

International Civil Aviation Organization AFI Comprehensive Implementation Programme

Symposium on Regional Aviation Safety Agencies
Livingstone, Zambia - 13-15 July 2009

**Banjul Accord Group Safety Oversight
Organization (BAGASOO)**

Haaba Jallow - BAG Secretariat
Haile Belai - ACIP/ICAO

Ultimate objective:

- Establishment of a Regional Safety Oversight Organization identified as the ultimate goal of establishing the COSCAP BAG and included in the agreement;
- Immediate Objective 3 in the COSCAP Project Document called for a feasibility study to be carried out on the institutionalization of the COSCAP arrangements covering:
 - administrative,
 - economic,
 - Financing,
 - legal issues, and
 - the development of an Agreement for the establishment of a Banjul Accord Aviation Safety Oversight Organization (BAGASOO).

Preliminary actions

- The Global Aviation Roadmap Workshop (Abuja, April 2008);
- Gap analysis conducted in line with the GASR in all BAG member States (May to July 2008);
- 10th Plenary Session of the BAG (Banjul, October 2008):
 - *Reviewed of the recommendations of the gap analysis,*
 - *Determined priority action,*
 - *Decided to request assistance from ICAO/ACIP in accordance to ICAO Assembly Resolution A36-1;*
- Request for assistance forwarded to the ICAO Council through ACIP.

Request for assistance

Request to implement priority action presented to the ICAO Council included:

- Development of a framework for the accelerated establishment of the BAG Regional Safety Oversight Organization (BAGASOO);
- Development of a framework for the establishment of a Regional Accident Investigation Agency (BAGAIA);
- Development of operational regulations and guidance material for the implementation of the two regional organizations specified above;
- Development of a guidance manual for the implementation of a Regional Safety Programme;

Request for assistance

Request to implement priority action presented to the ICAO Council included:

- Development of guidance manual for the implementation of service providers safety management manual that takes into account the reality on the ground in the region;
- Development of a plan for the effective implementation of the two organizations described above; and
- Development of a plan for the effective implementation of the Regional Safety Programme and service providers' Safety Management System.

Response from the ICAO Council

Council Decision 185-6 (November 2008)

- Contracting States, industry and donors to assist the BAG States to implement priority projects/actions as determined during the BAG States 10th Plenary Session held on 30 and 31 October 2008;
- ACIP takes the necessary measures to assist BAG States in the implementation of the priority actions.

Implementation of Council Decision

Meeting held with the Directors General on the margins of the AFI RAN Conference:

- *agreed to meet in Accra to develop an action plan and an agreement for the provision of support;*

Directors General and ACIP Meeting (Accra, 15-16 December 2008):

- *developed an action plan,*
- *determined scope of cooperation,*
- *signed Letter of Understanding (LoU).*

Action plan agreed upon:

- *Development of the framework for the establishment of BAGASOO and BAGAlA (ACIP);*
- *Development of operational regulations and guidance material for the implementation of BAGASOO and BAGAlA (COSCAP-BAG/ACIP);*
- *Development of a guidance manual for the implementation of a Regional Safety Programme (ACIP/COSCAP-BAG);*

Action plan agreed upon:

- Development of guidance manual for the implementation of service providers safety management manual (ACIP/COSCAP-BAG);
- Development of a plan for the effective implementation of BAGASOO and BAGAlA (ACIP);
- Development of a plan for the effective implementation of the Regional Safety Programme and service providers' Safety Management System (ACIP/COSCAP-BAG).

ACIP/BAG project

Implementation of the agreement:

- Consultation missions were undertaken to all BAG member States by an ACIP project team from 9 Feb. to 20 Mar. 2009;
- Consultation meetings identified issues such as:
 - *Clear indication of State interest and commitment to join the Regional Safety Oversight and Accident Investigation Organizations,*
 - *Level of authority/empowerment States are willing to transfer to the Regional Organizations,*
 - *Expectations of States from the Organizations,*
 - *Financing and what States are prepared to contribute to make the Organizations effective.*

ACIP/BAG project

Implementation of the agreement:

- ACIP Team with the assistance of an aviation legal expert consolidated information collected and developed the basic agreement documents for review by the States;
- First High Level Review Task Force (HLRTF) reviewed documents prepared by the ACIP Team on 28 and 30 March 2009;
- *An ACIP/BAG Legal sub-Committee consultation meeting held on 12 and 13 May to review the document prepared by the HLRTF;*
- *First Directors General Meeting held to review the documents developed on 14 and 15 May 2009.*

