



International Civil Aviation Organization

CAR/SAM REGIONAL PLANNING AND IMPLEMENTATION GROUP (GREPECAS)

First Meeting of the High-Level Panel on Institutional Aspects (EANAI/1)

Lima, Peru, 2 to 5 June 2008

EANAI/1-WP/5

21/4/08

Agenda Item 3: Review of the Draft Technical Cooperation Project for the Implementation of the RMO

Provisional measure supported by the ICAO Technical Cooperation for the implementation of the RMO

(Presented by the Secretariat)

SUMMARY

This working paper contains information on the arrangement that the States interested in implementing a regional multinational mechanism could provisionally agree upon for the implementation of such mechanism. Paragraph 4 describes the action suggested to the meeting.

References:

- CAR/SAM FASID, CAR/SAM ANP Doc. 8733
- Reports of the GREPECAS/12, GREPECAS/13, and GREPECAS/14 meetings.
- Reports of the RACC/7, RAAC/8, RACC/9, and RAAC/10 meetings.
- Reports of ICAO Assemblies A-35 and A-36.

1. Introduction

1.1 Since the approval of the CAR/SAM Air Navigation Plan (ANP) by the CAR/SAM RAN/3 meeting (November 1999), the SAM Region has focused its efforts on the implementation of multinational facilities using the material available in the ANP FASID. These ICAO recommendations are fully consistent with the global nature of CNS/ATM systems and the ATM development vision under the ATM operational concept approved by the Eleventh Air Navigation Conference (AN-Conf/11).

1.2 On various occasions, the States of the Region have expressed the need for a big display of international cooperation and collaboration in order to be able to implement modern CNS/ATM technology. In this sense, the REDDIG, in support of ATS, AIS, and MET services, is an example of regional effort, clearly producing immediate benefits both for air navigation service provider States as well as for users (airline operators), and regionally providing a homogeneous communication structure with a common management, which facilitates the introduction of improvements and platform modernisation within the changing and very dynamic aeronautical environment.

2. **Analysis**

2.1 The GREPECAS/14 meeting formulated Conclusions 14/5 and 14/6, recommending States to consider the implementation of a regional multinational mechanism and to begin its implementation with the support of a technical cooperation project. Working papers WP/2 and WP/3 contain the corresponding details.

2.2 Regarding the implementation of regional organisations, ICAO has strongly endorsed this, and the ICAO Assembly has issued Resolutions with clear directives encouraging States to create this type of organisations, as reflected in Resolution A36-2. Although this topic is more related to the issues addressed in Annexes 1, 6, and 8, it is widely understood that safety encompasses all ICAO Annexes, with the exception of Annexes 9 and 17.

2.3 Furthermore, Resolution A35-3 shows a practical path towards the implementation of CNS/ATM systems, addressing the corresponding legal and institutional aspects through regional organisations with mechanisms that are consistent with the Chicago Convention and international public law.

2.4 In view of the above and taking into account previous cooperation and collaboration arrangements in the ICAO SAM Region, the work done so far by GREPECAS, Regional Project RLA/98/003, and the decisions made by the RAAC meetings, it may be recognised that the States are channelling their plans towards an understanding for a regional multinational mechanism that is consistent with the Chicago Convention and international law.

3. **Discussion**

3.1 Traditionally, the Region has faced large projects through regional projects, using the ICAO technical cooperation mechanism. This is contemplated under Article 28 - Supplementary provisions of the Document for the Establishment of an RMO (Appendix B to WP/3) and recommended in Conclusion 14/6 of the GREPECAS/14 meeting.

3.2 In this sense, and unless the meeting finds a more appropriate institutional alternative, ICAO can help the States in the task of beginning the creation and implementation of the Regional Multinational Mechanism, making use of technical cooperation schemes. In this regard, it should be noted that, as part of Conclusion 14/6, GREPECAS recommended the inclusion of the following activities in this likely new Regional Technical Cooperation Project:

1. Establish the necessary studies to implement an RMO as an international organisation for the management of multinational facilities and, if possible, for long-term provision of air navigation services.
2. Within the scope of the new regional project, establish and begin the necessary studies to consolidate, as part of the RMO, the multinational facilities that have already been implemented.
3. Within the scope of the new project and, in coordination with other technical cooperation projects, establish the necessary studies for the implementation of new systems, such as ATFM and others.

