

MEDIA STATEMENT

03 June 2014

CAA Statement on Unmanned Aircraft Systems

Johannesburg, 03-06-2014. The South African Civil Aviation Authority (SACAA) wishes to put the record straight regarding the use of unmanned aircraft systems (UAS), or so called drones, in South Africa.

Reports that suggest that the SACAA has recently issued a notice banning the use of unmanned aircraft systems specifically in the film industry are beset with inaccuracies.

The fact is that, since its inception, the SACAA has never issued any specific notice or regulation banning the use of unmanned aircraft systems. The current Civil Aviation Regulations prescribe specific requirements for operating an aircraft in the South African airspace. To date, no UAS has been able to comply with these requirements. It should also be noted that the SACAA has not given any concession or approval to any organisation, individual, institution or government entity to operate UAS within the civil aviation airspace. Those that are flying any type of unmanned aircraft are doing so illegally. The current civil aviation regulations mandate the SACAA to ensure safety and security in relation to any flying activities in the Republic. This equally pertains to UAS, and with the intent of protecting the citizens of South Africa from the numerous risks posed by unapproved operation of UAS.

Having noticed an upsurge in the number of entities and individuals which are disregarding applicable civil aviation rules, on 02 April 2014 the SACAA issued a media statement informing individuals and/or organisations that are already operating UAS in the South African civil aviation airspace that they are doing so illegally.

This media statement was met with positive response, particularly from the majority of professional aviators and official organisations representing individuals and entities with vested interest in the UAS sector. A common message that resonated from these stakeholders was their eagerness to comply with applicable laws and where necessary to work hand-in-hand with the SACAA in order to take the UAS sector forward.

On the other hand, the media statement was also met with misguided hostility. There were also attempts to reduce the SACAA's safety and security concern to a debate between

UAS and toys that generally do not require any operating permission from any government agency.

The SACAA would like to re-iterate that it is mandated to ensure aviation safety and security for all South Africans, a fact that a small group of individuals chose to ignore. Whilst it is understandable that unmanned aircraft might appeal to the non-traditional aviators, it is imperative to have a basic understanding of the aviation sector and how it is regulated in order to grasp the true safety implications and the remedy of these concerns.

The SACAA also observed that there was a small group of individuals which, on the surface, seem to have limited understanding of the aviation sector and how it is regulated.

Likewise, there is a group that has resorted to 'arm-twisting tactics' that include the spreading of inaccurate statements in an attempt to garner support from the media and the public for their cause. These tactics are regrettable and futile; as the SACAA certainly does not grant regulatory approvals through media or any other public channels. There are long-standing channels and avenues (agreed upon by the Regulator and industry representatives) that reputable aviation personnel and entities would use in order to source individual or regulatory approvals.

It is also very disconcerting to note that there are still individuals or organisations that underplay safety and security concerns and are prepared to put profits before aviation and public safety. If the SACAA was to put profits ahead of safety, South Africa would certainly not have the longstanding admirable safety record in the commercial operations sector.

Notwithstanding, the SACAA is committed to the development of the country's aviation sector, especially the UAS sector.

It should also be noted that the unmanned aircraft systems sector constitutes a relatively new component of the civil aviation framework; one which the SACAA, together with civil aviation authorities worldwide and under the guidance of the International Civil Aviation Organisation (ICAO), is working to understand, define and ultimately integrate into the civil aviation sector.

South Africa is a Signatory State of ICAO, a United Nations body, and has invested heavily through active involvement in the ICAO Unmanned Aircraft Systems Study Group to develop guidance material and standards to guide contracting states in the development of their national guidance material and regulations.

As such, ICAO is working towards providing a regulatory framework through Standards and Recommended Practices (SARPs), with supporting Procedures for Air Navigation Services (PANS) and guidance material, to underpin the routine operation of UAS in a safe, harmonised and seamless manner comparable to that of manned operations.

The SACAA is cognisant of the urgent need and demand for UAS implementation for commercial and many other reasons. It is for this reason that the SACAA has allocated the necessary resources to the UAS programme to ensure a speedy integration of this type of aircraft into the South African airspace. In addition, the SACAA is currently compiling an interim guidance document as a provisional solution to enable restricted operational approval on a case-by-case basis, until maturity is attained by both the industry and the SACAA. Significant progress has been made in this regard, and the SACAA has undertaken to have the document ready before the end of the current financial year, i.e. 31 March 2015. Engagement with industry representatives will continue and the SACAA remains receptive to any input from role players.

The SACAA wishes to reiterate that the lack of regulations to administer unmanned aircraft systems is a global challenge. Notwithstanding, there is ongoing and collective global research in this area to overcome this deficiency. South Africa is one of the States which has been an integral part of this process.

As much as the SACAA is enthusiastic about the integration of UAS into the civilian airspace, all role-players need to be mindful of various security and safety aspects. Key among these is the need to ensure that the technology installed on UAS is able to detect and avoid incidents and accidents. There is also a need to develop robust standards that will ensure separation from other aircraft or objects. Likewise, an allocated frequency spectrum needs to be secure in order to provide protection from unintentional or unlawful interference with the UAS.

It is disappointing that there are those who are determined to turn a blind eye to potential catastrophic hazards that unmanned aircraft systems have. Let alone the evidence that continues to be gathered by the various civil aviation authorities around the world, a simple internet search attests to the potential dangers of unmanned aircraft systems. Moreover, there is growing evidence that indicates that territories that rushed to have unmanned aircraft systems introduced to their airspaces without proper regulation in place are now battling to ensure safety in the sector. They are inundated with incidents that border on aviation catastrophes. The SACAA has always believed that commercial or other gains should not be pushed ahead of realistic potential loss of life, intentional or otherwise.

Attempting to exert undue pressure on the Regulator and not putting potential solutions to the fore through official channels is unnecessary and regrettable.

Additional Notes:

ICAO started with the process of addressing the Annexes (various) and the first ICAO document was the publication of the Circular Cir 328, March 2011. South Africa is participating in this forum and other international bodies. It must be noted that this is a long term process. ICAO published an ASBU (Aviation System Block Upgrade) that defines timelines and technical issues to be addressed progressively, and eventually full integration by 2028. ICAO envisages that the initial block of amended Annexes (minimum

requirements with which the member States must comply) will be published at the end of 2018.

South Africa, through the SACAA, must align its development process with ICAO prior to embarking on development of regulations. It is clear that this will be a lengthy period before a complete set of regulations can be put into place to regulate this particular section of the industry.

Hence the SACAA is in the process of putting together an interim guidance document as a provisional solution to enable restricted operational approval on a case-by-case basis, until maturity is attained by both industry and the SACAA. In the meantime, the SACAA will continue to engage with industry and will remain receptive to any input from role-players.

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About the SACAA:

The South African Civil Aviation Authority (“SACAA”) is a juristic body established in terms of the Civil Aviation Act, 2009 (Act No. 13 of 2009) (“the Act”). SACAA is governed and controlled by the Civil Aviation Authority Board (“the Board”). In terms of mandate, the SACAA is tasked with promoting and maintaining a safe, secure and sustainable civil aviation environment, by regulating and overseeing the functioning and development of the industry in an efficient, cost-effective, and customer-friendly manner according to international standards.

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