ACIP/BAG project

Implementation of the agreement:

- ACIP Team with the assistance of the legal expert and a financial advisor integrated changes required by the Directors General meeting and prepared:
 - *The final draft of the Agreement Documents for BAGASOO and BAGAILA,*
 - *Business plan and financial structures,*
 - *Management Service Agreement,*
 - *Ministerial Decision, and*
 - *Vision and Mission statements of BAGASOO and BAGAILA;*

Action taken

- Documents prepared by the ACIP Team were reviewed by the Second High Level Review Task Force from 8 to 10 June 2009:
 - *The meeting accepted the documents with few changes and agreed to present them to the Second Directors General Meeting for approval;*
- *Second Directors General Meeting reviewed the final documents on 11 and 12 June 2009 and approved the agreement documents for the establishment of BAGASOO and BAGALA and the other related documents;*

ACIP/BAG project

Implementation of the agreement:

- *The agreements reviewed and signed by the Ministers responsible for air transport of the BAG member States on 30 June 2009, in Montreal;*
- *Work to establish BAGASOO and BAGAlA commenced on 1 July 2009;*
- *Meeting of BAG secretariat, ACIP, TCB and the two host States planned to be held in early August;*
- *BAGASOO and BAGAlA to be operational as of 1 January 2010.*

Implementation

General principles applied for the development of the frameworks

- *Need to take account of the requirements and inputs of the BAG Member States;*
- *Need to take account of regional environmental factors - strengths, weaknesses, opportunities and threats (SWOT);*
- *Need to ensure compliance with ICAO requirements and take into account best practices;*
- *Need to ensure an independent legal personality for the BAGASOO;*

General principles applied for the development of the frameworks

- *Need to ensure separation of safety oversight and accident investigation;*
- *Need to ensure an organizational structure required to be functionally efficient and effective at minimum cost;*
- *Need to ensure funding that will provide for the sustainability of operations without being entirely dependent on donor support.*

Documents developed and approved:

- General Frameworks consisting of:
 - Legal framework,
 - Organizational framework,
 - Financial framework,
 - Institutional arrangements for BAGASOO and BAGAI A,
 - Management Service Agreement (MSA).

BAGASOO legal framework

- *Established as a self accounting institution of the BAG;*
- *Independent legal personality, able to receive in its own name delegation of safety oversight functions from Member States, and can provide for its own funding,*
- *The BAGASOO Agreement entered into force upon the signature of Ministers responsible for civil aviation (30 June 2009) - No requirement for separate ratification.*

