



International Civil Aviation Organization

Diplomatic Conference for the drafting and adoption of the definitive text of the Constituent Agreement for the Implementation of a Regional Multinational Organisation (RMO) in the ICAO SAM Region

Brasilia, Brazil, 7 - 9 December 2009

Agenda Item 8: Discussion of the draft Constituent Agreement

**DRAFT CONSTITUENT AGREEMENT FOR THE IMPLEMENTATION OF A
MULTINATIONAL REGIONAL ORGANIZATION (MRO)**

(Presented by the Secretariat)

SUMMARY

This Working Paper presents information on the process carried by the States for the development of the Draft Constituent Agreement aimed at implementing a Multinational Regional Organization (MRO) in the SAM ICAO Region. In **Appendix B** is presented the current version of the document contained the mentioned Constituent Agreement. As per the Conclusion 11/3 formulated by the RAAC/11 Meeting this document is presented for the consideration by the Diplomatic Conference. Action by the Conference is indicated in paragraph 3.

References:

- GREPECAS/14 Meeting Report
- GREPECAS/15 Meeting Report
- EANAI/1 Meeting Report
- EANAI/2 Meeting Report
- RACC/11 Meeting Report

1. Background

1.1. Since the approval of the CAR/SAM Air Navigation Plan (ANP) developed by the CAR/SAM RAN/3 Meeting (November 1999), the SAM Region has focused its efforts on the implementation of multinational facilities based on the guidance material developed in the EUR Region and adopted by the CAR/SAM Regions, which is currently available in the ANP FASID. However, plans to integrate efforts for the implementation of multinational facilities under the modern CNS/ATM systems approach date back to the first GREPECAS meetings that resulted in the planning/implementation of the South American Digital Network (REDDIG), one of the successfully implemented multinational systems currently in operation that provides significant cost/benefit advantages to the participating States.

1.2. The global nature of CNS/ATM systems and the ATM development vision based on the ATM operational concept approved by the Eleventh Air Navigation Conference (*AN-Conf/11*) will require a significant amount of international cooperation and collaboration with a multinational approach for the implementation of CNS/ATM systems, so as to take advantage of the great potential that technological developments in the area of international civil aviation offer to navigation and the provision of the corresponding support services.

1.3. In the ICAO SAM Region the advantages for the implementation of installations and services under the multinational approach were recognized. In this sense, the GREPECAS mechanism and the Civil Aviation Authorities Meetings initiated a continuous study process, which is highlighted in the following paragraphs.

Multinational Studies carried out by GREPECAS

1.3.1. The discussion of institutional aspects received a strong thrust within the framework of the activities of Regional Technical Cooperation Project RLA/98/003, which supported the tasks of GREPECAS and its Institutional Aspects Task Force. This was the most productive stage of GREPECAS, which used the modality of yearly Task Force meetings, and a seminar on Institutional Aspects immediately before each meeting, with the support of project RLA/98/003. This ensured a greater participation by States in the drafting of documents and proper discussion of complex multi-disciplinary topics. The results of these tasks, which included those carried out under project RLA/98/003, were submitted to the consideration of GREPECAS meetings.

1.3.2. Until the GREPECAS/14 Meeting, the following had been defined:

- a) A CAR/SAM strategy for the implementation of multinational facilities.
- b) A study of the various implementation options. It was decided that the best option would be to implement multinational facilities under a Regional Multinational Organisation (RMO).
- c) The systems that could be implemented as multinational facilities.
- d) The operational scenarios where multinational systems would be implemented.
- e) A preliminary cost/benefit study.
- f) The development of a draft Incorporation Agreement for the Implementation of a Regional Multinational Organisation (RMO) (Con. 14/5).
- g) A recommendation to provide the assistance required for the implementation of the RMO (14/6).

1.3.3. The GREPECAS/15 Meeting (October 2008) reviewed in detail the terms of reference of the Institutional Aspects Task Force. As a result, it agreed that, for the time being, there was no need for the mechanism to carry out more activities related to institutional aspects and decided to disband the task force. After four years of studies on institutional issues related with the implementation of multinational facilities/services, the most importance outcome of GREPECAS was its recommendations formulated in the Conclusions 14/5 and 14/6 which are reproduced in **Appendix A**. *Con.14/5* provides the regional guidelines for the elaboration of a Constituent Agreement to implement a RMO and *Con. 14/6* recommends the ICAO technical cooperation mechanism to assist the interested States in implementing the RMO.

