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EXPERIENCES OF ESTABLISHING A REGIONAL SAFETY ORGANISATION – THE CASE OF EAST AFRICAN COMMUNITY CIVIL AVIATION SAFETY AND SECURITY OVERSIGHT AGENCY (CASSOA)

(Presented by EAC Partner States – Kenya, Uganda, Tanzania, Burundi and Rwanda)

EXECUTIVE SUMMARY

The East African Community is a regional economic community determined to implement regional initiatives in the civil aviation sub-sector to enhance safety and security. The Community has, with effect from 1st June 2007, established a regional safety and security oversight agency as a specialised institution of the Community to oversee civil aviation safety and security in the region. Prior to this establishment the Partner States' civil aviation rules and regulations have been harmonised and are in conformity with Standards and Recommended Practices contained in the Annexes to the Convention on International Civil Aviation. This paper is intended to introduce the established Agency and also inform the Assembly on the efforts undertaken by East African Partner States to improve aviation safety in the region.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objective A (Safety – Enhance global civil aviation safety).
<i>Financial implications:</i>	Not applicable.
<i>References:</i>	The Treaty for the Establishment of the East African Community The Protocol for Establishment of the EAC Civil Aviation Safety and Security Oversight Agency Assembly Resolution A35-7

1. INTRODUCTION

1.1 Air transport sector in East Africa region has an important role in social, economic and political integration of the region. Air transport system plays a significant role in the movement of people, goods and services within and outside the region. In order for the air transport to play its rightful role and therefore be able to stimulate its own growth as well as that of the regional economy in general, it must be safe, reliable, efficient and economically viable.

1.2 In order to achieve the development of a safe, secure and efficient aviation system in the region, three founder Partner States under the East African Community and as guided by the Treaty for the Establishment of the Community, initiated regional co-operation in the development of policies and programmes for the sub-sector. To this end they signed a Memorandum of Understanding concerning cooperation in the enhancement of aviation safety, security, air navigation and capacity building on 12 November 2004. Harmonisation of the civil aviation safety and security regulations and the establishment of the region agency is one of the achievements the region has seen since then.

1.3 This paper provides an overview of the achievements in the harmonisation of civil aviation rules and regulations conforming to the ICAO Standards and Recommended Practices (SARPs) as well as in establishment of a region agency as means of achieving an effective and sustainable safety oversight capability in the Region.

2. THE EAST AFRICAN COMMUNITY (EAC)

2.1 The three founder East African countries (the Republics of Kenya, Uganda, the United Republic of Tanzania) together with the two new entrants (the Republics of Burundi and Rwanda) cover an area of 1.85 million square kilometres and have a population of about 110 million who share a common history, language, culture and infrastructure. These advantages provide the Partner States with a unique framework for regional co-operation and integration. The two new Partner States became full members of the Community with effect from 1 July 2007.

2.2 The organs of the Community, which are established under the Treaty signed on 30 November 1999, include the Summit of Heads of State, the Council of Ministers, the Co-ordination Committee, Sectoral Committees. Other organs are The East African Court of Justice, East African Legislative Assembly and various institutions of the Community. Day to day functions of the Community is managed by the Secretariat.

2.3 Institutions are established under the Treaty by the Summit. The Heads of States of the three founder Partners States approved the establishment of the Agency at its 4th Ordinary Summit held in Arusha on 30 November 2006. Subsequently, upon signing of the Protocol for the Establishment of the Agency, the 5th Extraordinary Summit held in Kampala, Uganda on 18 June 2007 established the Civil Aviation Safety and Security Oversight Agency (CASSOA) as a specialised institution of the Community to oversee civil aviation safety and security in the region.

3. AIR TRANSPORT STATUS AND SIZE IN THE REGION

3.1 Currently, the five East African States have autonomous civil aviation administrations. The founder EAC Partner States having established the autonomous administrations from the 90's. In recognition of the benefits of autonomous civil aviation administrations in managing resources, infrastructures and providing efficient services the Directors General of Civil Aviation Conference on a Global Strategy for Aviation Safety held in Montréal, Canada 20 to 22 March 2006 which called upon States to establish, where necessary, autonomous Civil Aviation Authority which are empowered and adequately funded to provide effective safety oversight as a means of addressing aviation safety shortcomings. This again was repeated by the Libreville Resolution on the aviation safety in Africa by the African Ministers responsible for civil aviation in May 2006.

3.2 The East African Community State aircraft Registers show that there are about 1151 aircraft registered, out of which 679 are currently operational. About four hundred and sixty five (465) aircraft are used for commercial operations. There are about 48 major aerodromes catering for international and domestic operations. The aviation industry within East Africa is supported by a large number of small airstrips serving tourists in the game reserves and wild life conservation areas. The active commercial air operators certificated for domestic and international operations holding AOC issued by Partner States for scheduled and non-scheduled operations stand at around 125.

3.3 This size of the industry justifies pooling the resources together for the region to offer effective safety and security oversight. Current numbers of technical staff employed by the individual States and the resources required to retain them, maintain their currency and provide them with training to enhance their competence at the desired level is difficult to sustain by individual States. A regional approach provides with the advantage of sharing the resources and provides benefits from economies of scale. The current total technical experts in the three founder Partner States to cover flight safety, aerodrome, air navigation and aviation security is subdivided as follows: nine flight operations inspectors, twenty seven airworthiness inspectors, five air traffic management inspectors, one CNS inspectors, five aerodrome inspectors and nine aviation security inspectors.

