



International Civil Aviation Organization

CAR/SAM Regional Planning and Implementation Group (GREPECAS)

Sixteenth Meeting of the CAR/SAM Regional Planning and Implementation Group (GREPECAS/16)

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Agenda Item 6: Other business

USE OF GENERAL AVIATION FOR UNLAWFUL ACTIVITIES

(Note Presented by Colombia)

SUMMARY

Colombia has made great efforts to fight the use of general aviation for drug trafficking. Various control institutions have implemented mechanisms that have given good results. Nevertheless, drug traffickers have diverted unlawful traffic to other countries, and thus international cooperation is required to fight this scourge. Colombia invites the members of the Group to analyse the Colombian strategy, and respectfully requests that international standards be developed to minimise the use of air transport for drug trafficking and terrorism.

<i>Strategic Objective:</i>	Strategic Objective F: Rule of Law — <i>Strengthen law governing international civil aviation</i>
<i>References:</i>	Intelligence reports of Colombia Aeronautical Regulations of Colombia

1. Introduction

a. Background

Like many other sectors in Colombia, aviation has suffered the scourge of drug trafficking. Aircraft versatility and speed facilitates the transport of hallucinogenic substances, especially to North America and the Caribbean.

Increasing military control during the 2003 – 2009 period have reduced by 92.01% the movement of general aviation aircraft on illegal runways from 639 illegal movements in 2003 to 5 in 2009.

However, this institutional action by the Colombian State has displaced these movements to legal airports where, under the disguise of general aviation operations, unlawful operations still account for an undetermined and growing number of movements. It is estimated that, every year, this unlawful business moves about 5% of its products by air.

It should be noted that this is a serious problem for air transport, because, in addition to its negative impact on society, unlawful operations are conducted on an ongoing and indiscriminate basis on SOUTH-NORTH-SOUTH air routes used by aircraft, jeopardising global air transport, and even compromising other routes from South

America to the Saharan strip in Africa. Furthermore, aircraft could be used for terrorist purposes.

i. 2003-2010 Statistics

2003	2004	2005	2006	2007	2008	2009	2010
639	462	329	159	76	43	51	25*

Movements in Colombia have dropped by 92.01%. However, Colombian controls are bypassed by flying in adjacent airspaces, thus keeping the hazard alive in the region.

ii. Drug Trafficking and Terrorism: Unlawful Interference

This phenomenon is currently classified as unlawful interference, and since the investigation of these activities is difficult to complete, actual statistics are deceiving and the problem within the region is not seen in its true dimension.

It is important to clarify that aircraft used for drug trafficking are not the object of hijacking nor do they just disappear. Organisations acting outside of the law buy these aircraft from their original owners, plan and organise their operations, and then report their disappearance or accident to the insurance companies.

b. Regional Problems

i. Use of General Aviation for Unlawful Purposes

General aviation in Colombia has been historically used as a more convenient means of transportation for drug trafficking. This unlawful use of aviation has turned Colombia into one of the most difficult countries to operate in, as defined by AOPA in 2008.

It could not be otherwise, since more than 550 civil aviation aircraft have been lost to unlawful operations in the last 10 years. After being used, they are set on fire in remote locations. In some Central American countries, tens of burned aircraft can be found at the edge of straight roads, and it is impossible to determine how they got there.

1. Falsification and alteration of flight crew licences

In average, there are about 5 alterations of flight licences per month. The fragility of licence security mechanisms and the lack of information sharing do not permit the verification of licences issued by authorities from other countries and that are used for flying in Colombian airspace.

2. Alteration and falsification of registrations

Aircraft registration numbers are altered with high-speed tape to trick authorities and camouflage the real ones.

An obstacle for control is the difficulty or impossibility of consulting aircraft databases for aircraft registration numbers, serial numbers, and

owners; together with the increased number of aircraft movements and their reduced cost (many aircraft are quite profitable for these illegal purposes because of their time of service).

ii. Use of International Licences to Avoid Local Control

Frequently, in order to avoid local controls, flight personnel uses licences and certifications issued by other States, thus preventing local on-line consultations and reducing the possibility of checking the truthfulness of information, regulations, restrictions and sanctions.

The FAA licences are the most widely used because they are easy to forge, since they do not show the picture of the pilot nor do they apply any additional security measures.

iii. Uncontrolled Trade

Aircraft approaching overhaul that lose commercial value due to obsolescence and time of use, are most widely used in unlawful activities, though they are not the only ones. Their agile nature avoids regulatory control, their unrealistic value permits uncontrolled transfer between owners and, finally, they end up disappearing in clandestine runways.

iv. Routes Affected by Illegal Air Traffic

About 75% of SOUTH-NORTH-SOUTH routes cross the Caribbean and the northern part of the CAR/SAM Regions. There is indication that about 10 aircraft fly at close levels (probably lower), preventing any possibility of detection or alarm by airborne collision avoidance systems, since the transponder equipment is turned off to avoid detection.

Climbs, descents, and routes vary in level, but depending on the type of aircraft, they generally climb up to 25.000 ft and descend to 100 ft AGL.

c. Measures Adopted in Colombia

i. Follow-up and surveillance

Not few measures have been taken to control this problem, like, for instance, increased radar surveillance coverage, which is close to 90% in Colombia, and the creation of identification zones (ZECAS).

Interaction with friendly countries and authorities to join efforts against this crime.

Likewise, inter-agency activities involving the police, customs, immigration, and the Air Force have resulted in the establishment of ongoing controls and conclusive operations like the FRONTERA operation by the National Police of Colombia, which enabled the capture of 28 individuals operating in the aeronautical environment.

ii. On special permits

In the case of foreign general aviation aircraft that stay in Colombia for more than 48 hours, forms have been developed and shared among various national authorities to verify identities, insurance data, airworthiness certificates and registrations, thus improving controls when entering the country.