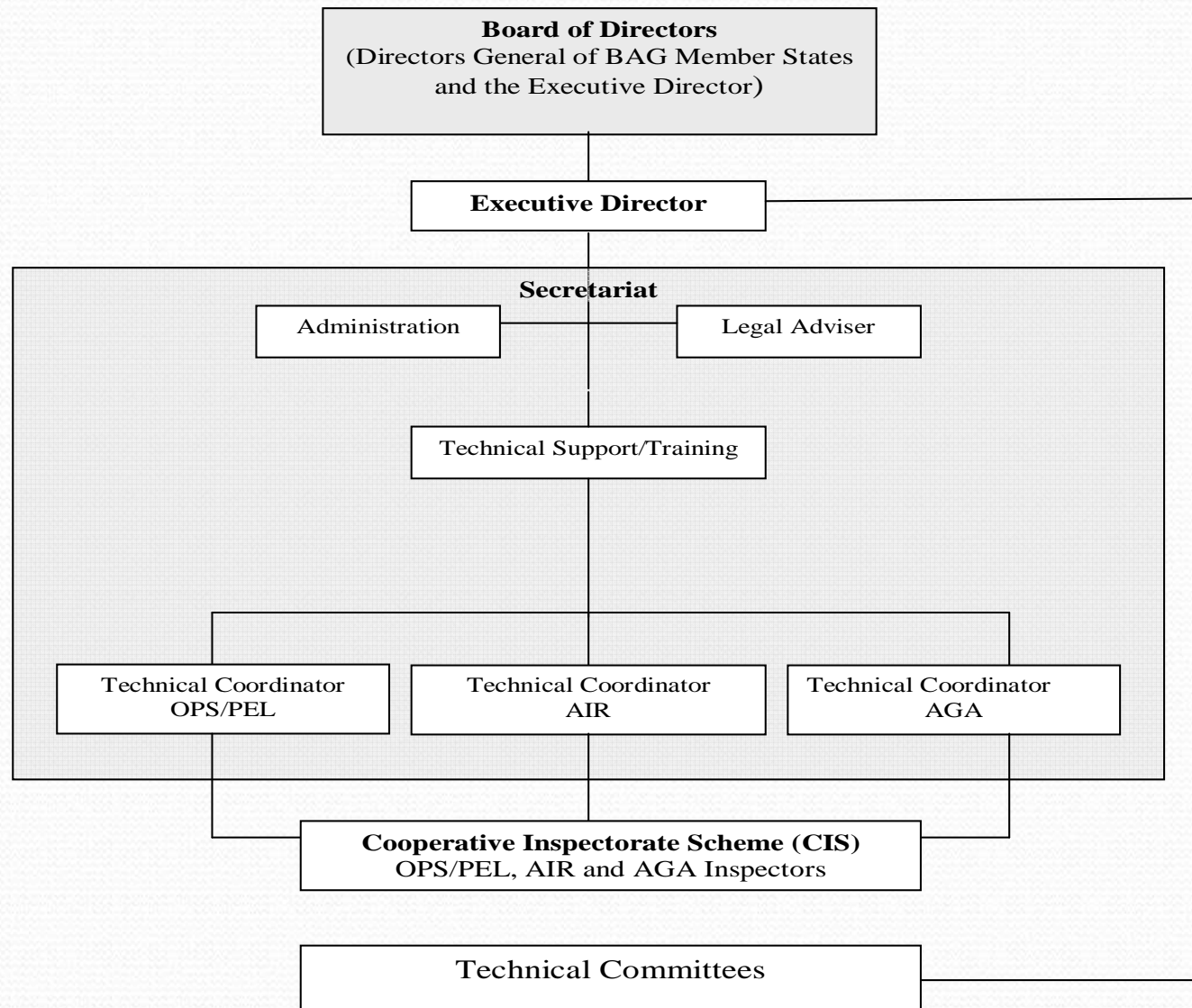
The BAGASOO agreement

- The Preamble and 25 Articles:
 - Article 1 - Definitions
 - Article 2 - Establishment and status of the BAGASOO
 - Article 3 - Scope
 - Article 4 - Objectives
 - Article 5 - Functions
 - Article 6 - Composition of the BAGASOO
 - Article 7 - Composition of the Board
 - Article 8 - Functions of the Board
 - Article 9 - Procedures of the Board
 - Article 10 - The Executive Director
 - Article 11 - The Secretariat
 - Article 12 - Composition and Staff of the BAGASOO
 - Article 13 - Composition, Procedures and Functions of the Technical Committees
 - Article 14 - Role of the Member States
 - Article 15 - Financial Provisions
 - Article 16 - Neutrality of Personnel
 - Article 17 - Privileges and Immunities
 - Article 18 - Settlement of Dispute
 - Article 19 - Arbitration
 - Article 20 - Emergency and War
 - Article 21 - Denunciation
 - Article 22 - Amendment of the BAGASOO Agreement
 - Article 23 - Dissolution
 - Article 24 - Transitional Provisions
 - Article 25 - Entry into Force



BAGASOO Organizational Chart

Articles 6, 10, 11 and 13





Article 5 - Function

- e) perform certification and surveillance tasks on behalf of Member State CAAs as required;
- f) participate, in respect to all Member States irrespective of the status of their safety oversight capability, in all initial certification exercises for the purpose of monitoring and ensuring the uniform application of common standards within the BAG Sub-Region;

BAGASOO financial framework

- Article 15 of the BAGASOO Agreement
- Funded by:
 - Revenue generated by Member States through charges and fees,
 - Revenue generated by BAGASOO activities, inspections, audits, etc.,
 - Donations, grants, loans from donor States, funding agencies and other approved sources,
 - Revenue from any other sources as approved by the Board
 - State contributions;
- Long-term sustainability will be dictated by funding generated by BAGASOO activities and charges, fees levied by Member States.



