



DRAFT
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ASSEMBLY – 31ST SESSION

EXECUTIVE COMMITTEE

Minutes of the FOURTH Meeting

(Friday, 22 September 1995, at 1145 hours)

SUBJECTS DISCUSSED

1. Agenda Item 13.1: Implementation of Resolution A29-5 on aviation security
2. Agenda Item 13.2: Development of an up-to-date consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference
3. Agenda Item 13.3: Mechanism for technical, financial and material assistance to States with regard to aviation security
 - Progress report on the continuing implementation of the Mechanism for financial, technical and material assistance to States with regard to aviation security and its overall future requirements

SUMMARY OF DISCUSSIONS

Agenda Item 13.1: Implementation of Resolution A29-5 on aviation security

1. Two working papers were tabled for discussion under this Item: WP/47 (with Corrigendum), containing a detailed report on action taken during the current triennium to implement Assembly Resolution A29-5 (*Consolidated Statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference*) and WP/105, presented by the Islamic Republic of Iran.
2. In introducing WP/47, the President of the Council drew attention to paragraph 2.2.5 and the Appendix, noting that, since the publication of the working paper, the status of several of the aviation security instruments had changed: there were now 154 States parties to the Tokyo and The Hague Conventions and 56, to the Montreal Supplementary Protocol. He noted that the aviation security

instruments were among the most universally-accepted instruments, and stressed the importance of States' not only becoming a party thereto, but also enacting the provisions of the instruments in their national legislation. Referring to paragraph 2.4, the President of the Council reiterated the importance of States' concerned complying with their obligations under Article 11 of The Hague Convention and Article 13 of the Montreal Convention and providing ICAO with all relevant information relating to acts of unlawful interference. Such information would assist the Organization in developing appropriate Standards and Recommended Practices (SARPs) and other regulatory and guidance material, rendering preventive measures more effective. He affirmed that implementation of the SARPS contained in Annex 17 was essential to safeguard international civil aviation. Referring to paragraph 2.5, sub-paragraphs d) and e), the President of the Council underscored the importance, to all States, of the regional aviation security seminars which had taken place during the current triennium in Cairo, Egypt; Auckland, New Zealand; Windhoek, Namibia; and Caracas, Venezuela. He noted that the *Ad Hoc* Group of Specialists on the Detection of Explosives remained active, pending the entry into force of the *Convention on the Marking of Plastic Explosives for the Purpose of Detection*. Turning to paragraph 2.6, the President of the Council indicated that the Organization continued to provide assistance to Contracting States, primarily through the Mechanism for financial, technical and material assistance to States with regard to aviation security. He also drew attention to paragraph 2.7, reiterating the importance of States' including in their bilateral air services agreements a clause on aviation security along the lines of the model clause adopted by the Council on 25 June 1986. In concluding, the President of the Council stressed that it was imperative that ICAO, in close co-operation with its Contracting States, continue to pursue policies and programmes designed to prevent and suppress acts of unlawful interference which remained a serious threat to the safety and security of international civil aviation.

3. Noting that his country was the Headquarters of the recently-established Arab Civil Aviation Commission, the Delegate of Morocco elaborated on the Baghdad Declaration on the suppression of unlawful acts against the safety of civil aviation, approved by the Council of the League of Arab States in April 1993. The Declaration encompassed, *inter alia*, the following elements: definition of unlawful acts; jurisdiction over the alleged offender(s); reaffirmation of the commitment of the Arab States to comply with the provisions of The Hague Convention and the Montreal Convention; an invitation to those Arab States not yet a party to the aviation security instruments to accede thereto; and an appeal for co-operation among Arab States with regard to: adoption of preventive measures; return of the aircraft and its cargo to the persons lawfully entitled to its possession and facilitation of the continuation of the journey of the passengers and crew as soon as possible following an act of unlawful interference; exchange of information; and extradition of the alleged offender(s). The Delegate of Morocco emphasized that the Arab States supported all of the Resolutions adopted by ICAO in this regard and would act in accordance with the policies established by the Organization.