Multinational Studies carried out by the Civil Aviation Authorities meetings (RAACs)

1.3.4. Since the RAAC/6 Meeting (Panama, Panama, 1999), the Region became interested on institutional aspects related to the implementation of CNS/ATM systems. In this sense, it was clearly stated that the GREPECAS mechanism should further the definition of operational scenarios and the use

of available guidance material. The meeting foresaw the need to establish a high-level panel to address institutional aspects once GREPECAS had completed the respective work (Con. 6/9).

1.3.5. The RAAC/7 Meeting (Bahia, Brazil, 2002), pursuant to RAAC/6 Con. 6/9, created the regional high-level group, and developed its terms of reference and work programme. Likewise, it agreed that the ICAO Regional Office should coordinate with the States the holding of the first meeting of the group, based on the progress made with the institutional aspects within GREPECAS (Con.7/5).

1.3.6. The RAAC/8 Meeting (Buenos Aires, Argentina, 2003) took note of the amendments made to the activities of project RLA/98/003, aimed at the formulation of a regional institutional arrangement for air navigation services. In this sense, the RAAC/8 Meeting encouraged the States that had designated experts to work in the GREPECAS Institutional Aspects Task Force to provide all their support to these experts in the fulfilment of their tasks within the Group (Con. 8/12).

1.3.7. The RAAC/10 Meeting (Caracas, Venezuela, 2007) made a complete assessment of the work of GREPECAS concerning institutional aspects. In this respect, it took note of Conclusions 14/5 and 14/6, stating that the material recommended by GREPECAS should be taken into account for the establishment of a regional mechanism for the consolidation, management, and implementation of multinational facilities, and requested ICAO to develop a draft document to expedite the implementation of this regional mechanism. The RAAC/10 Meeting also requested ICAO to coordinate the holding of the first meeting of the High-Level Panel, in order to review the guidance material prepared by GREPECAS on the establishment of a regional mechanism and the aforementioned project document (Con. 10/8).

1.3.7.1. Based on the results of the RAAC/10 Meeting, the Secretariat organised the First Meeting of the High-Level Panel on Institutional Aspects (EANAI/1) (Lima, Peru, June 2008). This meeting discussed matters of great interest in preparation for the EANAI/2 Meeting (Lima, Peru, March 2009), which developed concrete proposals for the RAAC/11 Meeting. In these meetings the States participated with a multidisciplinary delegations including experts in the legal field. During these meetings the guidelines developed by GREPECAS concerning the Constituent Agreement to implement a MRO were examined in detail.

1.3.8. The RAAC/11 Meeting (Santiago de Chile, May 2009) revised the results of the work carried out by the EANAI/1 and EANAI/2 Meetings and formulated important recommendations addressed to the States aimed at implementing the Multinational Regional Organization in the SAM Region. As a result of its work, the RAAC/11 Meeting formulated, among others, Conclusion 11/3, which is transcribed below:

CONCLUSION 11/3 DIPLOMATIC CONFERENCE FOR DRAFTING THE DEFINITIVE TEXT OF THE CONSTITUENT AGREEMENT FOR THE ESTABLISHMENT, OPERATION AND MANAGEMENT OF A REGIONAL MULTINATIONAL ORGANISATION (RMO)

That, ICAO, in coordination with the States of the Region, organise a Diplomatic Conference on the second semester of 2009, which, taking into account the draft Constituent Agreement for the establishment, operation and management of a Regional Multinational Organisation (RMO) contained in Appendix A to this part of the Report, draft and approve the definitive text of said agreement for the establishment of the Regional Multinational Organisation.

1.3.8.1. The mentioned Appendix A to the above Conclusion is the Draft Constituent Agreement revised by the RAAC/11 Meeting, which is presented as **Appendix B** to this Working Paper, document that constitutes the principal material for the consideration of the Diplomatic Conference .

2. Analysis

2.1. The operational/technical, economical, institutional and legal matters related with the implementation of multinational facilities/services were discussed in a intra and inter-regional way from 1999 during the RAAC meetings and in the GREPECAS mechanism from 2004 to 2008. Within this context, the Draft Constituent Agreement examined by the RAAC/11 Meeting was reviewed in four opportunities until the same was considered mature enough by the States of the Region for its presentation and consideration by a Diplomatic Conference.

