



PRESENTATION TO LEGAL COMMITTEE

ASSISTING IMPLEMENTATION - ROLE OF RSOOS & FUTURE CAPABILITIES

**PRESENTED BY MARY TUFANO ECHE
REGIONAL LEGAL ADVISER**

Scope



1. Background
2. Objectives
3. Legal Framework
4. Level of Assistance – GASOS Categorisation
5. BAGASOO Assistance to Member States.
6. Benefits of RSOOs
7. Challenges/ Future Capabilities

1. Background



Safety Oversight primary responsibility of Contracting States.

- The Chicago Convention and its Annexes vests the responsibility for aviation safety oversight to individual Contracting States. **Each State is to bear responsibility for the continuing airworthiness of aircraft, safe and efficient operation of aircraft, the licensing and or certification of personnel and safe air traffic flow within its airspace**

Article 37 CC:

- Each contracting state undertakes to collaborate in securing the **highest practicable degree of uniformity in regulations, standards, procedures and organization** in relation to **aircraft, airports, airways, and auxiliary services** in all matters in which such uniformity will facilitate and improve air navigation

ICAO Doc 9734B

Background Cont'd



Why RSOO?

ICAO safety oversight audit results in the past reveal certain barriers to creating and maintaining fully functional government safety oversight programmes as follows:

- Inadequate basic air law and or code of air navigation regulations
- Inability to recruit, train and retain suitably qualified inspectors (technical personnel)
- Funding; and
- Limited capacity to license personnel and certify airlines amongst other possible deficiencies

Background Cont'd



Result?

- Struggle in the Implementation of safety oversight systems which complies with ICAO SARPS.

This led ICAO to the conclusion that regional or sub regional approach is an effective means of overcoming this deficiencies through shared objectives, strategies, activities and pooling of resources

Need for Cooperation



- The need
 - for a rethink of current safety oversight systems in order to simplify the systems for better resource management.
 - to resolve current inefficiencies and cater for future challenges in the framework of constant growth.

2. Objectives

The main objectives of an RSOO is to:

- Strengthen the regional institutional framework for aviation safety and assist in the development of harmonized legislative and regulatory framework for the region
- Promote a comprehensive system approach to the conduct of safety oversight activities focusing on the implementation of SARPs and the critical elements of safety oversight leading to the establishment and effective and efficient safety oversight capability in Member States:
- Develop an information system to facilitate access to safety related and safety critical information
- Assist Meet the Safety Oversight Obligations and responsibilities in accordance with the Chicago Convention, Annexes and Safety related Procedures in the most effective and efficient manner.

3. Establishment and Legal Framework



Establishment



ICAO Document 9734 B:

- provides guidance for establishment and management of a Regional Safety Oversight System, to assist Member States fulfill part or all of their safety oversight responsibility.
- It outlines responsibilities of contracting States either as individuals or collectively.

Establishment Cont'd



- For some states apart from pooling of resources, cooperation of through the establishment of an RSOO enables the harmonization and standardization of safety oversight requirements pursuant to Article 37 Of the Chicago Convention

Legal Framework

- ICAO Assembly Resolutions:
A37-8, A39-18, A38-5
- MoU/ MoC (informal and less binding)
- Formal Int'l Agreement /Treaties
- Legal framework of an already existing economic/political organisation

Legal Framework cont'd

- RSOO in general sense cover a number of legal forms and institutional structures that range from **highly formalized intergovernmental organization** to **less institutionalized projects**
- The constitutional foundation of Member States impacts on the type of RSOO that is to be established.
- ICAO Assembly Resolutions essentially leave it up to each group of States to determine the legal form and institutional structure that best fits the needs and characteristics of their specific region.

Legal Framework (cont'd)

RSOO Legal Forms:

➤ COSCAPS-MoU/MoC

- ❖ Co-operative sub-regional projects under the auspices of ICAO

➤ RSOO-Formal agreements

- ❖ PASO (Pacific Safety Office), CASSOA (Civil Aviation Safety & Security Oversight Agency)
East African Community Treaty.

Legal Framework (cont'd)

- RSOOs established under existing regional agreements
 - ❖ (agreement establishing the RSOO is annexed to or subsumed under another agreement). e.g BAGASOO, CASSOS (Civil Aviation Safety and Security)
- Transitions-COSCAP-BAG to BAGASOO
 - ❖ EU-JAA-EASA (MOC superseded by formal agreement- Regulation EC NO, 1592/2002)

4. Role of RSOOs

Role of the RSOO in assisting Member States derives from its objectives and functions as defined by the agreement or arrangement establishing it.