4. In the absence of further comments, the Committee endorsed the report of the Council on the implementation of Assembly Resolution A29-5 and agreed to recommend to the Plenary that it note WP/47.

5. In presenting WP/105, the Delegate of the Islamic Republic of Iran noted that the safety, regularity and efficiency of international civil aviation and its facilities continued to be jeopardized by an ever-increasing variety of criminal acts. In highlighting the aviation security instruments which had been adopted to address acts of unlawful interference, he averred that, while adherence by States

to these instruments was imperative, it was likewise essential for States to take practical measures to safeguard against the occurrence of such acts of unlawful interference. He noted that political considerations often resulted in non-compliance by Contracting States with the provisions of the Tokyo Convention relating to, *inter alia*, the return of aircraft. The Delegate of the Islamic Republic of Iran indicated that his Government, which had already ratified the principles of the aviation security instruments, was of the opinion that there was a requirement for ICAO SARPs relating to the safeguarding of international civil aviation to be brought to the attention of States. It was thus proposed in the working paper that Contracting States return aircraft subjected to acts of unlawful interference regardless of the political conditions between the Governments concerned, and that ICAO survey all possible measures to encourage Contracting States to comply with ICAO SARPs related to the prevention of acts of unlawful interference.

6. The Committee agreed to recommend to the Plenary that it note these proposals put forward by the Islamic Republic of Iran in WP/105.

Agenda Item 13.2: Development of an up-to-date consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference

7. In considering this Item, the Committee referred to WP/46 setting forth suggested amendments to Assembly Resolution A29-5 and a draft text of the updated Resolution.

8. The President of the Council, in presenting WP/46, highlighted the proposed introduction, in the updated Resolution, of references to two new developments in the field of aviation security: to the Mechanism for financial, technical and material assistance to States with regard to aviation security, in the second Resolving Clause of Appendix F; and to the ICAO Training Programme for Aviation Security comprising Standardized Training Packages (STPs), in the ninth Resolving Clause of Appendix D. The incorporation of these elements into the updated Resolution was suggested to underscore their importance in enhancing aviation security.

9. Following a detailed review of the updated Resolution contained in the Attachment to WP/46, the Committee approved the proposed revised consolidated Resolution for submission to the Plenary for adoption.

Agenda Item 13.3: Mechanism for technical, financial and material assistance to States with regard to aviation security

Progress report on the continuing implementation of the Mechanism for financial, technical and material assistance to States with regard to aviation security and its overall future requirements

10. The Committee had for consideration under this Item WP/45, which reported on the implementation of the above-mentioned Mechanism and its co-ordination with other bilateral and multilateral assistance activities in the field of aviation security. The working paper also addressed the modalities of financing the Mechanism beyond 1995.

11. In presenting the working paper, the Secretary General provided updated information concerning paragraph 2.1.1 thereof, indicating that the demand for assistance had increased to 114 States, of which 75 had been visited. He noted that some 90 States requesting assistance would have received initial visits by the year's end. These figures served to illustrate both the interest evinced by States in the Mechanism and its success.

12. Referring to paragraph 2.2.3, the Secretary General highlighted the various seminars which had been conducted during the current triennium. He noted that two additional AVSEC Instructors' Courses and Crisis Management Workshops had been given since the issuance of the working paper, bringing the total number of such courses/workshops to 14 and 7, respectively. Furthermore, 7 AVSEC Management Training Seminars and 7 National AVSEC Programme Workshops had been conducted. Commenting on paragraph 2.5, the Secretary General indicated that, through the assistance of donor States, namely, Belgium, France and Germany, regional AVSEC training centres had been established in Nairobi, Kenya, and in Penang, Malaysia. It was his pleasure to announce that, following the publication of WP/45, the training centre in Quito, Ecuador, had been inaugurated on 4 September 1995. He noted that training centres were also to be established in Port of Spain, Trinidad and Tobago; Dakar, Senegal; and Cairo, Egypt. Moreover, the Organization was looking into the possibility of opening a training centre in Eastern Europe.

