



**AGREEMENT
ESTABLISHING THE CARIBBEAN AVIATION
SAFETY AND SECURITY OVERSIGHT
SYSTEM (CASSOS)**



AGREEMENT

ESTABLISHING THE CARIBBEAN AVIATION SAFETY AND SECURITY OVERSIGHT SYSTEM (CASSOS)

THE STATES PARTIES:

CONSCIOUS that the International Civil Aviation Organization (ICAO) is the international body created by the Convention on International Civil Aviation signed at Chicago on 7 December 1944 (the Chicago Convention) with the stated aims and objectives of developing the principles and techniques of international air navigation and fostering the planning and development of international air transport so as to, *inter alia*, ensure the safe and orderly growth of international civil aviation throughout the world;

RECOGNISING that under Article 37 of the Chicago Convention, Contracting States shall undertake to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures and organization in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation and to this end the ICAO shall adopt and amend from time to time, as may be necessary, international standards and recommended practices and procedures dealing with *inter alia*, flight standards, security, aerodromes, air traffic and air navigation services, operation and airworthiness of aircraft, personnel licensing, aircraft accident and incident investigation and other similar matters concerned with the safety, security and efficiency of air navigation;

AWARE that the ICAO Resolution A-35-7 encourages Contracting States to foster the creation of regional and sub-regional partnerships to collaborate in the development of solutions to common problems;

ALSO AWARE of the goal and objectives of the Community Transport Policy with respect to the development of air transport services as outlined in Chapter Six of the Revised Treaty of Chaguaramas Establishing the Caribbean Community including the CARICOM Single Market and Economy;

ACKNOWLEDGING that the Member States of the Caribbean Community (CARICOM) which are Contracting States of ICAO share a common goal to provide adequate, safe, and internationally competitive air transport services and to ensure the sustained development of civil aviation;

ALSO CONSCIOUS of the need for a harmonized approach and close collaboration in promoting safe, orderly, efficient and economical civil aviation operations;

CONVINCED that the harmonization of regulations, standards, practices and procedures within the Community would facilitate the effective sharing of resources to foster the development of individual Member States;

FURTHER CONVINCED that the formal establishment of an inter-governmental, regional civil aviation safety and security oversight system under the auspices of the Community and designated by the Conference as an Institution of the Community in accordance with Article 21 of the Revised Treaty of Chaguaramas Establishing the Caribbean Community including the CARICOM Single Market and Economy will foster recognition by the international aviation and donor communities resulting in significant economic benefits to the States Parties in such areas as security, technical assistance, the sharing of information, training and the transfer of technology;

HAVE AGREED AS FOLLOWS:

ARTICLE I

INTERPRETATION

In this Agreement, unless the context otherwise requires –

“Assistant System Coordinator” means the Assistant System Coordinator appointed pursuant to paragraph 2(b) of Article VIII;

“Associate Member of CASSOS” means any State or Territory in the Caribbean admitted to associate membership of CASSOS pursuant to Article IV;

“Associate Member of the Community” means any Caribbean State or Territory admitted to associate membership of the Community pursuant to Article 231 of the Revised Treaty;

“Board” means the Board of Directors appointed under Article VII;

“CASSOS” means the Caribbean Aviation Safety and Security Oversight System established under Article II;

“Chicago Convention” means the Convention on International Civil Aviation, signed at Chicago on 7 December 1944;

“Community” means the Caribbean Community established by Article 2 of the Revised Treaty;

“Contracting State” means a State that has signed the Chicago Convention;

“COTED” means the Council for Trade and Economic Development, an Organ of the Community so named in paragraph 2(b) of Article 10 of the Revised Treaty;

“ICAO Standards and Recommended Practices” means the international standards and recommended practices adopted by ICAO and designated in Annexes to the Chicago Convention in accordance with Article 54 of that Convention;

“Member State” means a Member State of the Community pursuant to Article 3 of the Revised Treaty;

“OECS” means the Organisation of Eastern Caribbean States established by the Agreement Establishing the Organisation of Eastern Caribbean States signed at Basseterre on 19 June 1981;

“RASOS” means the Regional Aviation Safety Oversight System;

“Revised Treaty of Chaguaramas Establishing the Caribbean Community including the CARICOM Single Market and Economy” means the Revised Treaty of Chaguaramas Establishing the Caribbean Community including the CARICOM Single Market and Economy signed at Nassau, The Bahamas on 5 July 2001;

“Secretary General” means the Secretary General of the Community;

“States Parties” means Parties to this Agreement; and

“System Coordinator” means the System Coordinator appointed pursuant to paragraph 2(b) of Article VIII.

