



International Civil Aviation Organization
First Meeting of High Level Experts on Institutional Aspects (EANAI/1)
Lima, Peru, from 2 to 5 June 2008

Agenda

Item 4: Future activities for the implementation of an MRO

HOLDING OF A DIPLOMATIC CONFERENCE

(Presented by the Secretariat)

SUMMARY

This Working Paper presents information on subsequent activities and actions to be taken by civil aviation authorities in order to facilitate the ratification by the Legislative Organisms of each of the interested States, whose representatives subscribed the agreement for the establishment of a Regional Multinational Organization.

References:

- Reports of GREPECAS/12, GREPECAS/13 and GREPECAS/14 Meetings.
- Reports of RACC/9 and RAAC/10 Meetings.

1. Introduction

1.1 Under the mechanism of the Civil Aviation Authorities meeting (RAACs), the issue prepared by GREPECAS for the establishment of a regional mechanism to consolidate, manage and implement multinational systems is being presently studied. The RAAC meetings, once the necessary material for the Definite Agreement be approved, will opt by a Diplomatic Conference to develop a detailed analysis of the multilateral agreement project with normative content, and to elaborate and approve the final text of this project in order to establish the Regional Multinational Organization (OMR). Finally, as result of this Conference, a ratification will be required from the legislative organisms of each interested State whose representatives would have signed the Agreement.

1.2 Following are the details of the issues to be developed in order to hold the Diplomatic Conference:

2. Diplomatic Conference

Preparatory Issues

2.1 In correspondence to Conclusion 10/8 of RAAC/10 Meeting, the States, in coordination with ICAO, should consider holding a Diplomatic Conference or other appropriate event to formalize pertinent documents for the implementation of a regional mechanism once the following steps are complied:

- a) To adopt the GREPECAS Constituent Agreement as the base for the creation of the referred regional mechanism as a Regional Multinational Organization (RMO);

Note: The result of the EANAI/1 Meeting would permit to comply with this activity.

- b) Circulation of the RMO Constituent Agreement by ICAO among the interested States, in order to attain harmonization of the different criteria as well as a high level of uniformity regarding the proposed text, so as to obtain a project of an international instrument to be presented for the consideration of the States in the Diplomatic Conference, for adoption by most of them, as earliest as possible, preferably before finalizing year 2008;

Note: As result of the EANAI/1 meeting, States will be requested a final comment on the text of the agreements reached in the meeting, and States that have not participated will be invited to consider being part of these agreements.

- c) To establish agreements to develop the necessary studies for the RMO establishment;

Note: Studies are expected to be carried out within the scope of Project RLA/06/90. Decision to be made in the EANAI/1 meeting.

- d) To establish preliminary agreements related to the RMO headquarters; and

Note: Studies are expected to be carried out within the scope of Project RLA/06/901. Decision to be made in the EANAI/1 meeting.

- e) The holding of a future Meeting of Civil Aviation Authorities (RAAC) that recommends, based in the above and as a priority matter, to convene a Diplomatic Conference or intergovernmental regional, having as principal objective and unique issue, to carry out a detailed analysis of the multilateral agreement project, with normative content, and the elaboration and approval of its final text to establish a Regional Multinational Organization (RMO).

Convening and Holding of a Diplomatic Conference

2.2 Convening the specific Diplomatic Conference from the part of one or more interested States, in coordination with ICAO, in order to hold in a city within the territory of one of these States, as soon as possible, at the end of year 2008 or beginning of year 2009.

Note: Likewise, the convening could be done directly by ICAO or under its sponsorship.(Example: International Conferences on Air Law, held in Montreal, in February 1988; and Aeronautical Law, held in Montreal, in May 1999. In both conferences, international texts were approved). This would have to be evaluated. In this stage, it should be taken into account and made it known to the States, that the

agreement project text would be sufficiently studied as to be considered within a Diplomatic Conference (complementing the above paragraph).

2.3 Holding of the Diplomatic Conference with the assistance of plenipotentiary representatives from interested States, which would include faculties for the signature of the text (though this will depend on each participant States' decision) and of Observers (in general, these are international or regional organisms), in order to examine the texts of the instrument project referred, and based in the following aspects:

- a) Inauguration of the Conference
- b) Election of authorities (President and Vice-president), that would count with the support or collaboration of one or more secretary general or executive secretary
- c) Approval of the internal rules and agenda
- d) Creation of a Plenary Commission, whose president would be the Conference president, and of the necessary committees
- e) Constitution of the pertinent committees, that could be:
 1. Credentials Committee (necessary)
 2. Legal Committee (in particular, examines project of articles that present differences among the States)
 3. Technical Committee, and
 4. Drafting Committee (necessary)
- f) Deliberations through plenary sessions (debate on the agreement project text)
- g) Writing or elaboration of the final text of the agreement
- h) Adoption or approval of the final text. (Likewise, resolutions tending to the ratification and deposit of the respective instrument as soon as possible by the States).
- i) Opening of the signature of the agreement in the place where the Conference is held (Only for representatives that count with this faculty, which will be evaluated by the Credentials Committee).

Action subsequent to the Diplomatic Conference

2.4 Final consent of the sovereign States to be obliged by the approved agreement, through the ratification by the Legislative Organisms of each State, whose representatives would have subscribe the agreement.

3. Action suggested

3.1 The meeting is invited to consider the information presented in this Working Paper regarding the holding of a Diplomatic Conference in order to:

- a) Take note of the preparatory events and necessary results to implement the same;
- b) agree on a possible date for holding the referred Conference; and
- c) recommend any other measure to facilitate the early implementation of the regional multinational mechanism.