Implementation

BANJUL ACCORD GROUP AVIATION SAFETY OVERSIGHT ORGANISATION(BAGASOO)

PROJECTED EXPENDITURE (BUDGET) STATEMENT

2009 TO 2014 PLANNING PERIOD

| | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 |
|--------------------------------------|------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| Operating Expenses | | | | | | |
| Staff Salaries | \$137,433 | \$807,505 | \$824,263 | \$841,017 | \$857,774 | \$875,542 |
| Mission Travels | \$0 | \$249,205 | \$267,895 | \$287,988 | \$309,587 | \$332,806 |
| Training/Workshops | \$0 | \$80,000 | \$96,000 | \$115,200 | \$138,240 | \$145,152 |
| Total Operating Expenses | \$137,433 | \$1,136,710 | \$1,188,158 | \$1,244,205 | \$1,305,601 | \$1,353,500 |
| Administrative Expenses | | | | | | |
| Administrative support staff | \$0 | \$125,094 | \$134,476 | \$144,562 | \$155,404 | \$167,059 |
| Insurance | \$6,808 | \$22,547 | \$24,238 | \$26,056 | \$28,010 | \$30,111 |
| Premises rent | \$48,000 | \$144,000 | \$154,800 | \$166,410 | \$178,891 | \$192,308 |
| Maintenance | \$785 | \$2,354 | \$2,531 | \$2,720 | \$2,924 | \$3,144 |
| Gen & Admin Expenses | \$13,600 | \$141,095 | \$151,677 | \$163,053 | \$175,282 | \$188,428 |
| Total Administrative Expenses | \$69,193 | \$435,090 | \$467,722 | \$502,801 | \$540,511 | \$581,049 |
| Total Expenditure | \$206,626 | \$1,571,800 | \$1,655,880 | \$1,747,005 | \$1,846,112 | \$1,934,549 |

BAGASOO financial framework - partner support required

- Financial frame work designed to ensure long-term sustainability through funds generated by BAGASOO activities and charges, fees levied by Member States;
- However, States will face difficulties in the first few years to implement the framework;
- Financial assistance to support the launching and management of the BAGASOO for up to two years required.

BAGIA legal framework

- Established as an independent body under the Banjul Accord Group reporting directly to the Council of Ministers;
- Agreement signed by Ministers responsible for civil aviation (30 June 2009) - no need for formal ratification;
- Performance based agreement that includes the objective of attaining and maintaining the highest maturity level stated in the ICAO Global Aviation Safety Plan (GASP) for accident investigation.