4. During the lifetime of the new project, manage RMO implementation, planning for a transition period for the transfer to an international/multinational body, and implementing such transfer, analysing all the technical, operational, administrative, institutional, legal, financial, and economic aspects related to RMO implementation.
5. As to the personnel of the RMO and the participating States/Territories/International Organisations, make plans for human resources and their training in all required areas, and begin their implementation as necessary.
6. During the lifetime of the project, implement, as necessary, new multinational systems/facilities in order to make ATM improvements based on performance objectives, attainable benefits, and the results of business case studies.
7. Develop a business case to be submitted to civil aviation authorities, showing the advantages/disadvantages of implementing an RMO.

3.2.1 The Meeting should note that Regional Project RLA/06/901 – Assistance for the Implementation of a Regional ATM System, funded by most of the States of the Region, could carry out preliminary activities and thus set the foundations for the implementation of the new technical cooperation project, which would be more operational in nature and geared to the management, consolidation, and possible implementation of new multinational systems. This new project may be designed for this purpose, and be submitted in due time to the consideration of civil aviation authorities.

3.3 Accordingly, the objectives of the project could be as follows:

- Objective 1 Conduct the relevant studies for the implementation of the RMO as an international organisation, including the studies on the CNS/ATM systems to be managed by this organisation.
- Objective 2 Manage the existing multinational systems, such as REDDIG and CARSAMMA, and implement, inasmuch as possible and during the lifetime of the new project, any other foreseen system.
- Objective 3 Develop the human resources and all the infrastructure required for the consolidation and implementation of the RMO.

3.4 Under Agenda Item 4, the Meeting will discuss the steps to be followed by the States in order for the Governments to approve the implementation of this international organisation. This could take a long time, depending on the steps and procedures for each case. Nevertheless, the technical/operational aspects to be addressed in ICAO plans with a view to the global ATM need to advance, and management of international cooperation aspects will be very important and, in some cases, decisive. In this regard, and while State bureaucratic proceedings continue, it is necessary to do the preparatory work to further RMO implementation. The technical cooperation project can serve as the institutional framework, within the terms of a Transitional Management Agreement, to attain the aforementioned Objectives 1 to 3, in preparation for RMO operation.

3.5 In this sense, before submitting the draft project document, the Secretariat has deemed it necessary for the Meeting to agree, in principle, to the following:

- a) Implement the RMO, using the Draft Constituent Agreement contained in WP/3 as the legal/institutional basis.
- b) Based on the above, discuss the steps for RMO implementation, taking into account the possibility of using Regional Project RLA/06/901 for attaining the aforementioned Objective 1, and the services of a new Regional Project to attain Objectives 2 and 3, in order to prepare for RMO implementation and initial management of existing multinational systems.

3.6 Within this context, it should be noted that not all States may be attending the EANAI/1 meeting. Accordingly, the Meeting should agree to consult the States through ICAO as to their participation in the RMO under the terms agreed upon by the Meeting. Undoubtedly, it is very important that the majority or all the States of the Region participate in the implementation of the RMO, so that as many FIRs as possible benefit from the multinational organisation. However, that this should not prevent interested States from implementing their plans in this respect. The existing RMO-type international organisations were created by groups of States that believed in joint international cooperation and collaboration schemes, and were later joined by other States, following the rules of accession foreseen in the incorporation documents.

4. **Suggested action**

4.1 The Meeting should note that the contents of this agenda item will fully depend on the results of the discussions under agenda item 2. In this sense, the Meeting is invited to:

- a) consider, under Project RLA/06/901, the development of Objective 1 described in paragraph 3.3;
- b) consider the development of Objectives 2 and 3 described in paragraph 3.3, through a new Technical Cooperation Project; and
- c) ICAO, in due time and depending on the results of the discussions under agenda item 4, submit to civil aviation authorities the draft version of the aforementioned new Technical Cooperation Project.

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