13. Referring to the post-1995 funding proposals for the Mechanism put forward in paragraph 3, the Secretary General indicated that, pursuant to the request of the 29th Session of the Assembly, many studies and in-depth discussions had taken place at the level of the Committee on Unlawful Interference, the Finance Committee and the Council on ways and means to finance the Mechanism in a more regular and permanent manner. The Secretary General had submitted proposals aimed at integrating the activities of the Mechanism into the Regular Programme budget; however, financial restrictions and limitations linked to the principle of zero real growth had led to a reconsideration of this issue by the Secretariat and the Council. Furthermore, the confirmations which had been received from some donor States that they would continue to make voluntary contributions to the Mechanism had led to the decision by the Council to extend the existence of the Mechanism beyond 1995 to 1998, *i.e.*, to the next ordinary Session of the Assembly. The Secretary General noted, in this regard, that the extension of the Mechanism had been made possible through the assurances given by Governments of Belgium, the United States, France and, since the issuance of the working paper, the United Kingdom. It was hoped that other States would continue to fund the Mechanism and that new States would participate in this endeavour.

14. Drawing attention to Appendix B to the working paper detailing voluntary contributions made to the Mechanism since its inception, the Secretary General called upon all those States in a position to do so to make a contribution to the Mechanism. He indicated that the Draft Programme Budget for the upcoming triennium made provision in the Regular Programme budget for contributions to the activities of the Mechanism to the amount of US \$158 000. Subject to clarification by the Administrative Commission, in the event that an insufficient amount of voluntary contributions were received, this "fall-back" reserve would ensure the continuance of the activities of the Mechanism.

15. Recalling that his country had, with its own resources, established an AVSEC centre in Casablanca, the Delegate of Morocco noted that the centre had benefitted from co-operation with ICAO, for which he wished to thank the Organization. He pointed out that the centre had organized

regional AVSEC seminars in tandem with ICAO, regional bodies, in particular, the Arab Maghreb Union, and other States. The Delegate of Morocco emphasized that the centre was at the disposal of ICAO and of any State wishing to benefit from or to promote the centre.

16. Several Delegations expressed their appreciation for assistance rendered to their States through the Mechanism. The Delegate of Mauritius, noting that his country was one of the many beneficiaries of the Mechanism, wished to pay tribute to the States which had made voluntary contributions thereto. He also wished to commend the Government of Morocco for its inspiring initiative.

17. Referring to the remark made by the Secretary General with regard to the recent establishment in Quito of an AVSEC regional training centre, the Delegate of Ecuador expressed his gratitude to ICAO for its role in developing the centre, which was at the Organization's disposal. He noted that the first airport security course had been given at the Technical Civil Aviation School from 4 to 7 September 1995, with 21 participants from South American countries taking part. The Delegate of Ecuador affirmed that his country would continue to promote security in the region's airspace through future courses.

18. The Delegate of Lebanon, recalling that his country had benefitted from the Mechanism, expressed his sincere thanks to all of the Contracting States of ICAO which had contributed thereto, as well as to the Government of Morocco, for its initiative in establishing an AVSEC centre in Casablanca.

19. The Delegate of Namibia also voiced his appreciation for the help which his country had received under the Mechanism.

20. There being no further comments, the Committee agreed to recommend to the Plenary that it take the action proposed in paragraph 4.1 of WP/45 and:

- a) note the progress made in the implementation of the Mechanism;
- b) endorse the continuing implementation of the Mechanism until the end of 1998 as outlined in paragraph 3.2.4; and
- c) direct the Council to continue to explore ways and means to attract contributions from potential donor States to ensure the continued implementation of the Mechanism beyond 1995.

21. The meeting adjourned at 1230 hours.