The BAGIA Agreement

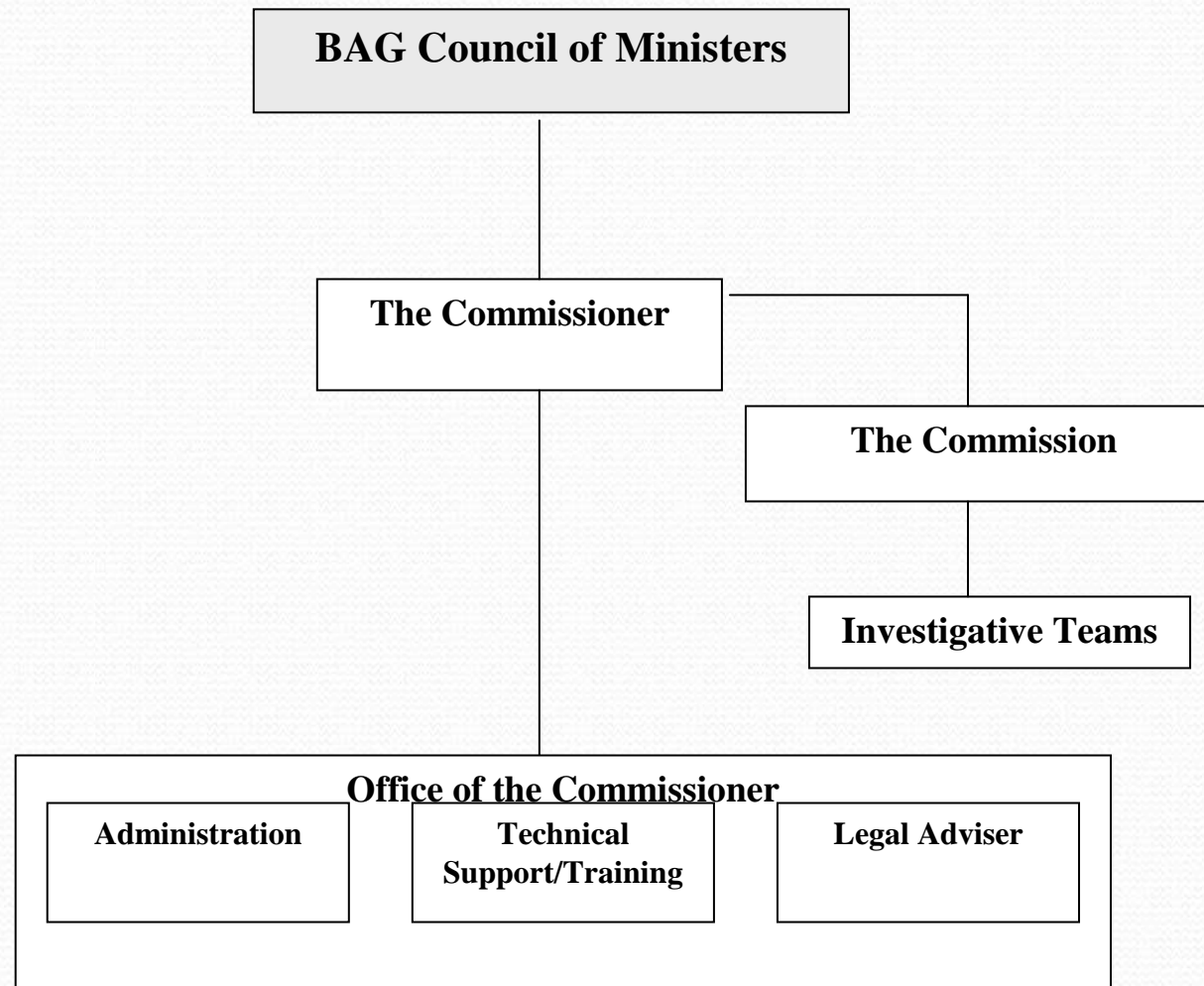
•The Preamble and 22 Articles:

- Article 1 – Definitions
- Article 2 – Establishment
- Article 3 – Scope
- Article 4 – Objectives
- Article 5 – Functions
- Article 6 – Composition
- Article 7 – The Commissioner
- Article 8 – Establishment, Composition and Functions of the Commission
- Article 9 – Meetings of the Commission
- Article 10 – Office of the Commissioner
- Article 11 – Role of the Council of Ministers
- Article 12 – Role of Member States
- Article 13 – Financial Provisions
- Article 14 – Neutrality of Personnel
- Article 15 – Privileges and immunities
- Article 16 – Settlement of Dispute
- Article 17 – Arbitration
- Article 18 – Emergency and War
- Article 19 – Denunciation
- Article 20 – Amendment of the Agreement
- Article 21 – Dissolution
- Article 22 – Entry into Force



BAGIA Organizational Chart

Articles 6, 7, 8 and 10





Article 5 - Function

- b) develop a common set of regulations in the area of accident investigation compliant with the provisions of Annex 13 to the Chicago Convention and taking into account the delegation of the conduct of an investigation into an aircraft accident or serious incident to the BAGAlA, by any one of the Member States. ;
- c) develop common guidance materials and investigator handbooks, manuals and checklists for use in the investigation of accidents and serious incidents that occur in all the Member States;



Article 5 - Function

- d) develop and implement procedures for the sharing of information on accidents and serious incidents within the BAG Sub-Region and internationally;
- e) develop and implement procedures aimed at facilitating relations between investigative teams and local authorities in States of Occurrence within the BAG Sub-Region, to enable the unimpeded investigation of accidents and serious incidents;



Article 5 - Function

- k) establish appropriately equipped and trained accident ‘investigative-teams’;
- l) conduct, either in whole or any part of, an investigation into an aircraft accident or serious incident upon delegation by a State of Occurrence in the BAG Sub-Region, by mutual arrangement and consent between the State of Occurrence and the BAGAlA;
- m) provide technical and on-the-job training for accident investigators;

BAGAIA financial framework - partner support required

- State contributions;
- Grants, donations, loans from funding agencies approved by Council of Ministers;
- Revenue generated by BAGAIA activities, training, consultation, etc.;
- Any other source as may be approved by the Council of Ministers;
- Financial assistance to support the launching and management of the BAGASOO for up to two years required.