2.2. The implementation of the Multinational Regional Organization it is a reply for the solution of problems related to limitations in the planning, implementation and management processes for the integration of technological resources, information systems, services, and human resources, which need to be addressed regionally in a holistic way in order to evolve towards the global ATM system. In this sense, and taking into account the global nature of the ATM system, the following issues could be solved within a multinational approach through the MRO:

- a) Lack of a systematic implementation process, resulting in different services and procedures emerging from different collaborative decision-making systems and tools.
- b) Lack of a regional strategic approach to the definition of performance specifications for a homogeneous identification of technical/operational requirements.
- c) Need of more regional cooperation and collaboration to expedite funding for sharing all types of resources for short- and medium-term implementation of ATM improvements.
- d) Lack of a centralised management structure enabling a cost-efficient and more reliable operation of facilities under the ATM operational concept.
- e) Need of more flexibility in the airspace structure in order to permit taking full advantage of airborne and ground system automation capabilities.

2.3. The multinational approach agreed by the States for a joint solution to the implementation of multinational facilities will permit the development of a global, inter-functional air traffic management system for all users during all flight phases that meets the agreed safety levels, provides cost-effective operations, is environmentally sustainable and meets security requirements.

2.3.1. The following benefits are expected to be obtained once the MRO be implemented:

- a) Regional strength and presence for the planning, consolidation, implementation, and management of the multinational systems required by the Region with a view to the global ATM.
- b) Regional strength and presence to coordinate, at the global level, the implementation and development of the ATM operational concept with a view to the global ATM.
- c) Capacity for a homogeneous and integrated planning/implementation of services with common technical/operational objectives.

- d) The funding and reduction of costs for the implementation, operation, and maintenance of multinational and other services and systems will be facilitated.
- e) Users throughout the regional airspace will derive immediate benefits in a harmonised way; and
- f) Centralised management of the main multinational facilities in the Region and more efficient and reliable management and control by the States that form part of the RMO.

2.4. It should be noted that most aeronautical authorities of the SAM Region agreed with the implementation of the Multinational Regional Organization as an adequate solution for the development of CNS/ATM systems in support of the implementation of ATM improvements addressed to Global/Regional ATM System.

3. **Action Suggested**

3.1. The Conference is invited to consider the information provided in this Working Paper and to review Appendix B in order to develop and adopt the final text of the Constituent Agreement for the implementation of a Multinational Regional Organization in the SAM ICAO Region.

APPENDIX A

GREPECAS 14 CONCLUSIONS 14/5 AND 14/6 RELEVANT CONCLUSIONS

**CONCLUSION 14/5 GENERIC DOCUMENT CONCERNING AN
AGREEMENT FOR THE ESTABLISHMENT OF A
REGIONAL MULTINATIONAL ORGANIZATION**

Whereas the most effective way to implement/consolidate multinational facilities, and manage and provide services is through the implementation of a Regional Multinational Organization (RMO), and that this requires a basic reference document to serve as basis for the States/Territories concerned to conduct the necessary studies:

- a) it is recommended that the States/Territories that are interested in implementing an RMO use the summarised draft Agreement for the establishment of a Regional Multinational Organization (RMO) shown in the attached **Appendix A**, the draft Agreement for the Establishment, Operation, and Management of an RMO, shown in **Appendix B**, and the corresponding draft by-laws shown in **Appendix C** to this part of the Report; and
- b) the ICAO NACC and SAM Regional Offices are requested to follow-up on action taken by the States with respect to the implementation of an RMO, as appropriate.

**CONCLUSION 14/6 TECHNICAL COOPERATION PROJECT TO
FACILITATE THE IMPLEMENTATION OF A
REGIONAL MULTINATIONAL ORGANIZATION
(RMO)**

Based on GREPECAS guidelines for the implementation of multinational facilities, the States interested in implementing RMOs should consider, in coordination with ICAO, the formulation of a technical cooperation project that includes an agreement for its establishment, operation, and management, taking into account the possible objectives contained in Appendix D to this part of the Report.

APPENDIX B

CONSTITUENT AGREEMENT FOR THE ESTABLISHMENT, OPERATION AND MANAGEMENT OF A REGIONAL MULTINATIONAL ORGANISATION (RMO)

Whereas no aspect inherent to the communications, navigation and surveillance/air traffic management (CNS/ATM) systems is incompatible with the Convention on International Civil Aviation (Chicago, 1944) or with its standards and recommended practices and, as a result, there are no legal obstacles to prevent their establishment and operation, as reflected in Resolutions A32-19, A32-20 and A35-3 of the International Civil Aviation Organization (ICAO) Assembly.

Whereas, in keeping with Article 28 of the Convention on International Civil Aviation (Chicago, 1944), States maintain authority and responsibility over air navigation control and the fulfilment of safety oversight standards within their sovereign airspace.

