



International Civil Aviation Organization

CAR/SAM REGIONAL PLANNING IMPLEMENTATION GROUP (GREPECAS)

**Fifth Meeting of the GREPECAS Aviation Security Committee
(AVSEC/COMM/5)**

Buenos Aires, Argentina, 11 to 13 May 2006

AVSEC/COMM/5-WP/19

26/04/06

Agenda Item 4

Development of the AVSEC/COMM Work Programme

4.2 Identification and analysis of shortcomings in the implementation of ICAO AVSEC provisions in the CAR/SAM Regions and development of measures to facilitate their resolution.

THE SELF-CONTROL

(Presented by Colombia)

SUMMARY

This working paper tries to call the attention about the importance and value that the Self-Control has in the matter of Aviation Security and its significance inside the whole operators within the Security State scheme.

References:

- Annex 17
- C/CAR DCA/6 NI/08 sixth meeting of Central Caribbean Civil Aviation Directors

1. Introduction

1.1 Aviation security has been born in Colombia taking note about the act in response of the international civil aviation that has been oriented in prevention of criminal facts such as aircrafts' kidnappings, air sabotages to navigation facilities and attacks with explosives to some airports. Norms advance become after the expedition of the National Constitution of 1991 in Colombia. In special through Law 105, 1993 and Decree 2127 same year, today it was replaced by Decree 260, 2003.

1.2 In the process to build restricted areas in airports, as a basic strategy in order to implement Security controls, Regulation became a need for Colombian Aeronautics Authority. Thus resolution 03154, 1995 was born regarding check points to enter into public airports' restricted areas in Colombian, few months later, the resolution 04514, 1995 was issue although some articles of the previous resolution were modified and a sanction regimen to users was introduced to penalize behaviours that attempt against the check points control.

1.3 Some months later, the Direction of Airport Security finished the process that it had undertaken in 1994, and elaborate a National Program of Airport Security for all Colombian public airports, with the expedition of resolution 04026 of 1995, updated under resolutions 02791 of 1996; 5670 and 6240 of 1996; 0362, 02764 and 04043 of 1998 and 04573 of 2000, but we have to wait 4 years to culminate this normative evolution with the elaboration of resolution 0892 of 2004 which unify the National Program of Airport Security and incorporating in our Aeronautical Regulations.

1.4 This vision came by our understanding that putting in place rules about airport security issues, was a condition necessary to guarantee a security control exercise that it would be framed in basics principles of State law, those constituent the integrity of Colombian nationality and users would have therefore an instrument of defense when security control does not assure their rights and it facilitates, if they consider unfair norms, or in cases abuse in the exercise of the law, they could act in justice for the protection of their rights.

1.5 The Intersectorial Airport Security Commission was created by means of decree 1400, 2002; that makes possible to put policies on the topic of security with total observance of our national or local frame and it became the superior body in airport security, it is integrated by high level members of Colombian State, It is conformed by the Minister of transportation, Commander-in-chief of the armed forces, commanders of army, aviation and chiefs of DAS, DIAN and Civil Aeronautics.

1.6 In Colombian legislation, there is a responsibility marked by the norms in operators, they are like partners of security schemes in aviation. Airlines have an important role in security, and it demands from them the same efforts in self-control, it is clear that the body in charge to implement and to maintain AVSEC programs in Colombia is the State in face ICAO; but also, it is truth that not only State is responsible by implementation measures using an enforcement scheme (National Police) or a preventive scheme (Aerocivil). In effect, in agreement with norms under Colombian commerce code, individuals that operate in a commercial way airports or airlines, they are forced to have security measures, especially because it is considered an activity of high risk.

1.7 On the other hand, it is an obligation for entire State to rule conditions in which the public transport services are provided and to impose obligations to carriers in relation to the transported passengers and goods. This effort looks for creating a network that must be constructed to achieve the minimum control procedures, in view of the fact that without a suitable participation of users; these constitute in the greater obstacle for the implementation of identification systems and inspection of passengers, luggage, cargo and mail.

1.8 These motivations, among others, gave origin under our Airport Security National Program there are security measures as a duty of air carries operators. So, as soon as norm was issued, airlines trial its invalidity into court but State Court did not accept it because:

1.9 “.... It is truth that State has obligation to offer protection to their associates and it could not delegate it, because it is part of the reason to be a State, from its classic liberal iusnaturalista conception, now and with more emphasis, in a positive conception of modern constitutionalism; but one subject is not to delegate it or its character of non transferable obligation and another different affair is if State is the only one forced to provide this protection; it is equally a different issue that one subject, individual or non-state organizations, can or can not to do workings or activities to provide it....”