4. HARMONISATION OF CIVIL AVIATION REGULATIONS

4.1 The process of harmonisation of the civil aviation regulations started in 2004. The EAC Civil Aviation Sectoral Committee comprising of the Heads of Civil Aviation and Airports Authorities established a Team of Experts to develop harmonised civil aviation safety regulations. The Team comprised of experts in the areas of personnel licensing, flight operations, airworthiness and legal. It included personnel from the civil aviation authorities and from the ministries responsible for civil aviation and the attorney generals' offices.

4.2 The Sectoral Committee recognising that the Partner States can improve flight safety in the region by the establishment of a regional safety oversight organisation, embarked on a safety project in 1999. The Project was in the form of a study which was funded by EIB in a soft loan advanced to the three founder EAC member States. However, the study was discontinued in 2004 as it was taking too long to achieve the intended results. Partner States opted to implement directly by using internal resources and with the technical assistance from the USA FAA under the Safe Skies for Africa (SSFA) Programme.

4.3 The first phase looked at the regulations in the areas of personnel licensing, flight operations, airworthiness and rules of the air with the intention of conforming to Annexes 1, 2, 6 and 8 of

the Chicago Convention. The process included consultations with stakeholders in the three Partner States. State consultation workshops were held in the capitals of each State in August and September 2005 and concluded with a regional workshop at the East African Community Headquarters in Arusha. The consultations were necessary not only to meet the legal processes enshrined in the three Partner States systems but also a process for the stakeholder to be involved in the change, understand and appreciate the new regulations and create ownership.

4.4 At the end of the process twelve sets of the harmonised Regulations were promulgated by each Partner State between November 2006 and January 2007. These Regulations cover commercial air transport operations by foreign air operator in and out of the Partner States, airworthiness, approved training organisation, aerial work, aircraft registration and marking, air operator certification and administration, personnel licensing, instruments and equipment, approved maintenance organisation, operation of aircraft, rules of the air and air traffic control, and parachute operations.

4.5 Aerodrome Regulations and Aviation Security Regulations have also been harmonised to bring them in conformity with Annexes 14 and 17 respectively. These harmonised regulations are expected to be promulgated by Partner States in the last quarter of 2007.

5. THE ESTABLISHMENT OF THE REGION AGENCY FOR SAFETY AND SECURITY OVERSIGHT

5.1 The established Safety and Security Oversight Agency is currently housed at the EAC Secretariat in Arusha Tanzania pending completion of a process for permanently hosting in one of the Partner States and Uganda has offered to host the Agency.

5.2 The Agency established as a self-accounting Institution of the Community by a Protocol signed on 18 April 2007 by the Ministers responsible for civil aviation. The Agency possesses legal personality with full capacity to contract, acquire and dispose of movable and immovable property.

5.3 The Protocol sets out the funding mechanism of the Agency as contributions by the Partner States through the Civil Aviation Authorities, resources mobilised by the Community, grants from regional and international bodies and any other sources as may be approved by the Council. Currently the agreement is that, the Partner States' Civil Aviation Authorities contribute in equal proportions to the funding of the annual programme of activities of the Agency.

5.4 The Agency is governed by a Board whose membership comprises the Partners States' Heads of Civil Aviation Authorities, one civil aviation expert from each Partner State and the Executive Director. The aviation expert from each partner State is nominated by the Minister responsible for civil aviation in that State for a period of three years and shall not be a person regulated by the Civil Aviation Authority. The Board is required to meet every three months and has powers to establish organs and officers of the Agency as it deems necessary.

5.5 The Agency also has a Secretariat as one of its organs. The Secretariat is headed by the Executive Director. The Executive Director holds office for a five year non-renewable term filled on a competitive basis under the principle of rotation among the Partner States. The first Executive Director, Technical Coordinator and an Office Management Assistant were appointed with effect from 1 June 2007.

5.6 The functions of the Agency include strengthening the institutional framework within the Partner States in aviation safety and security by ensuring development and updating of harmonised regulations, technical guidance materials and managing the delivery of technical support to partner States through the pooling of specialist resources in the provision of safety and security oversight functions.

5.7 The Agency initial tasks will be to assist the States in the re-certification of the approved/certificated organisation to the new harmonised Regulations and also in their preparation for the ICAO USOAP audits scheduled for October 2008.

6. CONCLUSION

6.1 The EAC in implementing the objectives of the Treaty establishing the Community in the civil aviation sub-sector has put in programmes to promote the development of safe, secure, reliable, efficient and economically viable civil aviation. In many instances international aviation community has identified lack of political will as one of the major shortcomings in resolving safety deficiencies or improving aviation safety in Africa. The EAC Partner States have demonstrated the required political will as the Agency is established by the highest Organ of the Community.

6.2 The intention is to establish and sustain an effective safety oversight system in the region as a major player in the improvement of aviation safety. The Agency will initially assist Partner States to pool together the resources in the region in terms of qualified technical personnel. This is not without challenges, particularly the shortfalls of qualified and competent technical staff in the areas of airworthiness and more critically in flight operations. It is, however, our sincere hope that with the support from States capable of doing so, our approach and strategies undertaken by the East African Community stand to succeed as called for under ICAO Resolution A35-7.

7. ACTION BY THE ASSEMBLY

7.1 The Assembly is invited to note the information contained in this paper, and refer to it when discussing Agenda Item 12 (Progress report on the implementation of the ICAO Unified Strategy Programme) as a success in a regional initiative towards establishing a sustainable effective safety oversight system.

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