ARTICLE II

ESTABLISHMENT

There is hereby established the Caribbean Aviation Safety and Security Oversight System having the composition, objectives, functions and status as set out herein.

ARTICLE III

OBJECTIVES

1. The primary objectives of CASSOS shall be to –
 - (a) assist its States Parties in meeting their obligations as Contracting States to the Chicago Convention by achieving and maintaining full compliance with the ICAO Standards and Recommended Practices; and
 - (b) facilitate and promote the development and harmonization of civil aviation regulations, standards, practices and procedures amongst its States Parties consistent with the Annexes to the Chicago Convention.
2. Without prejudice to the generality of the provisions of paragraph 1, CASSOS shall, *inter alia* –
 - (a) assist, as far as possible, its States Parties which cannot fully satisfy their obligations as Contracting States respecting ICAO Standards and Recommended Practices in taking the necessary corrective steps to do so;
 - (b) be the main forum through which its States Parties will harmonise and update their civil aviation safety and security regulations;
 - (c) be the regional Institution to provide on request technical guidance to States Parties, Community Organs and Institutions on all matters within its competence relating to civil aviation;

- (d) facilitate the sharing of regional technical expertise and the mobilization of financial and other resources from the international aviation and donor community and Government agencies to support its activities;
- (e) periodically inform States Parties of the current status of aviation safety and security within the region and elsewhere and its implications for the development of civil aviation in the Community;
- (f) promote the attainment of a uniform degree of aviation performance, practices and procedures at the highest internationally agreed standards;
- (g) promote the interest of States Parties in regional and international aviation fora, including at external negotiations when required;
- (h) promote the efficient, orderly, safe and sound development of civil aviation in the Community; and
- (i) seek to obtain the free movement of skilled aviation personnel as well as professional personnel or contractors of CASSOS within the Community.

ARTICLE IV

MEMBERSHIP

1. Membership of CASSOS shall be open to Member States.
2. Subject to Article XXI Associate Membership of CASSOS shall be open to –
 - (a) Associate Members of the Community; and
 - (b) subject to paragraph 3, other States or Territories in the Caribbean.
3. Associate Membership of CASSOS may only be accorded to other States or Territories in the Caribbean which in the opinion of COTED are willing and

able to enjoy the benefits, rights and assume the responsibilities of Associate Membership.

4. Except pursuant to Article VII and paragraph 10 of Article IX, the benefits, rights and responsibilities of Associate Membership of CASSOS shall be the same as the rights and responsibilities of States Parties pursuant to this Agreement.

ARTICLE V

STATUS OF CASSOS

1. CASSOS shall possess full juridical personality and in particular full capacity to –

(a) acquire and dispose of immovable and moveable property;

(b) contract; and

(c) institute legal proceedings.

2. In all legal proceedings CASSOS shall be represented by the System Coordinator.

3. States Parties undertake to take the required measures to ensure that the provisions of this Article are effective in their respective jurisdictions.

ARTICLE VI

COMPOSITION OF CASSOS

CASSOS shall consist of -

(a) a Board of Directors; and

(b) an Office of System Coordinator.

ARTICLE VII

COMPOSITION OF THE BOARD

1. The Board shall consist of the Directors General or Directors of Civil Aviation or other qualified aviation officials of equivalent status of States Parties.
2. Each State Party shall appoint one Director to the Board except that in the case of the OECS only one Director shall be appointed by the OECS Civil Aviation Authority to represent all Member States of the OECS which are Parties to this Agreement.
3. Each State Party may designate a qualified aviation official as an Alternate Director of the Board except that in the case of the OECS only one alternate Director shall be appointed by the OECS Civil Aviation Authority to represent all Member States of the OECS which are Parties to this Agreement.