Whereas ICAO Assembly Resolutions A32-19, A32-20, and A-35-15 on the subject call for cooperation and mutual assistance among States to achieve the maximum degree of uniformity possible in the provision of CNS/ATM services.

Whereas regional initiatives for the development and planning of international air navigation principles and techniques, the enhancement of safety within the sphere of international civil aviation in order to prevent and reduce the negative consequences of operational failures of the CNS/ATM systems, and effective compliance of responsibilities for safety oversight, are all important.

Whereas regional cooperation is effective for putting into practice and consolidating the organisation and implementation of CNS/ATM systems, with a view towards global ATM and the safety system, taking into account for that purpose ICAO standards, recommendations, and guidance and, particularly, ICAO Assembly Resolutions A35-3 and A35-7.

Whereas ICAO Assembly Resolution A35-7 encourages States to promote the creation of regional or subregional associations to collaborate in developing solutions to common problems, in order to strengthen their individual capacities for safety oversight.

Whereas it is necessary to establish international agreements at the regional level to facilitate the establishment, operation and management of communications, navigation, and surveillance/air traffic management (CNS/ATM) and safety systems in the SAM and/or CAR Regions.

Whereas the CNS/ATM systems are global/regional in nature and the investments needed for their implementation and operation are sizeable, and international regional collaboration is essential for greater efficiency and economy, thereby avoiding the duplication of human and material resources, given the benefits to be gained from the sharing of facilities, services and costs and the possibilities for obtaining common financing and benefits.

Whereas cost sharing among users should be reasonable, their imposition and recovery will be carried out according to Article 15 of the Convention on International Civil Aviation (Chicago, 1944).

Whereas an appropriate legal framework is required to regulate the operation of CNS/ATM systems and cooperation for safety oversight, permitting the access of the largest possible number of States, with a view towards applying the principle of uniformity of international air navigation and safety standards and procedures.

Whereas the meetings of Civil Aviation Authorities (RAACs) of the SAM Region recognised the need to create a regional mechanism to study and decide on the feasibility of implementing CNS/ATM systems (RAAC/6, RAAC/7, RAAC/8, RAAC/9 and RAAC/10).

Whereas the CAR/SAM Regional Planning and Implementation Group (GREPECAS) has completed the task on institutional aspects and has prepared guidance material for the implementation of CNS/ATM systems (Conclusion 14/5) through the establishment of a Regional Multinational Organisation (RMO).

It is resolved to adopt the following:

AGREEMENT FOR THE ESTABLISHMENT OF A REGIONAL MULTINATIONAL ORGANISATION (RMO)

Article 1 – Scope

The ICAO SAM Region Contracting States agree to create in the Region a Regional Multinational Organisation (RMO) for the provision and management of multinational facilities in order to facilitate the implementation of, and, if necessary, implement the ATM operational concept with a view to the global ATM, supported by communication, navigation and surveillance/air traffic management (CNS/ATM) systems, and to give assistance on other matters, in keeping with the standards and recommended practices of the International Civil Aviation Organization (ICAO), which is to be called....and henceforth to be known as ... (in this document, “the Organisation”).

Article 2 – Legal nature

The Organisation shall have a legal status, may exercise its rights and incur obligations, and shall enjoy such management and financial autonomy as may be appropriate for contracting for, acquiring and disposing of the goods and services of the Organisation, as well as for undertaking legal action, taking part in trials, and being represented extrajudicially.

Article 3 – Purpose

The purpose of the Organisation is to provide and manage the multinational facilities envisaged in the CAR/SAM Regional Air Navigation Plan. It is not a profit-seeking organization since it operates under a cost-recovery scheme, in accordance with what its bylaws will stipulate, within the territory of the Contracting Parties and in all spheres of responsibility set forth in Regional Air Navigation Agreements and agreements with States/Organisations as may be reached by virtue of any bilateral or multilateral arrangement with the Organisation. Furthermore, the Organisation may provide assistance on other matters for the effective compliance of responsibilities by the Contracting Parties.

The Organisation may also provide other services not envisaged in the CAR/SAM Regional Air Navigation Plan, in keeping with what the respective bylaws stipulate and through the signing of bilateral or multilateral contracts or agreements.

