

**INTERNATIONAL CIVIL AVIATION ORGANIZATION**

**FIRST MEETING OF DIRECTORS OF CIVIL AVIATION  
OF THE CARIBBEAN REGION (CAR/DCA/1)**

(Grand Cayman, Cayman Islands, 8-11 October 2002)

**Agenda Item 8: Air Transport**

**8.1 Security**

**RECENT DEVELOPMENTS IN AVIATION SECURITY**

(Presented by the Secretariat)

**SUMMARY**

This paper provides a summary of recent developments in aviation security within ICAO.

Action by the meeting is in paragraph 9.1.

**1. INTRODUCTION**

1.1 On 11 September 2001 in the United States, civil aircraft were used as weapons of destruction for the first time, thus presenting a significant new threat to civil aviation and civilization that required an immediate and sustained response. The problem is global and seriously affects the safety, efficiency and regularity of international, as well as domestic civil aviation. This paper describes some of the recent developments within ICAO aimed at reinforcing ICAO's aviation security activities in response to this new threat.

1.2 The response of the international community to the events of 11 September 2001 was swift and unanimous. ICAO and its 188 Contracting States have urgently taken steps to intensify their work aimed at preventing and eliminating acts of terrorism. The 33rd Session of the ICAO Assembly held in Montreal from 25 September to 5 October 2001 reiterated its decision to accord aviation security the highest priority in the work programme of the Organization.

1.3 The Assembly unanimously adopted Resolution A33-1, *Declaration on misuse of civil aircraft as weapons of destruction and other terrorist acts involving civil aviation (Attachment A)*, which strongly condemns these terrorist acts as contrary to elementary considerations of humanity, norms of conduct of society and as violations of international law. The Resolution urges all Contracting States to ensure, in accordance with Article 4 of the Convention, that civil aviation is not used for any purpose inconsistent with the aims of the *Convention on International Civil Aviation* and to hold accountable and punish severely those who misuse civil aircraft as weapons of destruction, including those responsible for planning and organizing such acts or aiding, supporting or harbouring the perpetrators. The Resolution also urges all Contracting States to strengthen cooperation in order to assist in the investigation of such acts and in the apprehension and prosecution of those responsible and to ensure that those who participated in these terrorist acts, whatever the nature of their participation, find no safe haven anywhere.

1.4 With regard to preventive measures, Resolution A33-1 urges States to intensify their efforts in order to achieve the full implementation and enforcement of the multilateral conventions on aviation security, as well as of the ICAO Standards and Recommended Practices (SARPs) and procedures relating to aviation security, to monitor such implementation, and to take within their territories appropriate additional security measures commensurate to the level of threat.

## 2. HIGH-LEVEL MINISTERIAL CONFERENCE

2.1 Pursuant to Resolution A33-1, the Council convened at ICAO Headquarters in Montreal a High-level, Ministerial Conference on Aviation Security on 19 and 20 February 2002 with the objectives of preventing, combatting and eradicating acts of terrorism involving civil aviation, strengthening ICAO's role in the adoption of security-related Standards and Recommended Practices (SARPs) and procedures and the audit of their implementation, and ensuring the necessary financial means for urgent actions by ICAO in the field of aviation security.

2.2 The Conference endorsed a global strategy for strengthening aviation security worldwide, adopted a number of conclusions and recommendations, and issued a public declaration. A central element of the strategy is an ICAO *Aviation Security Plan of Action*, which includes regular, mandatory, systematic and harmonized audits to enable evaluation of aviation security in place in all ICAO Contracting States. The Plan of Action also includes:

- a) identification, analysis and development of an effective global response to new and emerging threats, integrating timely measures to be taken in specific fields, including airports, aircraft and air traffic control systems;
- b) strengthening of the security-related provisions in the Annexes to the *Convention on International Civil Aviation*, using expedited procedures where warranted and subject to overall safety considerations, notably to provide for protection of the flight deck;
- c) close coordination and coherence with audit programmes at the regional and sub-regional level;
- d) processing of the results by ICAO in a way which reconciles confidentiality and transparency; and
- e) a follow-up programme for assistance, with rectification of identified deficiencies.

2.3 The Conference gave the ICAO actions the necessary political support. It also provided a good vehicle and opportunity for ICAO to gain much broader understanding of global implementation difficulties, as well as a greater appreciation of the nature, scope and character of the threat facing civil aviation.

