



WORKING PAPER

AVSEC/FAL/RG/5 — WP/16
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**FIFTH MEETING OF THE AVIATION SECURITY AND FACILITATION REGIONAL
 GROUP (AVSEC/FAL/RG/5)**

ICAO SAM Regional Office, Lima, Peru, 3 to 5 June 2015

Agenda Item 6: Programmes and Projects - Aviation Security (AVSEC) and Facilitation (FAL)

6.2 Report on LACAC resolutions and recommendations related to drug transport and consumption programme - Coordinator State Nicaragua

ILLICIT TRAFFIC OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES BY AIR

(Presented by Nicaragua, on behalf of the Working group on Recommendations and Resolutions issued by LACAC related to drug transportation and consumption)

EXECUTIVE SUMMARY	
<p>The illicit traffic of narcotic drugs and psychotropic substances using the airway is still a reality that affects all Latin American and Caribbean States, representing a major threat to civil aviation security and therefore to the sustainable development of air transport. Transportation of narcotics, airspace violation, robbery and aircrafts hijacking, spoofing tuition, money laundering, illegal human trafficking, are some of the acts affecting Civil Aviation. This working paper proposes the introduction of measures to exchange information on aviation security among States of the Region as a basis to help contribute and ensure an orderly, safe and efficient use of Civil Aviation.</p>	
Action:	Suggested actions are presented in Section 5
<i>Strategic Objectives:</i>	Security & Facilitation
<i>References:</i>	<ul style="list-style-type: none"> • Chicago Convention • Risk Context Status • Final Report - DGAC/CAP/97 • Final Report - C/CAR/DCA/13 • Final Report - AVSEC/FAL/RG/3-WP/20 • 38th Assembly Session WP/172 • Final Report - AVSEC/FAL/RG/4 • Current resolutions and recommendations of ICAO and LACAC • Work done by ICAO on this matter

1. Introduction

1.1 The States of the Latin American and Caribbean Regions have promoted and encouraged initiatives at sub-regional, regional and global levels in different international forums for the signing of cooperative agreements that promote the eradication of illicit traffic of narcotic drugs and psychotropic substances by air; that has always been well received by all the present delegations.

1.2 Governments, all parties of the Vienna Convention, have incorporated as one of its policies, the fight against drug traffic that serves as a barrier to this criminal activity and is the expression of the international contracted commitment.

1.3 In its appearances at conferences held at the ICAO headquarters, Montreal, both in the High Level Conference on Aviation Security (September 2012) and the World Air Transport Conference (March 2013), the State of Nicaragua has stated concern regarding the use of civil aviation on activities not compatible with the Chicago Convention as in the case of illicit traffic of narcotic drugs and psychotropic substances by air, also at meetings of Regional Group on Aviation Security and Facilitation (Lima 2013 and Mexico 2014), in which a working paper on the Exchange of information on aviation security among the Central American States was presented, as well as, for the interest of the States, a Working group was created to discuss Resolutions and Recommendations issued by the Latin American Civil Aviation Commission (LACAC) related to illicit traffic of narcotic drugs and psychotropic substances by air.

2. Backgrounds

2.1 ICAO in several Assemblies has addressed the issue of illicit traffic of narcotic drugs and psychotropic substances by air, as a result, the resolutions A26-12, A27-12 and A29-16 were approved, which two of them still continue in force up-to-date.

2.2 Also, LACAC throughout their Assemblies has addressed this issue by unanimously adopting several recommendations and resolutions, among which can highlight the following: A8-1, A8-2, A10-2, A10-3, A10-4, A11-1, A11-4, A15-12, A16-5 and A16-6, all these related to illicit traffic of narcotic drugs and psychotropic substances by air.

2.3 The A8-1, A10-3 and A15-12 recommendations were replaced by the recommendation A16-6 "*Measures to prevent and control illicit drug traffic in scheduled air transport*" at the 16th Annual Meeting held in Rio de Janeiro in 2004, which is matter of study, is noteworthy that after five LACAC Assemblies this issue has not been discussed again.

