State or an RAIO, that State would still need to have an accident investigation authority established...", and when the accident investigation authority could be composed of a skeleton staff (e.g. one to three persons).

2.6 What does it mean in practice? It means that all ICAO Member States, regardless of their membership in RAIO, must have an independent investigation body, allocated as a separate structural unit, not connected with the civil aviation department or the ministry of transport, and therefore have a staff of qualified staff, funding, premises, equipment, technical means, means of transport, etc. The assumption that the investigation body, in the case of delegation of powers to RAIO, "could be composed of a skeleton staff (e.g. one to three persons)" cannot be realized in practice since an independent authority must, in addition to staff, have a director and deputies, an administrative staff, a financial and economic structure, etc. In addition, in accordance with ICAO SARPs, the investigation body must develop and improve the legislative framework, guidelines and guidance material, provide regular training for specialists, maintain air accidents database, etc., which is an unbearable burden for small States, as evidenced by the results of their audits under the USOAP Continuous Monitoring Approach (CMA) programme.

2.7 As a result, many States, realizing that they will not be able to comply with most of the ICAO requirements in the field of air accident investigation, stop making any significant efforts in this area, understanding that there will be no serious negative consequences for their non-compliance with ICAO SARPs on results of audits under the ICAO USOAP CMA programme.

2.8 Moreover, even if a small State is able to create an independent air accident investigation body, then, given the small volume of air transportation and, accordingly, aviation events, the efficiency of such a body is usually not high, and the qualification of specialists, in the absence of practical work, are steadily declining. The quality of flight safety data analysis, the development and accounting of flight safety recommendations with small volumes of information also cannot be high compared to the analysis of large volumes of data, which makes, for example, the maintenance of an isolated, within one State, database of aviation events ineffective in the context of risk assessment and predictive analysis.

2.9 The requirements of Standard 3.3 of Annex 13, devoted to measures to protect the evidence and to maintain safe custody of the aircraft and its contents, in practice can be fulfilled by territorial bodies of civil aviation authorities more effectively and efficiently than by national accident investigation authorities, consisting of "one to three" specialists, due to the territorial proximity of these CAA bodies to the place of the air accident and the availability of appropriate resources, which is what happens in practice.

2.10 RAIO is a tool that can ensure that accident and incident investigations are conducted in strict compliance with ICAO SARPs, while at the same time guaranteeing the independence and impartiality of the investigation.

2.11 However, at present, participation in RAIO does not guarantee a satisfactory result for a State when passing ICAO USOAP audits. Moreover, the experience of participation in such audits has shown that RAIO is not able to improve the results of USOAP audits of RAIO Member States. The RAIO mechanism is currently excluded from the ICAO USOAP CMA mechanism. In this regard, RAIO Member States have a reasonable question about the reasonability of participating in RAIO if they still must create an independent investigation body and bear the entire burden of preparing for and passing ICAO audits

independently, which in turn does not contribute to the further development of the RAIO mechanism in particular, and the development of regional cooperation in general.

2.12 Despite the obvious benefits of resource sharing, there is a recognition that many regional organizations face artificial barriers that prevent them from contributing fully to the safety capacity building of their Member States.

2.13 The assignment of responsibility on States for the effective implementation of SARPs in national air legislation without taking into account the delegation of certain powers to regional cooperation organizations established on the initiative and under the auspices of ICAO makes the implementation of the ICAO regional cooperation concept difficult. Thus, the stated goals of implementing the Regional Safety Oversight Organization and Regional Accident Incident Investigations Organization Assessment Programme (RRAP) concept (earlier known as GASOS) to eliminate duplication, combine efforts and use resources more efficiently collide with somewhat outdated approaches during ICAO USOAP audits, which does not add to States' confidence in such regional mechanisms.

2.14 The change in ICAO's conceptual approach to conducting USOAP CMA audits in terms of full integration and recognition of participation of regional organizations in the audit system is clearly consistent with the ICAO concept aimed at expanding regional cooperation.

2.15 The development of additional guidance material on taking into account the participation of Member States in regional cooperation mechanisms when conducting inspections within the framework of the USOAP programme could contribute to a more fruitful development of the institution of regional organizations and the trust of States to such an organization.

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