Article 4 – Duties and responsibilities

The Organization shall have the following duties and responsibilities:

- a) Exercise rights in regard to the provision, determination, receipt and management of the services listed in the previous article.
- b) Establish an economic policy that will make it possible to achieve financial balance by obtaining its own resources.
- c) Obtain loans in the financial markets that may be guaranteed by the Contracting Parties or others, if necessary.

d) Propose to the Contracting Parties the standardisation of national regulations and procedures with regard to air navigation services and other matters, in accordance with the standards and recommended practices of the Annexes to the Convention on International Civil Aviation (Chicago, 1944).

e) Carry out the necessary technical, operational and administrative studies and take the corresponding action to fulfil its purpose, taking into account the evolution and development of international civil aviation and compliance with the standards of the Convention on International Civil Aviation (Chicago, 1944).

f) Propose to the Contracting Parties the relevant amendments to the CAR/SAM Regional Air Navigation Plan.

g) Give its personnel appropriate and continuous training.

h) Establish the necessary links with States and International Organisations for the exercise of its duties and responsibilities.

i) Request from and communicate to the competent national authorities all relevant information and report to them any alleged violations of air navigation standards committed within the sphere of its responsibilities.

j) Assess the standardisation of systems within the territory of the Contracting Parties, in keeping with ICAO standards and recommended practices.

k) Study, advise, recommend, facilitate, decide and implement all matters related to the normal and regular activities of the Organisation.

l) Carry out any other activity demanded of it by the Member States that is related to its purpose and within its capability.

Article 5 – Liability and insurance

The Organisation shall, by taking out adequate insurance policies, cover all risks stemming from its liability for damages to third parties resulting from the operation of the facilities.

Article 6 – Headquarters

The Organisation shall have its headquarters in a city of a State Party to be determined according to the advantages offered for its establishment, to which end it shall sign the respective Headquarters Agreement with that State.

Article 7 - Structure

The Organisation shall consist of an Executive Council, an Executive Director and the necessary and appropriate technical, operational and administrative units to fulfil the responsibilities entrusted to it. The structure of the executive body shall be simple, so that it can operate in an agile manner. The tasks to be performed by officials shall cover technical, operational and administrative aspects.

Article 8 – Executive Council

An Executive Council shall administer the Organisation and shall be comprised of one representative of each Contracting Party, who will be replaced by an alternate if unable to attend, both of whom shall be appointed by that Contracting Party and shall be competent in aeronautical matters.

The Executive Council shall have a Chairman and a Vice-Chairman, elected from among the members in rotation and for such terms as the bylaws may stipulate.

Article 9 – Responsibilities of the Executive Council

The Executive Council shall have the following responsibilities:

a) Adopt a common policy for the operation and management of the multinational systems.

b) Set the rates and fees to be paid by users of the services provided by the Organisation.

c) Appoint the Executive Director and the technical, operational and administrative Directors, at the proposal of the Executive Director.

- d) Approve the insurance policies stipulated in Article 5, to be taken out with such companies as it may deem appropriate.
- e) Approve the annual budget and any reforms to it.
- f) Approve the bylaws and internal regulations of the Organisation and/or make amendments or modifications to them.
- g) Approve the amount and terms and conditions of any loans to be obtained in the financial markets for the accomplishment of its objectives.
- h) Consider any proposal of amendments or modifications to this agreement.
- i) Establish the policy for the personnel to be hired.

Article 10 –Executive Director

The Executive Director shall be a national of any of the Contracting Parties and shall occupy that position for such a term as the respective bylaws may stipulate.

Article 11 – Responsibilities of the Executive Director

The Executive Director is the legal representative and executive administrator of the Organisation and shall have the following responsibilities:

- a) Sign the documents for the operation of the Organisation within its sphere of competence.
- b) Present all such reports as required by the Executive Council.
- c) Hire and exercise such personnel management duties as the Organisation may require, in accordance with the policy established by the Executive Council.
- d) Propose to the Executive Council nominees for technical, operational and administrative Directors, with a view to their hiring.
- e) Propose constituent amendments or modifications to the bylaws and internal regulations of the Organisation.
- f) Analyse and propose the rates and fees to be collected by the Organisation.
- g) Prepare the annual budget and advise the Executive Council on the subject.
- h) Perform the duties of Secretary of the Executive Council.
- i) Perform any other such task as may be entrusted by the Executive Council.

Article 12 – Decision-making methods

Each Contracting Party shall have one vote in the Executive Council, to be exercised through its representative.

Executive Council meetings shall require a quorum of two-thirds of the members.

Decisions shall be adopted by majority vote of two-thirds of those present, except in such cases specifically requiring a unanimous vote as may be stipulated in the bylaws and shall be binding on each State or Contracting Party.