2.4 As mentioned earlier in the AVSEC/FAL/RG/4 as initiative of the State of Nicaragua a Working group responsible for analyzing and updating the resolutions and recommendations issued at the meetings of LACAC related to traffic and consumption of narcotics was settled, this working group is formed by Bolivia, Cuba, Cayman Islands, Trinidad and Tobago and Nicaragua as coordinator State.

3. Development

3.1 Regarding the problem of illicit traffic of narcotic drugs and psychotropic substances by air, it was identified that ICAO has paid some attention to this issue raised by the UN force keeping up-to-date the A27-12 and A29-16 Resolutions; however, it is clear that the Council through the Air Transport Committee, the Air Navigation Commission and the ICAO Secretariat could not fully meet these mandates of the Assembly, pending the agreed arrangements such as the adaptations of standards, preparation of texts counselling, prevention manuals, symposiums and seminars serve as States supporting material.

3.2 In its behalf, LACAC maintains in force the following resolutions and recommendations: Rec. A10-2 (1992), Res A10-4 (1992), Rec. A10-4 (1992), Rec. A11-4 (1994), Res. A16-5 (2004), Rec.16-6 (2004), which contain important information on various topics such as:

- Participation of air traffic services in prevention and control of illicit drug traffic
- Cooperation and mutual assistance on preventing illicit drugs traffic and psychotropic substances by air through bilateral or multilateral negotiations on air transport
- Legal actions to take by States on illicit drugs traffic and psychotropic substances
- Educational prevention program for drug abuse for civil aviation personnel
- Political courses of action on the prevention of illicit traffic of drugs and psychotropic substances
- Measures to prevent illicit drug traffic by air transport

3.3 Is worth noting that our attention has been focused on the analysis of Recommendation A16-6 LACAC, which includes among other things coordination between all the authorities involved in airports safety and security tasks, procedures for the examination of passengers, their baggage, crew as well as, shops selling tax-free objects, methods of cargo control, monitoring, protection, aircraft registration and access controls to security restricted areas.

3.4 After analyzing this recommendation and based on the experiences of Central American States on information exchange mechanisms was proceeded to update the document and incorporate a measure that summary indicates:

- The exchange of information among aeronautical authorities
- Database development and administration
- The effective communication of threats information
- Points of Contact establishment
- The act of States in the implementation of punitive measures
- Information confidentiality

4. Conclusions

4.1 As a result of the analysis performed, was proceeded to propose the updating of LACAC Resolution A16-6 by including a new paragraph which contemplates the exchange of information on aviation security between Latin American and Caribbean States with the principle objective of invigorate crossing information between our countries, to achieve greater control and surveillance in aircraft registration tuition as well as aviation personnel, thereby preventing the progress of the ominous scourge of illicit drugs traffic and psychotropic substances by air in the region.

4.2 Regarding the activities carried out by ICAO, it is concluded that although Resolutions A27-12 and A29-16 are in force, ICAO has not operated in fully comply with these resolutions which were approved unanimously by all Contracting States during the respectively Assemblies; it was also identified that the issues associated with the content of these resolutions were completely eliminated from the ICAO agenda since the 33rd Session of the Assembly in 2001, where the latest issues discussed was Resolution A33-12 *Harmonization of drug and alcohol programs*, and the Document 9654 *Manual on prevention of Problematic use of Substances in the workplace in the field of aviation* was also presented.

5. Suggested Actions

5.1 The Meeting is invited to:

- a) consider the information contained in this working paper;
- b) to instruct the Secretary of LACAC to circulate to the States the proposal of updating Recommendation A16-6 to the approval thereof is achieved;
- c) take the draft recommendation presented in this note to GEPEJTA to make the appropriate legal analysis and continue with its course to be approved in the LACAC Assembly; and
- d) addressing at the next meeting of the Executive Committee of LACAC as an important aspect unresolved, the compliance of ICAO Resolutions A27-12 and A29-16, in order to prepare a working paper to be submitted by LACAC States in the ICAO 39th Assembly.