ARTICLE VIII

FUNCTIONS OF THE BOARD

1. The Board shall report annually to COTED which may provide general or specific policy directions.
2. Subject to the provisions of paragraph 1, the Board shall, *inter alia* –
 - (a) appoint the financial auditors for CASSOS;
 - (b) appoint the System Coordinator and an Assistant System Coordinator and approve their terms and conditions of employment;
 - (c) approve the staff regulations, policy and procedures for the Office of the System Coordinator;
 - (d) approve the financial structure, programme of activities and budget for CASSOS on an annual basis and approve a formula for the contributions to be made to the approved budget by its respective States Parties;

- (e) for the purposes of paragraph 3 of Article IV, make recommendations to COTED regarding the participation in CASSOS of other States and Territories in the Caribbean;
- (f) collaborate, as required, with States Parties in the preparation and presentation of papers or other aviation material at regional or international fora;
- (g) consider and approve the annual report of the activities of CASSOS;
- (h) consider and determine matters relating to the disposal of assets of CASSOS and the settlement of outstanding commitments in the event that activities of CASSOS are suspended as a result of the withdrawal of States Parties in accordance with Article XXIII;
- (i) determine the conditions under which CASSOS will support a State Party elected to serve on the ICAO Council;
- (j) determine the organizations or agencies in whose activities CASSOS will participate;
- (k) establish and maintain a list of certified aviation inspectors based on their specific training and experience, who shall be available for technical assistance to States Parties, and as a result of such assistance, be numbered as an asset in any human resource audit required of that State Party;
- (l) establish its rules of procedures and consider and approve amendments to the rules and procedures;
- (m) establish or harmonize procedures concerning the assessment, certifying, auditing, and accreditation of operators, airports and personnel;
- (n) establish Special Standing Committees in accordance with Article X
- (o) examine and approve the expenditure and financial statements of CASSOS;

- (p) promote the adoption of appropriate measures to ensure the indemnification of certified aviation inspectors by a State Party while that certified inspector is performing audits or inspection duties within its territory;
- (q) when necessary, appoint its representative to attend meetings of COTED, other Organs or Institutions of the Community, or any other organization or agency; and
- (r) consider and determine policy or any other matter relevant to the scope of CASSOS.

ARTICLE IX

PROCEDURE OF THE BOARD

1. The Board shall elect a Chairperson and a Vice Chairperson at its first Ordinary Meeting to serve for a period of two (2) years. A person shall not be elected to serve on the Board as Chairperson or Vice Chairperson for more than two consecutive terms.
2. The Chairperson, or in the absence of the Chairperson, the Vice Chairperson, shall chair all Meetings of the Board.
3. Ordinary Meetings of the Board shall be convened by the Chairperson at least twice in every calendar year at the Headquarters of CASSOS or at any other venue within the jurisdiction of a State Party.
4. Extraordinary Meetings of the Board shall be convened by the Chairperson when considered necessary or expedient or on the written request of at least four Members in good financial standing at the Headquarters of CASSOS or at any other venue within the jurisdiction of a State Party.
5. A simple majority of the Members of the Board shall constitute a quorum for any meeting of the Board.

6. Each Director is entitled to one vote including the Director representing the OECS and the Chairperson shall have a casting vote in the event of a tie in voting.

7. Decisions of the Board on issues as specified in Article VIII shall be made by a two-thirds majority of the members of the Board present and voting.

8. Decisions of the Board on procedural issues, recommendations or other matters shall be made by consensus or a simple majority of the members present and voting.

9. In the case of an emergency, the Chairperson may by round robin seek the approval of members of the Board on a course of action to be taken and report the decision at the next ordinary meeting of the Board.

10. Associate Members of CASSOS shall be allowed to participate fully in the deliberations at meetings of the Board but shall not have a right to vote on any matter before the meeting.

