

## Plenary 3.3

Is State non-compliance with AVSEC-related SARPs an acceptable risk to the international community?

**Moderator:**

**Mr. Jim Termini** – Director,  
Redline Assured Security

**Panellists:**

- **Ms. Poppy Khoza** – Director of Civil Aviation, South African CAA
- **Mr. Hugo Porter** – Chairman ICAO AVSECP, Director New Zealand CAA
- **Mr. Paul Mason** – CEO Redline Assured Security

# INTERNATIONAL OBLIGATIONS

- **UNSCR 2309 (2016)** - All States have the responsibility to protect the security of citizens and nationals of all nations against terrorist attacks on air services operating within their territory, in a manner consistent with existing obligations under international law

# INTERNATIONAL OBLIGATIONS

- **A17 SARP 2.1.2** - Each Contracting State shall establish an organization and develop and implement regulations, practices and procedures to safeguard civil aviation against acts of unlawful interference taking into account the safety, regularity and efficiency of flights
- **A17 SARP 2.1.3** - Each Contracting State shall ensure that such an organization and such regulations, practices and procedures:
  - protect the safety of passengers, crew, ground personnel and the general public in all matters related to safeguarding against acts of unlawful interference with civil aviation; and
  - are capable of responding rapidly to meet any increased security threat

# STATE RESPONSIBILITY

- Aviation security oversight:
  - is a foundation upon which global aviation security is built
  - is a function that enables States to ensure the effective implementation of Annex 17 SARPs and security-related provisions of Annex 9 and other related ICAO documents
  - ensures that the national aviation industry provides security levels equal to or better than those defined by the SARPs
- A lack of appropriate aviation security oversight in one Member State can have an impact on international civil aviation operations worldwide

# STATE RESPONSIBILITY

- With respect to aviation security, it is particularly important to maintain **worldwide uniform standards**, since the level of protection deriving from the implementation of security standards is only as strong as the weakest link in the global aviation network
- Lack of aviation security oversight in one State therefore threatens the security of international civil aviation operations

# STATES' OBLIGATIONS

- The Chicago Convention assumes that a Contracting State will, by virtue of being a signatory to the Convention, meet, at a minimum, the baseline requirements set out in the relevant Annexes thereto
- But... *what if a State fails to meet or adopt these basic standards such that the travelling public and other Contracting States' citizens are placed at risk?*

# CHALLENGES

- Does current ICAO security audit programme encourage accountability for documented non-compliance?
- Should ICAO have the ability to enforce SARPs in a stepped approach to compliance?
- If so, what types of measures should/could be used?

# Enforcement Options

- Status lists (Green, White, Red)
- Notification of Default
- Banned from Airspace
- Additional security measures imposed
- Fines
- Sanctions





# EFFECTIVE QUALITY CONTROL AND OVERSIGHT SYSTEMS

## Session 3