



ASSEMBLY — 38TH SESSION

EXECUTIVE COMMITTEE

Agenda Item 13: Aviation Security - Policy

**ILLICIT TRAFFICKING OF NARCOTIC DRUGS
AND PSYCHOTROPIC SUBSTANCES BY AIR**

(Presented by Nicaragua on behalf of 22 Contracting States,
Members of the Latin American Civil Aviation Commission (LACAC))

EXECUTIVE SUMMARY

This working paper reviews the on-going problem of the illicit transport of narcotic drugs and psychotropic substances by air. Today, drug trafficking is an emerging threat to civil aviation security together with the related rise in other offenses of cross-border organized crime such as arms trafficking, increased delinquency and, the deadliest threat to humanity, terrorism in all its forms and manifestations. In Latin America and the Caribbean, the cumulative experience of criminal activity such as violation of air space, theft and illegal seizure of aircraft, phony registrations, money laundering and human trafficking show clearly that civil aviation is in grave danger from this international scourge.

Action: The Assembly is invited to:

- a) take note of the information presented in this working paper;
- b) consider the proposed updates to documents; and
- c) approve a Resolution to address the issues put forward in this paper.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objective B — <i>Security</i> .
<i>Financial implications:</i>	The activities referred to in this paper may be carried out subject to available funds in the Programme Budget for 2014-2016 and/or extra-budgetary contributions.
<i>References:</i>	<i>Declaration of the United Nations International Conference on Drug Abuse and Illicit Trafficking</i> (Vienna, 1987) <i>United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances</i> (Vienna, 1988) <i>Convention on International Civil Aviation</i> (Chicago, 1944) ICAO Assembly Resolutions A26-12, A27-12, A29-16, and Council reports on the implementation of said Resolutions LACAC Assembly Resolutions A8-1, A8-2, A10-2, A10-3, A10-4, A11-4 and A16-6 Annex 9 — <i>Facilitation</i> and Annex 17 — <i>Security</i> Working papers and final report of DGAC/CAP/97 (Managua, 2013), C/CAR/DCA/13 (Havana, 2013) and AVSEC/FAL/RG/3 (Lima, 2013)

¹ Spanish version provided by LACAC.

1. BACKGROUND

1.1 Prompted by the call of the United Nations for its specialized agencies to pro-actively comply with General Assembly Resolutions 39/143, 40/121 and 41/127, the International Campaign Against Drug Trafficking and the *Declaration of the United Nations International Conference on Drug Abuse and Illicit Trafficking* of 26 June 1987 (Vienna), ICAO, regional civil aviation organizations and States have vigorously stepped up national and international measures to counter the abuse and illicit trafficking of drugs.

1.2 All international organizations and States, in one way or another, have unhesitatingly supported the call by the UN to launch a crusade against this serious problem by adopting national, regional and international programmes and plans.

1.3 In ICAO, the issue has been addressed at a number of Assemblies, in Resolutions A26-12, A27-12 and A29-16, as well as at the Tenth Facilitation Divisional Meeting. The Council of ICAO and the organization as a whole have been monitoring and taking specific actions in this area of concern.

1.4 The Latin American Commission for Civil Aviation (LACAC) has also dealt with the matter, unanimously adopting a number of Resolutions at its Assemblies.

1.5 Moreover, Dr. Assad Kotaite, long-time President of the Council of ICAO, frequently referred in his speeches to illicit drug trafficking as one of the core problems that has to be tackled and eradicated.

2. INTRODUCTION

2.1 The States of the Latin American and Caribbean region have been promoting sub-regional, regional and global initiatives in various fora to secure cooperation agreements for the eradication of the illegal drug trade, which have been well received and accepted by all delegations in attendance.

2.2 At the Ninth Summit of Heads of State and Government of Non-Aligned Countries in September 1989, the delegation of Nicaragua as a nation of our region proposed a Resolution calling for the acceptance and ratification of the *Vienna Convention Against the Illicit Trafficking of Narcotic Drugs and Psychotropic Substances* (December 1988).

2.3 Many other States of the region have also promoted ratification of the *Vienna Convention* at every opportunity, so that the necessary legal reforms may be implemented under national law.

2.4 Governments of the region, all of them party to the *Vienna Convention*, have made it their policy to counter the illegal drug trade in keeping with their international commitment.

2.5 There is a shared will to reinforce action and cooperation in national, regional and international plans to achieve the goal of a society free from illegal drug use.