11. The Secretary General or his or her representative shall be permitted to participate as an observer in meetings of the Board.

12. The Board may invite representatives of international or regional civil aviation organizations, Governments or donor communities to participate as observers in the deliberations of the open sessions of its meetings.

ARTICLE X

COMPOSITION, PROCEDURE AND FUNCTIONS OF THE SPECIAL STANDING COMMITTEES

1. The Board may establish Special Standing Committees in relation to Aerodromes, Aircraft Accident Prevention and Investigation, Air Navigation Services, Air Traffic Services, Aviation Security, Flight Standards and any other functional area for the purposes of paragraph 5.

2. The Special Standing Committees shall consist of the nominees of States Parties and relevant regional and international organizations or agencies as determined by the Board.

3. Decisions of the Special Standing Committees shall be made by consensus and shall constitute recommendations to the Board with summaries of any dissenting opinions attached.

4. The Special Standing Committees shall meet as often as is necessary to perform their functions efficiently and expeditiously, and shall meet, where appropriate, by the use of electronic means.

5. The functions of the Special Standing Committees shall include -

- (a) establishing, in collaboration with the System Coordinator, a general programme for the training of human resources in appropriate disciplines within the territories of States Parties;
- (b) establishing, with the approval of the Board, special Working Groups to assist any Special Standing Committee in the execution of its tasks;
- (c) making recommendations to the Board with respect to practices, procedures, forms, guidance material and regulations for the purposes of the objectives of this Agreement;
- (d) providing advice to the CARICOM Secretariat as required for the adoption of proposed ICAO Standards and Recommended Practices and any other aviation matters that impact on regional aviation;
- (e) providing advice to the Community, and States Parties for the adoption of ICAO Standards and Recommended Practices and any other aviation matters that impact on regional aviation;
- (f) providing, as directed by the Board, technical support to States Parties and agencies or other entities in the Community;
- (g) the development, adoption, adaptation or harmonization of practices, procedures, forms, guidance material, regulations and any other measure or material as may be required by the civil aviation authorities of States Parties; and

- (h) any other function as may be directed by the Board.

ARTICLE XI

COMPOSITION AND STAFF OF THE OFFICE OF THE SYSTEM COORDINATOR

1. The Office of the System Coordinator shall consist of a System Coordinator who shall be the Chief Executive Officer of CASSOS, an Assistant System Coordinator and any other staff as may be determined by the Board.
2. The System Coordinator and Assistant System Coordinator shall be appointed by the Board for periods of not more than three years.
3. All staff other than the Assistant System Coordinator shall be appointed by the System Coordinator on the terms and conditions approved by the Board.
4. In the appointment of professional staff consideration shall be given to the equitable representation of States Parties.

ARTICLE XII

FUNCTIONS OF THE SYSTEM COORDINATOR

Subject to the directions of the Board, the System Coordinator shall -

- (a) convene Board meetings on the request of the Chairperson of the Board;
- (b) coordinate the work of the Special Standing Committees and any Working Group that is established in accordance with paragraph (5)(b) of Article X;
- (c) coordinate with States Parties the assignment of certified aviation inspectors to their respective countries for the purpose of conducting inspections and related duties;

- (d) establish and maintain a record of aircraft accidents;
- (e) establish and maintain a list of aircraft accident investigators who are available to CASSOS;
- (f) exchange information as is necessary with the States Parties and relevant agencies;
- (g) maintain a register of certified aviation inspectors and enter therein, in relation to each certified aviation inspector the following information -
 - (i) State of origin;
 - (ii) technical specialty and qualifications;
 - (iii) the name of every place where service has been rendered and a log of those activities;
 - (iv) a log of activities relating to any State Party which has added the certified aviation inspector in its organization as a human resource asset for audit purposes; and
 - (v) a log of activities which the certified aviation inspector has undertaken in relation to any Member State where he functions on behalf of CASSOS for the purpose of navigation safety and security.
- (h) maintain current records pertaining to the Civil Aviation Authorities of States Parties, including the availability of aviation inspectors, aircraft registries, the number, categories and availability of licensed aviation personnel and other relevant matters;
- (i) make recommendations concerning staff regulations, rules and procedures and the general management of the Office of the System Coordinator;