ICAO Res.A37-8

- RSOO should foster collaboration on the part of its Member States to develop solutions to common problems in building State Safety oversight capabilities

ICAO Res. A38-5

- Recognises that the establishment of RSOOs, has great potential to assist States in complying with their obligations under the Chicago Convention through economies of scale and harmonization on a larger scale resulting from the collaboration among Contracting States in establishing and operating a common safety oversight system; Recalling that Contracting States are responsible for implementing

Role of RSOOs Cont'd



ICAO Res. A39-14

- strongly promotes the role of RSOOs and provides the guidance for their establishment in ICAO Doc 9734B

Role of RSOOs Cont'd

- ICAO RSOO Symposium of 2011 recognised the role of RSOO in establishing mandatory and voluntary incident reporting systems to facilitate collection of information on actual or potential safety deficiencies and an accident and incident database to facilitate the effective analysis of information to determine any preventive actions required

Role of RSOOs Cont'd

- The Symposium considered that RSOOs can facilitate the effective collection, storage analysis and exchange of safety data and information...
- provided that appropriate protocols for ensuring mandatory requirements for States to access information are developed.

Role of RSOOs Cont'd



Scope of activities covered by most RSOOs is in the area of safety oversight such as:

- airworthiness of aircraft, aircraft operations, personnel licensing, aerodromes, air navigation services.
- In some cases;
 - ❖ Accident investigation(Central American Agency for Aeronautical safety - ACSA)
 - ❖ Aviation security (Civil Aviation Safety and Security Oversight Agency - CASSOA)
 - ❖ Several are doing SMS
- The RSOO may execute some of these duties, but it must be noted that the responsibility for the tasks remain with the State.

5. Assisting Implementation

Assisting implementation of ICAO SARPs or the Critical Elements is dependent on the Member State, who may decide whether to discharge their safety oversight responsibilities through full or partial delegation to an RSOO

This will also be dependent on the regulatory framework of the RSOO

Assisting Implementation Cont'd

With respect to the objectives, three broad categories define the mandate of an RSOO expert.

- Advisory and consultative services in safety oversight matters
- Provision of technical assistance; and
- The execution of safety oversight function on behalf of Member States

Assisting Implementation Cont'd

Role of GASOS

GASOS is Global Aviation Safety Oversight Systems. An integral part of ICAO strategy to support RSOOs reinforcement and recognition.

- It is a voluntary standardized assessment and recognition mechanism for RSOOs aimed at promoting delegation of safety oversight functions by States to ICAO recognized RSOOs
- Has the double objective: of
 - ❖ strengthening State safety oversight capabilities by providing them with a system for the delegation of safety oversight functions to recognized safety oversight organizations (SOOs); and of
 - ❖ strengthening existing SOOs.

Assistance Levels – GASOS Safety functions delegation levels

- Level 1 – Advisory and Coordinating Functions
- Level 2 – Operational Assistance Functions
- Level 3 – Certifying Functions, issuance of regulations, full safety investigations

Banjul Accord Group (BAG)



24 February 2020

BAG Cont'd

- BAG Agreement
- Council of Ministers
- Plenary
- BAG Secretariat

Establishment

- Based on the institutionalization of COSCAP-BAG (Cooperative Development of operational safety and continuing airworthiness programme)
- Decision of the Council of Ministers of the BAG States
- BAGASOO Agreement signed on 30th June 2009 in Montreal, Canada

