

Second Steering Committee of the Cooperative Development of Aeronautical Meteorology Services Project in AFI Region (CODEVMET- AFI)

(Virtual, from 22 to 23 June 2021)

Agenda Item 3: Presentation and adoption of the revised Project document and discussions

3.1: Presentation of the revised MSA

REVISED PROJECT MSA

(Presented by the Secretariat)

SUMMARY

This paper presents the updated legal framework for the CODEVMET-AFI Programme and provides a description of the revised Management Service Agreement (MSA) between the CODEVMET-AFI member States and ICAO as well as other legal aspects of the related project document.

Action: Actions by the meeting are provided in section 3.1.

REFERENCES

CODEVMET-AFI SC/2-WP/4.2: The Revised Project Document

1. INTRODUCTION

1.1 The CODEVMET-AFI Programme is administered under the rules and procedures of ICAO's Technical Cooperation Bureau (TCB). The corresponding legal framework was composed of:

- An overarching Management Service Agreement (MSA), which includes the basic responsibilities of ICAO and the Project Members; and
- An Annex to the MSA (the “project document”), which included the scope, timelines, budget and risks of the Programme.

1.2 In October 2016, 15 Members signed the MSA. The project document did not require signatures.

2. DISCUSSIONS

2.1 Need for Revision of the documents

- a) The above-mentioned documents are revised in order to address the following issues:
- i. The project document did not require signatures. Therefore, there was no explicit confirmation/agreement of the Programme Members of its content, which is binding to both ICAO and the Programme Members.
 - ii. The content of the project document is outdated. The project work plan was updated during the SC/1, however not formalized since.
 - iii. The original MSA does not include provisions for the administration of revisions of its Annexes/project documents.
- b) The project document had to be revised in order to update the project definitions. With regard to its signatures, the following options were available:
- i. Continue the previous arrangement which was based on an unsigned project document, which is not recommended due to its binding nature;
 - ii. Include signatures in the revised project document, which would require all Project Members to sign individually on each revision of the document, which is however increasingly difficult to manage the more States/organizations join the Programme and raises questions as to its applicability (e.g. is a document binding when all Members signed it, or a certain percentage); or
 - iii. Revise not only the project document, but also the MSA, in order to define mechanisms to simplify the signature of the project document.

2.2 Content of the revised MSA and project document

- a) The Appendix 3.1 to this WP gives details on the MSA. In order to address the shortcomings of the previous legal framework, the revised MSA includes the following main provisions:
- i. The provisions of ICAO's standard MSA between the Organization and Member States.

- ii. A clause through which the members of the CODEVMET-AFI Steering Committee delegate power to its Chairperson to sign Annexes to the MSA/project documents and related revisions on their behalf. This provision makes it possible for the steering committee to decide on revised project objectives (for scope, timelines, budget, etc.) and have its Chairperson legally formalize these decisions through the signature of the project document. This also reduces the need for the steering committee Members to sign individually the project document and makes the overall process significantly shorter and easier to manage.
- iii. A clause which indicates that States/Organizations become Members of the CODEVMET-AFI steering committee upon signature of the MSA.
- iv. The MSA does not include any financial or operational commitment for the Members, it only defines a legal framework.
- v. The revised project document (see CODEVMET-AFI SC/2 WP4.2) includes, in addition to the new objectives of the Programme, an Appendix with the rules and procedures of the Steering Committee.

2.3 Status of the documents

- a) The revised MSA is being reviewed in coordination with TCB and ICAO's Legal Affairs and External Relations Bureau (LEB). As soon as the review is finalized, it will be submitted to the members of the CODEVMET-AFI steering committee for signature.
- b) The revised project document is available. As it requires the MSA to be signed, it will be submitted to the Chairperson of the Steering Committee after the signature of the MSA.

2.4 Summary

- a) The initial legal framework of the CODEVMET-AFI Programme was established based on a determined Programme duration and based on the assumption that extensive reviews of its content would not be required.
- b) The extended duration and substantially modified scope of the programme, as well as the anticipated increase in the number of Member States and future Programme stages, required an update of both the MSA and the project document.
- c) Mechanisms were introduced to address shortcomings of the previous legal framework and to establish a more efficient system.

3. ACTIONS BY THE MEETING

3.1. The meeting is invited to:

- a) Take note of the information presented in this paper;
- b) Encourage Members of the CODEVMET-AFI Programme to sign the revised MSA as soon as it becomes available.

- c) Entrust the SC Chairperson to sign the Annexes to the MSA/project documents and related revisions on behalf of the Steering Committee, in accordance with the relevant provisions of the MSA.