### 3. **STRENGTHENING ANNEXES TO THE CHICAGO CONVENTION**

3.1 As directed by the Assembly, ICAO has already taken urgent steps and proposed security measures in the light of the events of 11 September 2001 including changes through Amendment 10 to Annex 17, *Security*, as an interim solution, prior to a comprehensive revision of Annex 17. These interim changes included:

- a) applicability of Annex 17 provisions to domestic flights;
- b) locking of cockpit doors and other procedures aimed at preventing flight deck intrusion;
- c) appropriate security controls, including background checks on persons other than passengers; and
- d) security of passports and the standardization of airline and airport personnel identity documents.

3.2 The ICAO Council adopted Amendment 10 to Annex 17 on 7 December 2001. The amendment became effective on 15 April 2002 and became applicable on 1 July 2002.

3.3 Aviation security provisions in Annex 6, *Operation of Aircraft*, were also enhanced by strengthened in-flight security standards that require reinforced cockpit doors, as well as other in-flight security measures. ICAO will continue to work on the introduction or strengthening of security-related provisions contained in other Annexes such as Annex 1, *Personnel Licensing*, Annex 8, *Airworthiness*, Annex 11, *Air Traffic Services*, Annex 14, *Aerodromes* and Annex 18, *Safe Transport of Dangerous Goods by Air*.

### 4. **AVIATION SECURITY AUDITS**

4.1 In May 2002, the Council adopted the Aviation Security Plan of Action which, *inter alia*, provides for the auditing of aviation security in Contracting States. The objective of these audits is to enhance aviation security by assessing the level of implementation of the Standards in Annex 17, identifying potential deficiencies and providing suitable recommendations for their resolution.

4.2 These audits will be conducted at a national level and, on a sample basis, at the airport level following standardized auditing principles and protocols that have been developed, and will address the organizational structures and procedures established by the appropriate State authority to ensure the sustainable implementation of the elements of its security system. The implementation of the Universal Security Audit Programme (USAP) began in September 2002 with the first course for the training and certification of auditors. The first audit is scheduled to take place in October 2002.

5. **AVIATION SECURITY MECHANISM**

5.1 To date, assessment of the security posture of States has been carried out upon request under the Aviation Security Mechanism. One hundred and twenty States have been visited for comprehensive technical evaluations based on Annex 17 and 35 States have received follow-up missions. In addition, over 210 training events have been organized in all regions for more than 4,200 participants. Direct aviation security assistance provided to States worldwide under this programme has been considered to be useful by all parties involved.

5.2 This year, the Mechanism program has provided direct assistance to Caribbean States by conducting a training course and providing course material for a cooperative effort with the Organization of American States and the Transportation Security Administration.

5.3 Further, an ICAO Aviation Security Training Centre (ASTC) is located within the Caribbean (in Trinidad and Tobago) where aviation security courses are offered on a regular basis.

6. **LEGAL ASPECTS**

6.1 The Council has approved the International Explosives Technical Commission's (IETC) recommendation to amend the Technical Annex to the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* by deleting ortho-Mononitrotoluene (o-MNT) from the list of detection agents. In accordance with Article VII, paragraph 3 of the Convention, the amendment was adopted on 27 September 2001 and entered into force on 27 March 2002.

6.2 As recommended by the High-level, Ministerial Conference, the ICAO Legal Committee is being requested to review the adequacy of the existing aviation security legal instruments and, if necessary, will develop an appropriate legal instrument addressing this issue.

7. **NEW AND EMERGING THREATS**

7.1 Resolution A33-1 directed the Council and the Secretary General to act urgently to address new and emerging threats to civil aviation. In this context, the ICAO Study Group on New and Emerging Forms of Threat to Civil Aviation was established in order to examine new, emerging and potential threats, develop a strategy to deal with threats, consider adopting modular application in dealing with the threats and prioritize actions as appropriate.

7.2 Based on the group's findings, the High-level, Ministerial Conference recommended that ICAO continue its efforts to identify and analyze new and emerging threats to civil aviation with the purpose of assisting in the development of security measures and to actively collaborate with other associated agencies. Follow-on work is currently in the terms of reference for the Aviation Security Panel Working Group on Threats. ICAO may establish future study groups on specific areas of threat.

8. **SUMMARY**

8.1 In summary, ICAO and the aviation community have mounted a significant response to this new threat. Further progress needs to be made and this will require international cooperation among Member States, international organizations, carriers and airports within each State and among all technical and training people, police and enforcement agencies involved in civil aviation security.