- (j) manage the delivery of technical support to States Parties from a regional pool of specialist technical resources;
- (k) monitor the activities of specialists and inspectors to ensure that there is no duplication of effort;
- (l) organize and conduct assessments of technical matters and ICAO compliance within any State Party and other approved missions at the request of that State Party;
- (m) prepare, for the approval of the Board, an annual Programme of Activities and Budget for the System and implement the approved Programme of Activities and Budget;
- (n) service meetings of the Board and provide secretarial support to the Board; and
- (o) perform any other duty assigned by the Board.

ARTICLE XIII

TECHNICAL SUPPORT

1. Technical support to States Parties shall embody common guidelines and common standards to facilitate interchange and mutual recognition of practices and procedures.
2. Designated personnel attached to CASSOS shall be allowed free movement and be provided administrative support while in the territory of States Parties during the course of duty.

ARTICLE XIV

PERSONNEL NEUTRALITY

A person assigned to CASSOS or employed by CASSOS shall neither request nor accept instructions in relation to the performance of his or her duties from any other person or authority.

ARTICLE XV

FUNDING

1. The revenues of CASSOS shall consist of the following -
 - (a) contributions of States Parties;
 - (b) donations or grants from sources approved by the Board;
 - (c) fees derived from the conduct of investigations, training, consultancies and other services performed by CASSOS;
and
 - (d) royalties from the sale of documents and aviation memorabilia.
2. For the purpose of paragraph 1(a) the OECS Member States shall be treated as one State Party.
3. The Board shall not discriminate among States Parties when approving grants or donations except in those instances where certain grants or donations, otherwise beneficial to CASSOS, contain conditions that designate specific recipients.
4. A State Party whose contribution to the Budget of CASSOS is in arrears by more than two years shall, until such arrears are cleared, lose the right to -
 - (a) hold any office in CASSOS;
 - (b) vote at meetings of the Board or any Special Standing Committee;
and
 - (c) benefit in any way from the work of CASSOS.

ARTICLE XVI

PRIVILEGES AND IMMUNITIES

1. CASSOS shall enjoy in each State Party the privileges and immunities necessary for the fulfilment of its objectives and the exercise of its functions.
2. In addition to the privileges and immunities to be accorded to CASSOS by all States Parties, CASSOS shall enter into a separate agreement relating to the privileges and immunities to be accorded to CASSOS and its personnel by the Member State in which the Headquarters of CASSOS will be located.

ARTICLE XVII

ARBITRATION

1. Any dispute arising out of the interpretation or application of this Agreement, which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to an arbitral tribunal of three arbitrators at the instance of either party to the dispute.
2. Each party shall be entitled to appoint one arbitrator within fifteen days following the request of either party and the two arbitrators shall within seven days following the date of their appointments appoint a third arbitrator who shall be the Chairperson.
3. Where any party fails to appoint an arbitrator under paragraph 2 the other party may request the President of the Caribbean Court of Justice to appoint an arbitrator within ten days.
4. Where the two arbitrators appointed under paragraph 2 or under paragraphs 2 and 3 fail to appoint a third arbitrator either party may request the President of the Caribbean Court of Justice to appoint an arbitrator within ten days.
5. The arbitral tribunal shall establish its own rules of procedure.
6. The President of the Caribbean Court of Justice may seek the assistance of ICAO in the identification of suitable persons to be appointed arbitrators.

ARTICLE XVIII

SAVING

Nothing in this Agreement shall be interpreted as impairing the validity of the provisions of any regional or international regime in which States Parties participate.

ARTICLE XIX

SIGNATURE

This Agreement shall be open for signature by Member States.

ARTICLE XX

ENTRY INTO FORCE

1. This Agreement shall enter into force immediately upon signature by representatives of four Member States.

2. For the purposes of this Article the signatures of at least three representatives of the OECS Member States represent the signature of one Member State.