Implementation

BANJUL ACCORD GROUP ACCIDENT INVESTIGATION AGENCY (BAGAIA)

PROJECTED EXPENDITURE (BUDGET) STATEMENT

2009 TO 2014 PLANNING PERIOD

| | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 |
|--------------------------------------|------------------|------------------|------------------|------------------|------------------|--------------------|
| Operating Expenses | | | | | | |
| Staff Salaries | \$58,700 | \$248,131 | \$253,224 | \$258,318 | \$263,409 | \$268,505 |
| Mission Travels | \$0 | \$101,100 | \$108,683 | \$152,400 | \$161,000 | \$174,000 |
| Training/Workshops | \$0 | \$40,000 | \$48,000 | \$57,600 | \$69,120 | \$82,944 |
| Total Operating Expenses | \$58,700 | \$389,231 | \$409,907 | \$468,318 | \$493,529 | \$525,449 |
| Administrative Expenses | | | | | | |
| Administrative support staff | \$0 | \$216,898 | \$223,713 | \$230,525 | \$237,327 | \$244,598 |
| Insurance | \$3,245 | \$11,132 | \$11,262 | \$11,505 | \$13,500 | \$13,376 |
| Premises rent | \$32,000 | \$96,000 | \$100,800 | \$105,840 | \$111,132 | \$116,689 |
| Maintenance | \$451 | \$1,354 | \$2,031 | \$2,708 | \$3,385 | \$4,062 |
| Gen & Admin Expenses | \$7,600 | \$85,095 | \$89,515 | \$93,557 | \$97,844 | \$100,799 |
| Total Administrative Expenses | \$43,296 | \$410,479 | \$427,321 | \$444,135 | \$463,188 | \$479,524 |
| Total Expenditure | \$101,996 | \$799,710 | \$837,228 | \$912,453 | \$956,717 | \$1,004,973 |



Decision of the Council of Ministers

- Enabled establishment of the BAGASOO and the BAGAlA under the BAG;
- Provides for the implementation of the BAGASOO and BAGAlA agreement documents;
- Provides for an independent legal identity for the BAGASOO;
- Annexed to the BAG Agreement;
- No amendments to the BAG Agreement required.

ICAO/BAG Management Service Agreement

- Services to be provided by ICAO to the BAGASOO and the BAGAlA addressed in a Management Service Agreement (MSA);
- The MSA addresses service to be provided by ICAO, particularly during the start-up phase
 - Development of terms of reference for BAGASOO staff,
 - Recruitment of technical personnel,
 - Establishment of a trust fund;
- Specific services to be in Annexed to the MSA once they have been clearly defined.

ICAO/BAG Management Service Agreement

COSCAP to BAGASOO transitional agreement

- MSA signed between ICAO and the BAG Ministers for transitional arrangements of the COSCAP BAG to BAGASOO;
- Transitional agreement addresses issues relating to transfer of assets, settlement of liabilities, and securing the remuneration and benefits of COSCAP staff transferring to the BAGASOO;
- ACIP support will continue to be available to the BAGASOO and BAGAlA in the area of document development and in monitoring effective implementation of the MSA.



Host State responsibilities

- **Host States to:**
 - Provide adequate office facilities for at least a period of five years,
 - Provide for ease of movement/entry/exit and residence visas for the staff of the regional bodies,
 - Provide for adequate transportation; location must be easily accessible by air, etc.,
 - Provide for a reasonable cost of living, including accommodation for staff,
 - Meet satisfactory conditions for the security of staff and their families,



Host State responsibilities

- **Host States to:**
- Facilitate the provision of immunities and privileges for staff,
- Facilitate/support the holding of meetings, including availability of hotel accommodation, etc.,
- Provide for ease of incorporation of the BAGASOO if decision to incorporate is taken,
- Provide for amenable working/living environment/conditions.



Vision and Mission Statements

BAGASOO



- **Vision Statement:**
 - **Excellence in regional aviation safety oversight**
- **Mission Statement:**
 - **To enhance aviation safety within the Banjul Accord Group region**



- **Vision Statement:**
- **To be a leading regional aircraft accident investigation agency**
- **Mission Statement:**
- **To assist BAG Member States in the conduct of independent investigation of aircraft accidents and serious incidents in compliance with international standards**

**ACIP/BAG Project for the
Establishment of BAGASOO
and BAGAIA**



Thank you