



WORKING PAPER

ASSEMBLY — 41ST SESSION

TECHNICAL COMMISSION

Agenda Item 32: Aviation Safety and Air Navigation Regional Implementation Coordination Mechanisms

RECOGNITION AND STRENGTHENING OF THE ACTION FRAMEWORK FOR ACCIDENT INVESTIGATION COOPERATION MECHANISMS THAT FUNCTIONALLY CONTRIBUTE TO STATES' FULFILMENT OF ANNEX 13 OBLIGATIONS

(Presented by the Member States of the Central American Corporation for Air Navigation Services (COCESNA)²)

EXECUTIVE SUMMARY

This working paper points to the existing need to strengthen the framework of action for accident investigation cooperation mechanisms to which States in some regions belong.

Cooperation mechanisms have been playing a fundamental role in the last few years in States' investigation systems; however, in view of the current form of establishment of regional organizations stipulated in Doc 9946, *Manual on Regional Accident and Incident Investigation Organization (RAIO)*, it is necessary to strengthen the framework for these mechanisms (ICM) in regard to the way in which they are founded, their potential scope, their functions and the way in which they may be integrated into States' activities, considering the need to avoid duplication of effort and for all participating States to pool and optimize resources in order to have sustainable investigation systems in furtherance of air transport safety.

Action: The Assembly is invited to:

- a) note the information presented; and
- b) consider transferring the proposal to the AIG Panel for discussion and, if relevant, incorporating into Doc 9946 a regulatory frame of reference for AIG Cooperation Mechanisms (ICM), as follows:
 - 1) A regulatory framework that recognizes and strengthens the framework of action for AIG Cooperation Mechanisms, under which they may establish an ad hoc investigation commission, if need be, in order to:
 - i. delegate in whole or in part an investigation into the AIG Cooperation Mechanism;
 - ii. request the AIG Cooperation Mechanism to participate in an investigation as

¹ Spanish version provided by COCESNA.

² Belize, Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua.

	<p>guarantor of impartiality and quality in the investigation, the State being in charge; and</p> <p>iii. work in an integrated manner with States in the investigation system’s operational activities, drawing on regional resources and reducing the duplication of effort, as a means by which States can support each other in fulfilling the provisions of Annex 13.</p>
<i>Strategic Objectives:</i>	This working paper relates to the Safety Strategic Objectives
<i>Financial implications:</i>	Coordination activities among States
<i>References:</i>	Annex 13 — <i>Aircraft Accident and Incident Investigation</i> Doc 9946, <i>Manual on Regional Accident and Incident Investigation Organization</i> AIG 2020 Protocol Questions

1. INTRODUCTION

1.1 The process of accident investigation is a key function of States, since it can identify contributory factors and possible faults in the aeronautical system, and recommend preventive measures to avoid repeated accidents, as stated in the *Safety Management Manual* (Doc 9859). However, accident investigation and the safety recommendations implemented have an effect on international confidence in the aviation sector, perceived as mature and capable of developing constantly to reduce the number of accidents and concomitantly the number of fatalities, which is the primordial goal.

1.2 However, the findings of safety-oversight audits conducted under the ICAO Universal Safety Oversight Audit Programme (USOAP) show that several States have been unable to establish an efficient system to investigate accidents and incidents that have occurred within their territory. The findings related generally to the lack of resources (human and financial) and specifically to the difficulty of amending the relevant aviation laws and regulations that contain the necessary provision on accident investigation, an accident and incident investigation organization and a training system.

1.3 These difficulties have led many States to identify new forms of grouping together for capacity sharing and conducting accident investigations, leading to Cooperation Mechanisms (ICM) as a means of supporting States in a flexible and effective manner.

2. SITUATION ANALYSIS

2.1 In various regions, such groups (ICM-GRIAA, ARCM, ENCASIA, among others) have emerged spontaneously among States aware that the sharing of technical, human and financial resources and the experience exchanged among investigators are the best means of having a functional investigation system and of fulfilling in this way the provisions of Annex 13, by sharing the RAIO spirit; however, actual RAIO establishment is also a challenge for States, given the difficulties of amending aviation laws and the process that it entails within States.

2.2 Several years after they were founded, experience has shown that these mechanisms have been efficient in training investigators, in exchanging information and experience relating to accident investigation, and in harmonizing documents, management systems, guidance material, etc., and technical

support in some investigation aspects when requested by other States participating in the mechanism. Furthermore, these mechanisms are a valuable tool for ICAO Regional Offices, since they combine efforts that contribute to the achievement of the region's safety objectives.

2.3 Aware that responsibility for investigation always lies with the State, one of the main reasons for which States with limited resources joined these initiatives was to delegate in whole or in part an investigation to AIG cooperation mechanisms or to secure the support of regional specialists when the State did not wish to delegate. These reasons are consistent with the mechanisms' pooled resources mentioned above, and they represent a backup for investigation systems. They could not achieve this, however, because Doc 9946 (the Manual on RAIO) does not establish a reference framework for AIG Cooperation Mechanisms (ICM), and so these organizations could not respond fully to their Member States or participate in investigation roles and in response to events covered by Annex 13.

2.4 As cooperation mechanisms are operational in character, it has been determined gradually that they could use their capabilities directly in response to ICM integration into States' investigation systems, in the sense of pooling and optimizing available resources, as some form part of those capabilities to operate as a regional centre for notifications, first response to accidents, storage and exchange of accident data, management of regional capacity-building for investigators, distribution of information to investigators (ICAO documentation, bulletins, PQs, etc.), proposed regulations and procedures, preparation of States before CMA audits and, above all, to coordinate and curate agreements for collaboration as a region with other ICMs or States in particular.

2.5 Moreover, States could take the step of forming working groups, within the ICM framework, to study the sustainability of the investigation system in the region, the way in which notifications of an Annex 13 event function, common features of accidents in the region, types of events, safety recommendations and the conduct of procedures, among other important topics.

2.6 Integration of ICM into States' investigation systems can be rewarding in view of the existing complexity of separating accident investigation authorities from civil aviation authorities, given that cooperation mechanisms could participate as observers at the request of the State conducting the investigation, for the purposes contributing to assurance that the investigation process is conducted in accordance with investigation standards and impartiality, considering that there is currently no independent authority in some States.

2.7 By the same token, some of the difficulties encountered by States consisted in demonstrating in the audits that their investigation systems could perform their tasks with assistance from these forms of regional cooperation (ICM). It is therefore necessary to strengthen these mechanisms' framework for action, which will lead to recognition of these "nascent" forms of cooperation among States, stipulation of their functions and, above all, provision of a support in audits, for these mechanisms clearly operate in the RAIO spirit but cannot be founded as RAIO, owing to the legal and organizational complexity this entails.

3. **CONCLUSION**

3.1 Owing to the existing AIG difficulties, States have identified new forms of grouping together to contribute to the strengthening of accident investigation systems, leading to the emergence of a cooperation mechanism.

3.2 For States with limited resources, membership of an AIG Cooperation Mechanism does not imply any additional cost because ICMs operate on the basis of voluntary support from all States which thus assist and support States in need.

3.3 Support and assistance can be improved further if the mechanisms had a regulatory reference framework, such as the RAIO framework set out in Doc 9946, under which Member States, and the event State, may:

- a) delegate in whole or in part an investigation into the AIG Cooperation Mechanism;
- b) request and permit participation by the Mechanism in an investigation as guarantor of the investigation's impartiality and quality; and
- c) work in an integrated manner with States in the investigation system's operational activities, drawing on regional resources and reducing duplication of effort.

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