

INTERNATIONAL CIVIL AVIATION ORGANIZATION

(Buenos Aires, Argentina, 23 - 25 April 2003)

(presented by the Secretariat)

Agenda Item 2: Review of the ICAO AVSEC Programme and its impact on the Region

Summary

The purpose of this working paper is to examine the AVSEC activities being carried out on a worldwide basis and their impact on the region.

References:

- Annex 17 to the Convention on International Civil Aviation
- Security manual for the protection of civil aviation against acts of unlawful interference (Doc. 8973/6) (limited distribution)
- Report of the High-Level Ministerial Conference on Aviation Security
- Reports of the LACAC AVSEC Group
- Report of the Eleventh Meeting of GREPECAS
- Report of the Second Meeting of the GREPECAS Aerodrome and Ground Aids/Aerodrome Operational Planning Subgroup (AGA/AOP/SG/2)
- Report of the Seventh Meeting of Civil Aviation Authorities (RAAC/7)
- Report of the IV Conference on aviation security for Latin American and Caribbean countries: Aviation security in the 21st century
- Working papers of the 168th Session of the ICAO Council

1. Background

1.1 At the seventh meeting of aeronautical authorities of the SAM Region (RAAC/7), held in the city of Salvador de Bahia, Brazil, on 1-3 July 2002, under agenda item 2, related to aviation security, the authorities attending the meeting received information on the work being carried out by the South American Regional Office, and the future prospects concerning protection against acts of unlawful interference in the region. On that occasion, it was noted that, following the unfortunate events of 11 September 2001, a series of measures had to be adopted at the national, regional, and international levels to support air transport and seek better alternatives for its prompt recovery.

1.2 On that occasion, the actions adopted by ICAO were reviewed, among them Resolution A33-1 “*Statement on the unlawful use of civil aircraft as weapons of destruction and other acts of terrorism affecting civil aviation*” and Resolution A33-2 “*Revised statement on ICAO permanent criteria on the protection of international civil aviation against acts of unlawful*

interference". Note was also taken of the agreements reached at the Ministerial Meeting on Security held in Montreal, in February 2002. Following an analysis of aviation security in the region, the RAAC/7 meeting adopted Conclusion 7/3 on *Measures to improve aviation security*, urging civil aviation authorities of the SAM Region:

- a) to the extent of their possibilities, to take action aimed at maintaining effective control systems that permit a balance between facilitation and security
- b) for future work, to take into account the coordination and cooperation that should exist among the States of the Region, considering the economic limitations for purchasing equipment, that will permit dealing with new and emerging threats.
- c) to implement measures consistent with the level of threat of each State, taking into account that not all are in the same situation.
- d) to foster preventive measures aimed at "passenger identification", promoting the creation of a regional database, using means such as mechanical reading or biometric identification passports.
- e) to encourage the standardization of standards at the regional level, and the exchange and/or joint acquisition of equipment.
- f) to clearly identify the training needs of States, and foster training with experts from the same region.
- g) to support the active participation in the "global aeronautical war risk insurance plan" sponsored by ICAO.
- h) instruct their representatives at the ICAO Council to act jointly when making decisions on civil aviation Security, according to the Civil Aviation interests of the SAM Region.

1.3 Regarding the "aeronautical war risk insurance", the work carried out by the Panel and the ICAO Council was presented, especially concerning the Global Plan, purpose of which is to provide aeronautical insurance coverage of war risk public liability in favour of airline operators and other parties involved in civil aviation, through the creation of a non-profit insurance company with the backing of the States.

1.4 The meeting was also advised of the work carried out within GREPECAS and the Latin American Civil Aviation Commission (LACAC), and noted that the former was fostering the creation of a committee, whose first meeting was held in August 2002; while LACAC, through its AVSEC group, had advanced tasks aimed mainly at the "drafting of a regional policy on civil aviation security".

1.5 On that occasion, the meeting also analysed the short- and medium-term prospects for the States to restore trust in air transport and adopt effective control measures, striking a balance between facilitation and security. Within this context, the aeronautical authorities of the SAM Region expressed their concern for the additional civil aviation security measures, due to the difficulties that the States will face for the implementation of said measures due to high costs and their possible repercussions on the universal civil aviation audit programme.