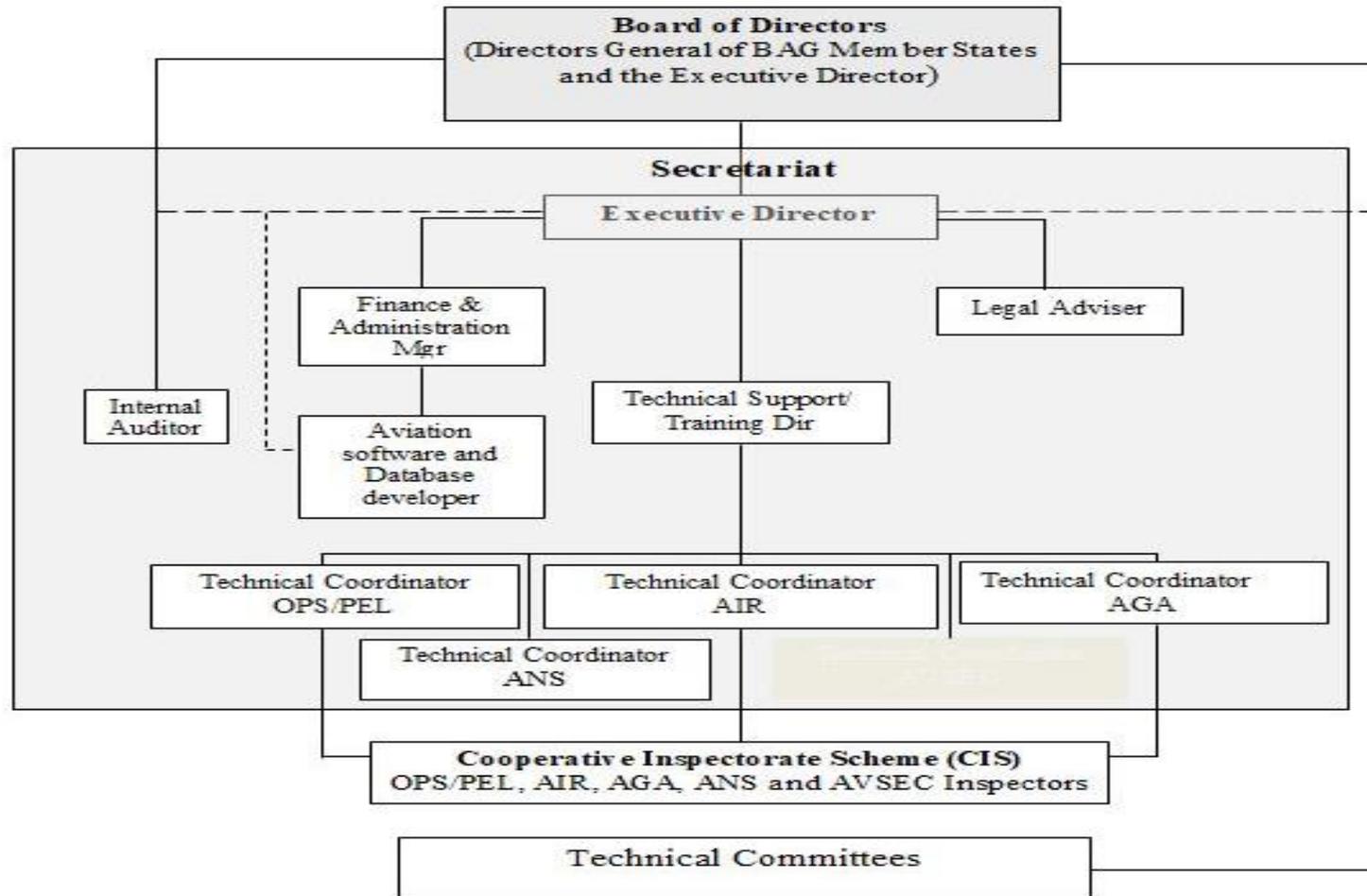
BAGASOO cont'd



Its Objectives?

- Promote the safe and efficient use and development of civil aviation within and outside the Member States;
- Assist Member States in meeting their safety oversight obligations and responsibilities under the Chicago Convention and its safety related Annexes and documents; and
- Promote the implementation of industry best practices within the Member States as defined in the ICAO Global Aviation Safety Plan (GASP)

Organogram



Functions - Article 5

BAGASOO Agreement



- Assist in the development of a Harmonized regulatory regime in the sub-region
- Serve as focal point in certification and surveillance
- Develop and implement a training programme for the purpose of enhancing the technical skills and knowledge of civil aviation personnel in the Member States
- Perform certification and surveillance tasks on behalf of Member State CAAs as required