Article 13 – Personnel

The Organisation shall hire personnel that are nationals of the Contracting States, except in duly justified exceptional circumstances or situations.

The staff shall have its own labour regime to that end the respective bylaws shall be drawn up and approved, based on those of the United Nations.

Article 14 – Financial system

In accordance with Article 15 of the Convention on International Civil Aviation (Chicago, 1944), the Organisation should try to reach a financial balance.

Article 15 - Audits

The Organisation shall undergo such internal, external, and ICAO audits as the bylaws may stipulate.

Article 16 – Fiscal and customs exemptions

The Organisation, its assets, income, activities and any such contracts as it may sign will be exempt from taxes, duties, charges and/or any other levy, as well as from any restriction or prohibition deriving from the import or export of what is needed for its operation, in a way similar to that contemplated for the United Nations system, within the territory of each of the Contracting Parties.

Article 17 – Privileges and immunities

The Organisation and each of the internal bodies shall, in the territory of each of the Contracting States, enjoy the necessary legal capacity to exercise their responsibilities and such facilities, privileges and immunities necessary to achieve their objectives, which are compatible with their bylaws, international law and the legislation of each State involved.

Its representatives and officials will also enjoy the privileges and immunities associated to their official activities, which are necessary to carry out their responsibilities with independence under this agreement.

All goods and salaries shall enjoy immunity against any legal proceeding, unless such is expressly waived. Even so, such waiver shall not be applied to any legal measure of execution.

Article 18 – Violations

The Organisation shall report to the competent national authorities any alleged violation of air navigation standards committed within the duties and responsibilities provided for in Article 4 and shall send the record accrediting the commission or omission that constitutes the transgression, for the adoption of any such measures as may be appropriate.

Article 19 – Dispute settlement

Any such difference or disagreement as may arise over the interpretation or application of this agreement shall be submitted to the Executive Council for resolution, whose final decision the States Parties agree to accept.

Article 20 – Signing and ratification

This agreement is to be signed and ratified by each of the Contracting Parties and the respective instrument of ratification deposited with ICAO.

Before the date of its entry into effect, this agreement shall be open to the signing of any other interested State of the ICAO South American Region.

ICAO shall notify the Governments of the other signatory States to the Agreement about any other signature or deposit of an instrument of ratification of the Agreement.

Article 21 – Entry into effect

This Agreement shall enter into effect sixty days after the deposit of the instruments of ratification of at least ... (the final number shall depend upon the decision made by the Diplomatic Conference) Contracting States, to which end ICAO shall inform each of the respective Governments about that date.

In the case of any State depositing its instrument of ratification after the date of entry into effect of this Agreement, the Agreement shall become effective for that State sixty days after the date of deposit of its instrument of ratification.

Article 22 – Registration

This Agreement shall be registered with the International Civil Aviation Organization (ICAO) as stipulated in Article 83 of the Convention on International Civil Aviation (Chicago, 1944).

Article 23 – Adherence

The States from the ICAO South American Region that are not signatory to this Agreement may adhere to it, once it has entered into effect, by depositing an instrument of adherence with ICAO.

Before a State can adhere to the Agreement, unanimous approval must be obtained from all the Contracting Parties and an agreement signed between that State and the Organization, in order to consider such technical, operational, financial and administrative issues as may permit its incorporation.

The adherence shall become effective within thirty days after the deposit of the respective instrument.

Article 24 – Observers

The participation of Observers at the meetings of the Organization will require the unequivocal unanimous acceptance by the Contracting Parties or by those entitled to be Part of it..

Article 25 – Amendments or modifications

Any one of the Contracting Parties may propose amendments or modifications to this Agreement, which shall be submitted to the Executive Council for consideration and approved unanimously by the Contracting Parties.

Article 26 – Denouncement

Contracting Parties may denounce this Agreement two years after it has become effective for said Contracting Party, by accordingly notifying ICAO, which shall advise the other Contracting States thereof within a period of 30 days.

The denouncement of the Agreement shall become effective one year after the date of the communication by ICAO.

Article 27 – Duration and dissolution

This agreement will have an indefinite duration and will cease to be effective when the Executive Council decides unanimously upon the dissolution of the Organisation, which will continue to exist until its definitive liquidation. The Contracting Parties shall agree on the distribution and transfer of goods and the continued provision of services.

Article 28 – Temporary provision

During its initial stage, the Organisation shall operate on the basis of assistance provided by ICAO through a Technical Cooperation Project until such a time as its operation is consolidated.