1.6 Under this item, reference was made to Amendment 10 to ICAO Annex 17, the additional measures, and several standards and recommended practices which would be difficult to implement due to certain reasons, such as the high cost of equipment, differences in threat levels, State sovereignty, and the extent to which international air transport standards apply to local air transport, stressing that the Chicago Convention only refers to international air transport.

1.7 In this respect, it was suggested that the aeronautical authorities of the region instruct their representatives before the Council that, when the time comes to making decisions in this regard, they should act jointly in defense of the interests of civil aviation in the region; pay more attention so that the universal civil aviation security audit programme be limited to the government level, leaving in their hands the control over their territories, thus preserving the spirit of the Convention on International Civil Aviation; and adopt a firm and solidary position in the decisions on civil aviation security, seeking a balance between security measures and actual threats, avoiding additional costs for air transport users and companies of the Region.

1.8 Regarding co-ordination in the field of aviation security (AVSEC), civil aviation authorities urged ICAO and LACAC to carry out the necessary co-ordinations to avoid duplication of efforts in the AVSEC area.

2. ICAO AVSEC Programme

2.1 Based on the aforementioned Resolutions A33-1 and A33-2, ICAO has been implementing the following measures in the AVSEC area:

- revision of legal instruments;
- improvement of Annex 17 to the Convention on International Civil Aviation “Security” – *Protection of international civil aviation against acts of unlawful interference*;
- revision of other Annexes to the Chicago Convention related to security;
- strengthening of the AVSEC mechanism, especially in terms of technical assessments;
- activation of work on mechanically-read documents;
- review of air navigation service procedures;
- review of ICAO manuals and guidelines, and development of teaching material on security; and
- strengthening of training programmes.

ICAO AVSEC Action Plan

2.2 Similarly, an ICAO aviation security action plan was developed which includes regular, binding, systematic and harmonised audits; it was also agreed that technical and financial assistance be provided to developing countries, so that corrective measures can be taken to correct the deficiencies observed during audits. This action plan was adopted by the Council at its 166th session, with the primary objective of promoting global aviation security through audits to the contracting States.

2.3 Within the ICAO action plan to strengthen aviation security, States are advised to actively share information on threats and to make sure that the security measures applied are objective and non-discriminatory. ICAO was instructed to continue analysing new and emerging

threats, to thoroughly study the adequacy of international conventions on aviation security, to adopt measures to address the problem of the aeronautical war risk insurance, and to implement an *integrated aviation security action plan*.

2.4 The approval of the aviation security action plan by the ICAO Council (14 June 2002) has expedited the development of technical instruments to manage the audit programme, the amendment to the Security Manual, and the appropriate training material. The 14th meeting of the aviation security panel (AVSECP) deemed it necessary to pay more attention to the implementation of Annex 17, the setting up of aviation security at airports, domestic legislation, adherence to, and application of, AVSEC conventions by States, and AVSEC personnel training. It also deemed it necessary to restore public trust in air transport, and to make sure that the security measures do not hinder or obstruct the flow of passengers, cargo, mail, or aircraft. Likewise, it recommended the States to secure funding for security measures; harmonise security levels; and assign priority to the enforcement of security measures.

2.5 In keeping with the recommendations of the AVSECP and the decisions of the 166th session of the Council, and with the advice of the audit working group of the panel, ICAO has produced the following documents:

- Aviation security audit reference manual (SARM);
- Model of a memorandum of understanding (MOU) between ICAO and the State to be audited;
- Pre-audit questionnaire to be completed by the State;
- Auditor training programmes; and
- Documentation on auditor certification.

These documents are expected to be modified as the universal aviation security audit programme (USAP) evolves.

2.6 The AVSECP audit working group has proposed the adoption of the SARM in its entirety. The AVSECP acknowledged and supported, in principle, the work done by the audit working group and the Secretariat, and recommended that the latter continue along the same path, in order to validate and improve the audit programme method when implementing the initial phase of the USAP.

2.7 The Organization is expected to carry out all of the USAP-related activities. Programme control by ICAO will guarantee its standardisation, objectivity and credibility. Therefore, ICAO will co-ordinate, manage, and control all audit activities, including the provision of the necessary material, the training of experts and teams, and the provision of teams designated and led by the Organization. To make the programme more transparent, and for the sake of global harmonisation of audit procedures, States were invited to participate in the implementation of the USAP with certified experts in short-term assignments who would carry out AVSEC audits under ICAO supervision.