3. DEVELOPMENT

3.1 The air space of many of our States is used to transit illicit drugs by air using aircraft and crew with criminal associations. There are occurrences of aircraft theft, phony registration and operations

on clandestine runways, in violation of safety and registration controls, which endangers air navigation. These clandestine operations are often protected by the many privileges enjoyed by general aviation and thus flout the provisions and procedures established by the civil aviation administrations as well as State sovereignty.

3.2 The *Vienna Convention* laid the ground for harmonized international cooperation among all countries in openly combating the enormous threat to humanity posed by the illicit trafficking of narcotic drugs and psychotropic substances.

3.3 The 182 States Party to the *Vienna Convention* have passed a large number of laws, legal standards and procedures to fight the illegal drug trade in all its forms and stages.

3.4 Under Article 10 of the *Vienna Convention*, the majority of States have signed bilateral and/or multilateral agreements and arrangements to make international cooperation more effective.

3.5 The *Vienna Convention* is a treaty that creates a shared duty in response to the clamour of States in General Assemblies and other United Nations fora. Although the civil aviation community sent a representative to the Conference, it is poorly reflected in the *Convention*, mentioned only generally in Article 15 – *Commercial Carriers*. On the other hand, Article 17 is specifically dedicated to *Illicit Trafficking by Sea*.

3.6 Following the call by the UN to tackle the abuse and illicit trafficking of narcotic drugs and psychotropic substances, ICAO gave due regard to the issue at a number of Assemblies, which approved Resolutions requesting the Air Transport Committee of the Council, the Air Navigation Commission, the Tenth Facilitation Divisional Meeting and the ICAO Secretariat to follow through on the Assembly decisions. This process has been pursued harmoniously throughout the years on the basis of consensus. Nevertheless, since the 31st Assembly, a number of agreed objectives are still outstanding such as updating of Standards, development of guidance material, prevention manuals, symposia, seminars, etc. Resolutions A27-12 and A29-16 remain in force, and we must comply with them fully.

4. CONCLUSIONS

4.1 All of the States of the Latin American and Caribbean region, like all ICAO Contracting States present at this gathering, recognize that civil aviation continues to be threatened. Despite everything that has been done, illegal drug use continues to rise and drive illicit traffic including by means of civil aviation in all of its forms.

4.2 The illegal drug trade brings huge profits to transnational criminal outfits and mafia groups, which amass great fortunes allowing them to penetrate, contaminate and buy off public administrations and invade legal activities, thus affecting all levels of society. Such is the power of those entities that, in addition to illicit drug trafficking, they engage in other related criminal activities such as the trafficking and sale of arms for purposes of organized crime and terrorism. No country is safe from the looming danger, regardless of its geographical location or socio-political system.

4.3 We must recognize that, in these times, the illegal drug trade is an international evil which undermines security, stability, and the health and well-being of persons by stripping them of all capacity and sense of belonging. The phenomenon also weakens the economic, cultural and political foundations of society, and as such, is a major national security problem.

4.4 Since its founding, ICAO has been extremely useful in fostering social development, and has enjoyed great international prestige and recognition. There is no doubt about its leadership in civil aviation, and it would have been impossible to achieve so much as the preamble to the *Convention on International Civil Aviation* (Chicago, 7 December 1944) without it.

4.5 There has been visible progress in combating the scourge of illicit drug trafficking, but it has not been enough to prevent organized criminal groups from using civil aviation for their illegal activities. An old proverb says, “The wise learn from their mistakes”, and we must admit that we know more today than we did yesterday.

5. **THE ASSEMBLY IS INVITED TO:**

5.1 Consider the information in this working paper.

5.2 Instruct ICAO, in light of the foregoing, to consider all possible Standards and Recommended Practices that could be introduced into the Annexes, guidance material, manuals, etc., ensuring that States have all the information required, published and distributed in all of the official languages of ICAO, for appropriate action.

5.3 In accordance with established provisions, draft a binding legal document for reinforcing international cooperation, including coordination and sharing of information on aircraft and persons associated with unlawful acts against civil aviation.

5.4 Establish Standards to better regulate and monitor all aspects of general aviation.

5.5 Provide adequate funds for this task, in accordance with Assembly decisions, in view of its strategic priority.

5.6 Approve by consensus a Resolution setting forth the substance of this working paper for adoption by the Assembly.

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