ARTICLE XXI

ACCESSION

1. After the entry into force of this Agreement any Member State wishing to become a Party to this Agreement shall deposit an Instrument of Accession with the Secretary General and such Accession shall take effect on the date of receipt of the Instrument by the Secretary General who shall transmit certified copies to the Government of each State Party.

2. Any State or Territory to which paragraph 2(a) of Article IV applies may accede to this Agreement.

3. Any State or Territory to which paragraph 2(b) of Article IV applies may accede to this Agreement, subject to such terms and conditions as COTED may decide.

ARTICLE XXII

AMENDMENTS

1. This Agreement may be amended by the States Parties.
2. An amendment to this Agreement shall enter into force immediately upon signature by the States Parties.
3. Certified copies of an amendment shall be transmitted by the Secretary General to the Government of each State Party.

ARTICLE XXIII

WITHDRAWAL

1. A Member State or Associate Member of the Community that has withdrawn from the Community shall, on the effective date of withdrawal from the Community, be deemed to have withdrawn from CASSOS.
2. Any State Party may withdraw from CASSOS by giving at least twelve months' written notice of withdrawal to COTED.
3. A State Party which withdraws from CASSOS undertakes to honour any outstanding financial obligations duly assumed by it during its membership.

ARTICLE XXIV

TRANSITIONAL PROVISIONS

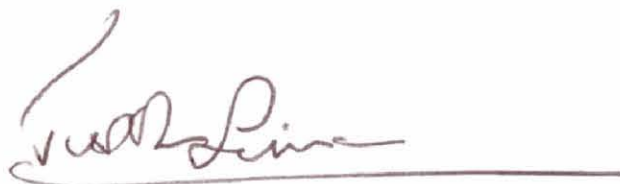
1. Where prior to the signing of this Agreement, RASOS had a contract of any nature with any person upon the coming into force of this Agreement –

- (a) the contract shall continue to have effect in accordance with its terms as if it were originally made between that person and CASSOS; and
- (b) all the rights, powers, duties and liabilities which accrued under or in connection with that contract shall be enforceable by or against CASSOS as if it were originally made between that person and CASSOS.

2. The assets and rights of any nature belonging to RASOS shall vest in CASSOS upon the coming into force of this Agreement.

IN WITNESS WHEREOF the undermentioned representatives duly authorised execute this Agreement.

Signed by



for the Government of Antigua and Barbuda on the 9th day of May, 2008

at Castries St. Lucia.

Signed by

for the Government of The Bahamas on the day of ,2008

at

Signed by



for the Government of Barbados on the 2nd day of July, 2008

at ST. JOHNS, ANTIGUA + BARBUDA

Signed by

for the Government of Belize on the day of ,2008

at

Signed by



for the Government of the Commonwealth of Dominica on the 9th day of May
2008

at

Castries, St. Lucia

Signed by

for the Government of Grenada on the day of ,2008

at

Signed by

for the Government of Haiti on the day of ,2008

at

Signed by



for the Government of the Co-operative Republic of Guyana on the 2nd day of JULY
,2008

at ST. JOHN'S, ANTIGUA AND BARBUDA.

Signed by

for the Government of Jamaica on the day of ,2008

at

Signed by



for the Government of Saint Lucia on the 3rd day of July, 2008

at St. John's, Antigua and Barbuda.

Signed by



for the Government of St. Kitts and Nevis on the 9th day of May, 2008

at Castries St. Lucia.

Signed by



for the Government of St. Vincent and the Grenadines on the 6th day of June 2008

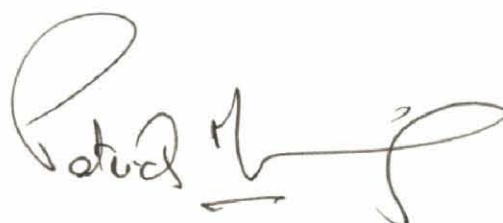
at Georgetown, Guyana

Signed by

for the Government of The Republic of Suriname on the day of , 2008

at

Signed by



for the Government of The Republic of Trinidad and Tobago on the 3rd day of July 2008

at St. John's, Antigua and Barbuda