2.8 Resources permitting, audits will be conducted mainly in English, French and Spanish. Other audits would take place with the participation of one or several people familiar with the ICAO language selected by the State, and with the use of interpreters. Audit reports provided to the State would always be drafted in the ICAO language selected by the State. Likewise, strict compliance with the following principles is being adopted: sovereignty, universality, transparency, timeliness, broadness, consistency, objectivity, justice, and quality, all of which are basic elements

of the USOAP. Recognising the essential nature of AVSEC-related information, the principle of confidentiality has been adopted for the USAP.

Aviation Security Audit (ASA) Sub-section

2.9 Furthermore, ICAO has established an aviation security audit (ASA) sub-section within the office of the deputy director for aviation security and facilitation but outside the AVSEC Section, thus ensuring a certain degree of autonomy with respect to the other aviation security activities. Within this context, the aviation security audit sub-section would develop, implement and co-ordinate the Universal aviation security audit programme (USAP), develop and keep up to date the standard procedures and instruments for aviation security audits, and ensure the quality control of the audit process and the resulting reports.

3. Regional situation

3.1 As may be recalled, the Tenth Meeting of GREPECAS, recognising the growing emphasis being placed by the States, international organisations and ICAO on civil aviation security (AVSEC) as a result of the terrorist acts of 11 September 2001, and, in particular, the resolution adopted by the ICAO Assembly in its 33rd Session and the meeting of its AVSEC Panel in November 2001, agreed, *inter alia*, to the establishment of a civil aviation security (AVSEC) committee, under the AGA/AOP/SG.

3.2 The Eleventh Meeting of GREPECAS decided that the AVSEC/COMM would report directly to GREPECAS. Likewise, its Terms of Reference were revised as follows:

- a) To foster regional cooperation among States, international organizations and the industry, in order to facilitate the successful implementation of ICAO Standards and Recommended Practices (SARPs) related to aviation security (AVSEC);
- b) To encourage the participation of States in the ICAO AVSEC Mechanism and Implementation Programmes to include their provision of voluntary funding and personnel when requested by ICAO;
- c) To actively support the approved ICAO AVSEC Plan of Action and other regional AVSEC initiatives; and
- d) To promulgate AVSEC awareness within the region through sponsorship of and participation in related training activities and seminars.

In order to establish closer co-ordination between ICAO and LACAC, the latter was invited to designate an official to attend the AVSEC Committee meetings, and to share the relevant reports and documents of the LACAC AVSEC Group with GREPECAS; and, likewise, the Committee would share the relevant reports and documents on its work programme with LACAC.

Impact of the terrorist acts of 11 September on the region

3.3 It should be recalled that, as a result of 11 September, all security concepts were revised, and, given the extent of such modifications, the terms of Annex 17 and the new Security Manual should be examined at the regional level in order to determine their impact on the countries of the region.

3.4 Regarding the application of ICAO standards, recommended methods and directives in the region, an assessment should be made of their compliance and the reporting of inconsistencies to ICAO.

3.5 Regarding training, courses should be assigned based on the needs of the region, and, in this respect, the training policy should respond to the recommendations of regional organisations, namely GREPECAS and LACAC. As to audits, it is essential to have the proper training in keeping with current characteristics, taking into account that auditors must be from the same region.

3.6 Considering the difference in threat levels between the States of the region and others from outside the region, regional initiatives should seek to assess the economic possibilities of States to implement new measures, fostering co-operation in terms of human, material and economic resources. Likewise, traditional threats should continue to be considered in the region, and, regarding new threats, aspects truly affecting the region should be analysed so as to establish a regional policy that allows for co-ordinated work to guarantee an adequate level of security for the States in the region.

3.7 With respect to equipment acquisition, and due to their high cost, there is a need to join efforts in order to reach an agreement on their acquisition, thus reducing the cost substantially.

3.8 Finally, it is important to maintain the effectiveness of passenger control systems at airports, but keeping a balance between facilitation and security.

4 **Suggested action**

4.1 The Eighth Meeting of Civil Aviation Authorities of the SAM Region is invited to:

- a) take note of the information provided in this working paper; and
- b) adopt the measures it may deem advisable in order to foster co-ordinated work in the region, taking into account the comments made in item 3 of this paper.

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