1.10 So that trying itself to guard the security of people, in its life, goods and rights in general, it is certain that State is the main one forced to do it, but also, it is that circumstantially it corresponds to all their associates as an obligation, for themselves as well as for others, they were individuals or organizations, including with mayor degree of link and responsibility in the context of a Social State based in Rights, under those with fundamental values that it has devoted normatively like solidarity and the social function of some rights like property and business freedom, among others.

1.11 Checking people before access to the "respective departure lounge", that is where the obligation of the operator is assumed, on one hand, it cannot be understood, like a cession of responsibility coming from State, and in particular from the U.A.E. of Civil Aeronautics, not only because the possibility to impose this obligation fits within its rights by Law, "to adopt all measures that it considers necessary" to avoid risks in air operation, that is indeed part of its mission, in the norm, there is a waiver that permits to do its own acts when they were demanded by corresponding authorities, when it is written that it will be fulfilled "without damage of which the authority of airport security or other authorities to do revisions and verifications as they consider..."

1.12 In contrast, taking care of risk level that the activity in charge of airline operator tolerates and being an entrepreneur; Article 333, in our Constitution, imposes to him the responsibility to develop its business, means to him, to have and to take all measures and allowed him to prevent, within the respect from the fundamental rights and to the human dignity, as maximum possible, the occurrence harmful or sinister events, as the acts of interference by in attacked the norms calls "illicit"... "(Verdict of the Council of State, Administrative Contentious Room, File 4045, June 5 of 1997)"

1.13 By all related previously, the correct criterion that airline operators assume part of the security responsibility has contributed in advancing faster and in a very effective way to continue developing the airport security net that it has been built with much effort by Aerocivil.

2. Analysis

2.1 Previous experience has demonstrated that Self-Control becomes necessary in the Security system and it is a process that must be carried out by Top Management level in the organization and it must be designed to give a reasonable security level, in relation to the profit of the objectives previously established in the following basic aspects: Effectiveness and efficiency in Aviation Security Operation; trustworthiness in reports or information coming from Aviation Security System and fulfilment of laws, norms and regulations, that frame the performance in security of Aviation.

2.2 Evaluation is part of the self-control managing aviation security. It has the fundamental role to help officials and operators to improve continuously, and it is related with new concepts as SMS that has been promulgated in other areas of civil aviation, Self-control must help to accomplish manuals, process application, procedures following and its exercise is due to display AVSEC alert, with information required by Top Management, who could take decisions as correspond.

2.3 Self-control is a dynamic process that demands continues attitude towards change and modernization, evaluation practices, tests to those considered processes with high risk following an action plan. Instruments must be developed in order to pursuit risk, like control boards or risk maps, that serves like binnacle for the pursuit that officials in charge of dependencies must do to face situations or findings that are presented due to solve and to improve it in order to mitigate the existing risks, there are examples of practical instrument of self-control.

2.4 Self-control must be based on indicators like those used in evolved situations, detected situations, mitigated risks, detected risks, Self-control implemented elements, control formulated elements, etc.

2.5 A Self-control system is defined as a set of all elements where the main thing is human resource, information systems and procedures. Self-control has vital importance, since it promotes efficiency, it assures effectiveness, it comes up when norms and AVSEC principles are violated by an operator, Operator must incorporate aspects related to self-control atmosphere, which looks for improving and implanting principles, values, commitment and self-control culture; Risk Managers; Operational elements inside operator; documentation to generate memory and to act as part of Risk identification and evaluation; and Feedback

2.6 The following conclusion is proposed:

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CONCLUSION 5/X

SELF-CONTROL IN OPERATORS

- 1) That the Committee highlights Self-control is essential in airline or airport Operators;
- 2) As a recommendation to be addressed to GREPECAS in order to insist to operators to foment and to put in practice self-control processes in their organizations related to Airport security systems if they have not yet done it; taking in to account them like every one of the agents within air transport processes; and
- 3) That the committee considers that all Quality Control Plan must have basic concepts of Self-control that must be applied by operators.