However, the biggest difficulty involves aircraft remaining less than 48 hours, where controls are less stringent.

iii. Control of identity

A circular was issued on 23 September 2009 on Control of Identity to protect aeronautical personnel, whereby the fingerprint was added as a requirement for handling flight plans, giving more legal support to said document.

d. Description of the Colombian strategy

In order to address the aforementioned, in addition to many government tools, the Ministry of Transport and the Ministry of Defence have adopted a strategy called: Strategy to combat the unlawful use of general aviation aircraft and aeronautical infrastructure, as a way of protecting ATM.

The strategy is based on three fundamental pillars, namely:

i. Aircraft control

1. Aircraft monitoring. The mere recording of the flight from its point of origin to its point of destination is no guarantee to State security. The actual location of the aircraft must be known. The increase in the number of collaborative and non-collaborative monitoring systems can require a significant expenditure by States. Therefore, supplementary mechanisms need to be implemented, which, in addition to improving aircraft monitoring, will provide users with operational facilities and will provide information to the ATM.
2. Registration concept and support. Aircraft registries and certificates of registration must evolve to electronic reading mechanisms, with better safety standards, using technology to facilitate the commercial process of aircraft and for protecting private property.
3. Controlled trade of used aircraft. Without attempting to regulate trade, State authorities must be aware of aircraft transactions, taking into account their real commercial value and their condition of goods of considerable strategic interest to each nation, based on the lessons learned on September 11.
4. Technological aircraft monitoring mechanisms. Other mechanisms currently available in the market, which use GPS tracking and satellite broadcast, including security systems to prevent their disconnection, and where communication alone permits monitoring by aeronautical authorities and an operation consistent with ATM, would be suitable for aircraft control.
5. Currently, satellite broadcast costs are high, but could be significantly reduced through massive use, and, in addition to position control, would

provide additional operational data such as speed, height, engine parameters and even messaging. In addition to being a control tool, it would facilitate the work of operators and owners.

6. Alarms and owner liability. Monitoring systems, in addition to protecting aircraft ownership, must generate alerts of suspicious use of aircraft, and make owners liable for what is done or not done with their aircraft, even if the aircraft is out of the State of registry.
7. Agreements with insurance companies to require aircraft to be equipped. This type of regulations may be encouraged by insurance companies and may result in a substantial reduction in the number of lost aircraft.
8. Stays of less than 48 hours, with information form. Aircraft will be able to go to a State and stay for less than 48 hours with no need of a permit, but information about the aircraft may be required.

ii. Control of aeronautical personnel

1. Identity security. This pillar seeks to clearly establish the identity of the holder of an aeronautical licence. A gradual refinement of medical certificates and licences should permit an effective control, pursuant to international standards and with the support of effective databases shared amongst the States. The only purpose is to protect aviation, the aeronautical infrastructure, and the community from unlawful aircraft operations.
2. Linkage between passports and licences. Mechanical reading of the passport by 2012 will make it one of the most secure documents in existence. Accordingly, the linkage between aeronautical personnel licences and these documents will improve security and permit the use of existing technologies. This issue will be addressed in detail in another working paper.
3. Biometrics for identity protection, including face recognition, fingerprints and change of licences using biometric sensors. These possibilities must be studied by the highest levels of global aviation, based on the increasing number of aeronautical personnel, the universal nature of crews, and the growing risk of the terrorist threat.
4. Improved processes for the incorporation of aeronautical personnel. This State security measure involves providing licences to operate equipment that can fly anywhere in the world. This would prevent the use of this valuable equipment for unlawful purposes, which could be fatal if used as a weapon. Application of technology-based assessment processes for the selection of highly responsible and trustworthy personnel worldwide.

iii. Legal strengthening

Probably this the most important pillar of the strategy. For a long time, organised crime has been using aviation to support its activities and, in most countries, sanctions are more administrative or tax-related than criminal.

Therefore, authorities need the support of the International Civil Aviation Organization for the establishment of a regulatory system of sanctions and promote laws that are really effective against unlawful activities.

1. To this end, it is necessary to typify crimes related to aviation, including:

- Misrepresentation of documents
- Alteration or misrepresentation of the flight plan
- Collusion to commit a crime
- Use of the knowledge acquired for drug trafficking purposes
- Coercion or intimidation
- Delay in the submission of reports or blocking of the authority
- Terrorism
- Tampering with aviation safety systems
- Blocking, tampering of monitoring systems
- Drug trafficking
- Unlawful enrichment
- Embezzlement by destination
- Use of State property for drug trafficking

2. Likewise, it is important for States to exercise more control over access to new training courses or ratings, since aeronautical personnel that still maintain their licence is repeatedly seen involved in unlawful acts.

2. DISCUSSION

The Colombian experience has been very harmful for its image, its institutional nature and competitiveness. Despite its significant recovery, if this problem is not addressed effectively at regional and global level, the efforts made and the results obtained to date might be lost, with the resulting impact on aviation and on society in particular.

It is essential to have the capacity to share aeronautical information through websites that are not only user-friendly for the States, but also compliant with international standards, permitting the application of controls to prevent any unlawful deviation. Most importantly, this sharing of information should be part of a global strategy for the development of an aviation sector free of unlawful activities.

3. SUGGESTED ACTION

The Meeting is invited to:

- a) Take note of the information contained in this working paper.
- b) Encourage States to present initiatives for the implementation of a common regional strategy for controlling the unlawful use of general aviation and aeronautical infrastructure.