9. **ACTION**

9.1 The meeting is invited to note the information in this paper and to call on States in the Caribbean Region to:

- a) commit towards achievement of full implementation of the multilateral conventions on aviation security and the ICAO Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS) as well as ICAO Assembly Resolutions and Council Decisions relating to aviation security and safety; and
- b) participate actively in implementation of the ICAO Security Plan of Action, including in particular the training and audit processes, and necessary follow-up.

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Attachment A

ASSEMBLY RESOLUTION A33-1

**DECLARATION ON MISUSE OF CIVIL AIRCRAFT  
AS WEAPONS OF DESTRUCTION AND OTHER TERRORIST ACTS  
INVOLVING CIVIL AVIATION**

*Witnessing* the abhorrent terrorist acts which occurred in the United States on 11 September 2001 resulting in the loss of numerous innocent lives, human suffering and great destruction;

*Expressing* its deepest sympathy to the United States, to the more than seventy other States worldwide which lost nationals and to the families of the victims of such unprecedented criminal acts;

*Recognizing* that such terrorist acts are not only contrary to elementary considerations of humanity but constitute also use of civil aircraft for an armed attack on civilized society and are incompatible with international law;

*Recognizing* that the new type of threat posed by terrorist organizations requires new concerted efforts and policies of cooperation on the part of States;

*Recalling* its Resolutions A22-5, A27-9 and A32-22 on acts of unlawful interference and terrorism aimed at the destruction of civil aircraft in flight;

*Recalling* United Nations General Assembly Resolution 55/158 on *measures to eliminate international terrorism* and United Nations Security Council Resolutions 1368 and 1373 on *condemning and combatting international terrorism*;

*The Assembly:*

1. *Strongly condemns* these terrorist acts as contrary to elementary considerations of humanity, norms of conduct of society and as violations of international law;

*Solemnly*

2. *Declares* that such acts of using civil aircraft as weapons of destruction are contrary to the letter and spirit of the *Convention on International Civil Aviation*, in particular its preamble and Articles 4 and 44, and that such acts and other terrorist acts involving civil aviation or civil aviation facilities constitute grave offences in violation of international law;

3. *Urges* all Contracting States to ensure, in accordance with Article 4 of the Convention, that civil aviation is not used for any purpose inconsistent with the aims of the *Convention on International Civil Aviation*, and to hold accountable and punish severely those who misuse civil aircraft as weapons of destruction, including those responsible for planning and organizing such acts or for aiding, supporting or harbouring the perpetrators;

4. *Urges* all Contracting States to strengthen cooperation in order to assist in the investigation of such acts and in the apprehension and prosecution of those responsible and to ensure that those who participated in these terrorist acts, whatever the nature of their participation, find no safe haven anywhere;

5. *Urges* all Contracting States to intensify their efforts in order to achieve the full implementation and enforcement of the multilateral conventions on aviation security, as well as of the ICAO Standards and Recommended Practices and Procedures (SARPs) relating to aviation security, to monitor such implementation, and to take within their territories appropriate additional security measures commensurate to the level of threat in order to prevent and eradicate terrorist acts involving civil aviation;

6. *Urges* all Contracting States to make contributions in the form of financial or human resources to ICAO's AVSEC mechanism to support and strengthen the combat against terrorism and unlawful interference in civil aviation; *calls on* Contracting States to agree on special funding for urgent action by ICAO in the field of aviation security referred to in paragraph 7 below; and *directs* the Council to develop proposals and take appropriate decisions for a more stable funding of ICAO action in the field of aviation security, including appropriate remedial action;

7. *Directs* the Council and the Secretary General to act urgently to address the new and emerging threats to civil aviation, in particular to review the adequacy of the existing aviation security conventions; to review the ICAO aviation security programme, including a review of Annex 17 and other related Annexes to the Convention; to consider the establishment of an ICAO Universal Security Oversight Audit Programme relating to, *inter alia*, airport security arrangements and civil aviation security programmes; and to consider any other action which it may consider useful or necessary, including technical cooperation; and

8. *Directs* the Council to convene, at the earliest date, if possible, in the year 2001, an international high-level, ministerial conference on aviation security in Montreal with the objectives of preventing, combatting and eradicating acts of terrorism involving civil aviation; of strengthening ICAO's role in the adoption of SARPs in the field of security and the audit of their implementation; and of ensuring the necessary financial means as referred to in paragraph 6 above.

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