Functions of BAGASOO

Cont'd



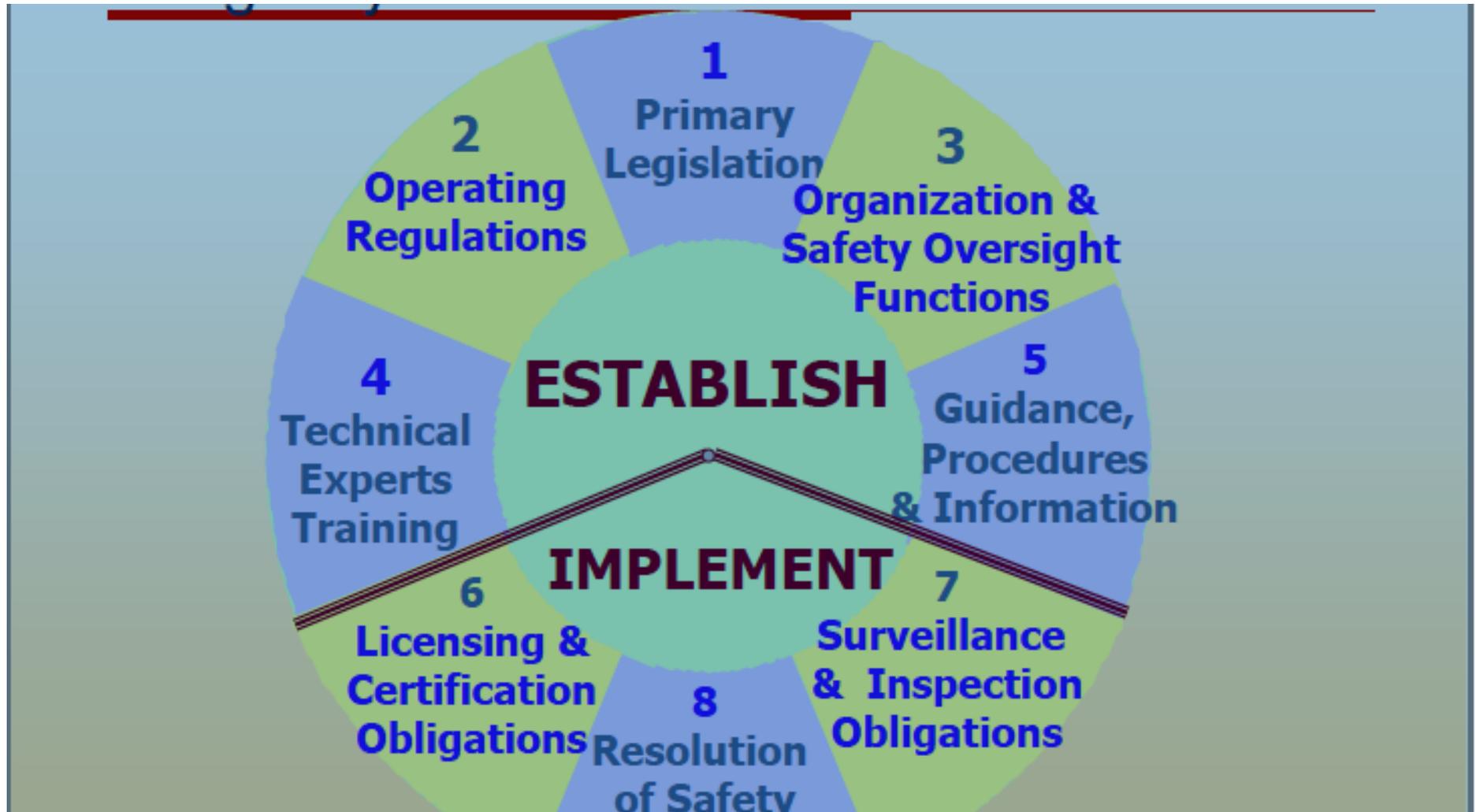
- Evaluate the status of aviation safety in the Member States through the conduct of audits and other quality assurance activities
- Develop and implement a Regional Safety Programme
- **Maintain relations with other RSOOs**
- Implement programmes that are better implemented on a sub-regional or regional basis
- Plan and facilitate the sharing between Member States of Technical Expertise and facilities in civil aviation
- Provide Technical assistance to non-Member State as approved by the Board.

Field of Assistance



- Develop cooperation and implements in all Strategic areas outlined by ICAO in order to raise the EI of Member State;
- Facilitates sharing of expertise, resources, and information including the transnational deployment of aviation safety inspectors in all specializations to any Member State;
- Organize and co-ordinates training seminars and workshops within Member State

Implementation of the 8 Critical Elements



CE-1 and CE-2 Aviation Legislation and Regulation



Related Functions

Assist in the development of a Harmonized regulatory regime in the sub-region

Related Activities:

BAGASOO has:

1. Developed a Generic Law from the ICAO/FAA Model currently being updated
2. BAGASOO has worked with some of its Member States to review their Laws in line in line with the above and the relevant LEG PQs.
3. Develop Generic Regulations from the ICAO Model Regulations, available at www.bagasoo.org; and
4. Adapted same for Guinea, Liberia and Sierra Leone

CE-3 - State Civil Aviation System and Safety Oversight Functions



Related Functions –

Plan and facilitate the sharing between Member States of Technical Expertise and facilities in civil aviation

Related Activities :

1. BAGASOO is a signatory to the AFI CIS
2. Joint BAGASOO/ AFI CIS Team assistance to Guinea
3. Participation in ICAO ROST Missions to Member States
4. BAGASOO has established the CIS for its Member States and recently amended the qualification criteria to cover AGA, ANS and PEL which was signed by Member States in September 2019
5. Review Activities of the Technical Committees of BAGASOO with Membership comprising of Technical Experts from all Member States
6. Adoption of ITS Policy by all Member States

CE-4 Technical personnel qualification and training

Related Functions –

Develop and implement a **training programme**

Provide for the expansion of Government Safety Inspector (GSI) **training programme**

Related Activities:

CE - 4 is tackled in 5 parallel phases

Phase 1: Adoption of a common Policy on Inspector Training and Qualification, the **Inspector Training System (ITS)**



Work Session During The Inspector Training System (ITS) Training, NIGERIA

CE-4 Cont'd

Phase 2: Establishment of a uniform system of Recording Inspector Training

- Inspector training records and qualifications documented according to the ITS and implemented for the member states



CE-4 Cont'd

Phase 3: Seek the assistance and support of other Agencies for training

- FAA
- EASA
- Airbus

CE-4 Phase 3



SMS Course for BAG States, GHANA

24 February 2020

CE-4 Phase 4

4. Develop internal capacity and facilities to organize training



CE-4 Phase 5



Developing an on-line platform for CBT

CE-5 Technical Guidance Tools and the provision of Safety-Critical Information



Related Functions –

Develop and implement a Regional Safety Programme including reporting systems such as the Confidential Voluntary Incident Reporting System

Related Activities:

BAGASOO has:

1. Developed generic documentation, available at www.bagasoo.org

CE-5 (contd)

2. Developed and implemented the ISATS Application

- The ISATS application documents and tracks inspector work activities performed within the CAAs including Certification, Surveillance and Resolution of Safety Concerns

ISATS
INSPECTOR ACTIVITY TRACKING SYSTEM

CE-5 (contd)

3. Developed and implemented the FASAP Application

- The FASAP Application documents inspections performed on foreign aircraft operating within the participating states in the BAG region



CE-5 (contd)

4. Other tools being developed:

- The Regional Aircraft Register (RAR)
- PEL Medical Certificate Application

CE-6 Licensing and Certification, CE-7 Surveillance Obligations



Related Functions –

Perform Certification and Surveillance Tasks on behalf of Member States CAAs as required

Related Activities:

1. Assistance to Guinea during re-certification and OJT
2. Assistance to Cape Verde for Aerodrome certification
3. Assistance to Cameroon for AOC recertification and OJT
4. Assistance to Gambia for Air Operator surveillance
5. BAGASOO is currently an active member of the ICAO AFI Team on the Aerodromes certification project in WACAF Region.

CE-6 (contd)

4. Initial Gap Analysis - Liberia, Guinea and Sierra Leone
5. Action Plans developed to address the identified deficiencies
4. Review of Civil Aviation Regulations of Member States.
5. BAGASOO /FAA Surveillance Course
6. Development of (ISATS) database software to record, track and analyse all inspector activity

CE-8 Resolution of Safety Concerns



Related Function -

Advisory

Related Activities:

BAGASOO has:

1. Organized 3 x RSC Courses (FAA Assistance)
2. Developed modules in the ISAT for the RSC and Enforcement
3. Assist Member States to develop CAP when ever there are findings by ICAO
4. Assisted in resolving two (2) of the three (3) items identified as SSCs
5. Currently Working on a Regional RSC Manual and developing an RSC Training for the region in collaboration with Nigerian College of Aviation Technology Zaria

Benefits of RSOO



ICAO Symposium on RSOO 2011:

- Considered the benefits of establishing an RSOO to, include significant cost savings that could result from the sharing or pooling scarce resources

Benefits of RSOO



BAGASOO Experience:

- Serves as platform for coordination Training Assistance from International Organisations and Donor Agencies
 - Eg FAA/DOT and EASA/EU have sponsored training
 - Free Tuition provided
 - Inspector Critical Training eg GSIs conducted
 - Free instructional delivery services
 - Over 460 aviation safety inspectors have benefitted

Benefits of RSOO contd.



BAGASOO Experience:

- Harmonisation / Regionalisation of Training
 - Common Training Policy adopted by States
 - Common training platform for States
 - Priority areas of training needs easily identified
 - Allows cost effective use of training resources
 - Supports implementation of national training plans
 - Will facilitate establishment of regional training plan

Benefits of RSOO

contd.



BAGASOO Experience:

- Enhanced Harmonisation of other Practices
 - Use of similar safety tools provided by BAGASOO
 - Eg Inspector Activity Tracking Software (ISATS), FASAP software.
 - Will facilitate creation of regional pool of safety data (occurrences and incidents) and tracking regional safety performance
 - Will support establishment and implementation of regional safety plan

Benefits of RSOO

contd.



BAGASOO Experience:

- Enhanced Safety Oversight Capability
 - Provision of Technical Assistance to States.
 - Overall progressive improvement in EI for the region in the past 3 years
 - Through assistance some states currently ranking among the highest in Africa in terms of EI
 - E.g. Ghana (89.89%), Cabo Verde (82.89%) (after recent ICVMs) and Gambia 73.87%
 - More improvement is likely from current support for Sierra Leone and Liberia

Challenges

- Reluctance or low level of involvement in certification and surveillance activities of some Member states
 - Certification and surveillance support can only be provided at the request of States.
 - Requirement for BAGASOO involvement in initial certification activities of States as provided in the BAGASOO agreement is mostly ignored

Challenges

- Sustainable funding mechanism
 - Average contributions payment less than is 57%
- Lack of enough man- power to carry out some of the core functions in the organization.

Future Capabilities

- ICAO GASOS initiative
 - ❖ More delegation of safety oversight activities to RSOOs by Member States
 - ❖ Constitute a continuing resource for capacity development within the region
- Sharing of experience through the RSOO cooperative platform activities
- ICAO's continuous effort in facilitating the sharing of technical experience and knowledge.

Future Capabilities contd



- Ongoing and upcoming programmes, mechanisms that will help shape and define future capabilities. These include:
 - Harmonization Policy
 - CIS Mechanism
 - GASOS Recognition
 - Regional Programmes (eg Development of Regional Safety Programme)

Future Capabilities contd

Capabilities will manifest in:

- Standardized output and service delivery amongst States (Harmonization)
- Improved capacity for collective resolution of concerns across the region (RSP,CIS)
- Bridge wide effective implementation gap between strong and weak State (CIS)
- Optimization the regional use of resources (safety tools)

Future Capabilities contd

- Facilitate sharing of resources and expertise (CIS)
- Promote possible regional integration (Harmonization)
- Win confidence of non-member States and promote easier delegation of functions and enhanced oversight (GASOS)
- Enhance human capacity development and inspector qualification (Regional Training Programme)

Future Capabilities contd



- Enhance regional safety performance and reduce overall accident/incident rate (RSP)
- Enhance and sustained overall regional EI

Conclusion



In its 10-year journey as a regional institution, the BAGASOO has steadily developed to become more familiar with and better able to confront the changing realities of aviation at the regional level.

Conclusion Contd

Some of the key factors responsible for the Organization's success are intimate and cordial working relationship with member States, partnership with regional sister Organizations and collaboration with international donor Organizations and partners.

Conclusion Contd



The impressive outcome of the GASOS assessment of BAGASOO had helped in strengthening the Organization and positioning it for a more effective discharge of its regional safety oversight obligations.

Sources

- The Chicago Convention
- ICAO Doc 9734 B
- ICAO Assembly resolutions
- ICAO RSOO Symposium 2011
- Charles E. Schlumberger & Shruti Vijayakumar (RSOO service provider or more- A Case of PASO)
- BAGASOO Agreement

Thank You
Thank You &
Thank You