

AVIATION SECURITY – GLOBAL EFFORTS AND LOCAL PROVISIONS

Aviation Security – An Evolution from ICAO

Convention on International Civil Aviation was signed on December 7, 1944. This Convention established the International Civil Aviation Organization (ICAO) – a specialized agency of the United Nations that has, over the years, developed standards and practices to aid in the coordination and regulation of international air travel, air navigation, and aviation safety across borders. Simply put, the convention established rules of airspace, airplane registration and safety, and details the rights of the signatories in relation to air travel.

Currently, ICAO consists of over 190 member-states. Guyana has acceded to the Chicago Convention of 1944, since February 3, 1967. Subsequent to this Convention, there were several conventions, protocols and other legal instruments that followed. These were developed and promulgated by ICAO over the years of which most member-states have since ratified or acceded to, in order to better provide for the efficient and effective oversight of air transportation management.

Of these legal instruments, five (5) were developed and promulgated in respect of Aviation Security in an effort to promote safety and security in international civil aviation. In fact, the safety, regularity and efficiency of international civil aviation and its facilities were threatened and, in instances, jeopardized by the increasing variety of criminal/unlawful/terrorist acts.

Hence, the development of the five multilateral legal instruments was necessary. These instruments encouraged all member-states to adhere to the provisions of the legal instruments and to incorporate into their legal frameworks, the necessary laws, policies and relevant provisions to effectively aid in preventing, and adequately responding to acts of unlawful interference. These Multilateral Conventions and Protocols are as follows:

1. Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963 – *(Guyana acceded to this Convention on Dec. 20, 1972)* -
2. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970 – *(Guyana acceded to this Convention on Dec. 21, 1972)*.
3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971 – *(Guyana acceded to this Convention on Dec. 21, 1972)*.
4. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Montreal Convention, signed at Montreal on 24 February 1988 – *(Guyana acceded to this Convention on Jun. 19, 2002)*.
5. Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991 – *(Guyana acceded to this Convention on Dec. 13, 2007)*.

The Conventions and Protocol noted above, enables subscribing States to focus or address offences such as hijacking, offences committed against passengers and crews on board an aircraft, indiscipline behavior that jeopardizes the safety and good order during flight, seizure of aircraft in flight or on the ground, illegal acts committed against the safety of civil aviation such as air navigational facilities,

avionics of an aircraft, violence at airports, extradition arrangements, powers of the pilot, responsibilities of member-states, etc.

However, while the Conventions and Protocol identifies the offences, extradition arrangements, responsibilities of member-states, powers of the pilot in command and such like, there is a critical need for member-states, including Guyana, to enact, as appropriate, the domestic legislation necessary to implement the provisions of these conventions and protocol, to ensure that the jurisdiction of the courts enables the State to bring to trial the perpetrators of terrorist acts, and to cooperate with and provide support and assistance to other States and relevant international and regional organizations suppress acts of unlawful interference and terrorism.

Guyana - Complying with Security Standards

In addition to these additional conventions and protocol, emanating from Chicago Convention of 1944 were the developments of Annexes (1 through 18) that contained the benchmark standards and recommended practices which all member-states were required to satisfy or comply. In particular, the ICAO's 17th Annex dealt with Aviation Security (*Security – Safeguarding International Civil Aviation from Acts of Unlawful Interference*). Its primary objective was to assure the protection and safety of passengers, crew, ground personnel, the general public, aircraft and facilities of an airport serving civil aviation, against acts of unlawful interference perpetrated on the ground or in flight.

This is achieved through a combination of security measures and the marshalling of various human and material resources by the member-state, along with the implementation of security policies at the national and airport levels which are generally in the form of aviation security programmes. This allows for the compliance with the standards and recommended practices contained in the 17th Annex. In addition, members-states are required to establish a regulatory body or a monitoring or quality control mechanism to provide the necessary oversight to ensure that all stakeholders complies with the security standards and recommended practices contained in the ICAO's Annex 17.

Guyana and Aviation Security

Guyana has so far, developed the base line aviation security regulations – the Civil Aviation (Security) Regulations 2004, and aviation security policies such as the National Civil Aviation Security Programme (NCASP). The Guyana Civil Aviation Authority is identified as the agency responsible for the implementation of the NCASP or in simple terms, responsible for the regulatory oversight of aviation security in Guyana. Several sub-programs have been developed to complement the NCASP such as the National Civil Aviation Security Training Programme (NCASTP), the National Civil Aviation Security Quality Control Programme (NCASQCP), and the National Civil Aviation Security Screeners Certification Programme (NCASSCP). These policies have been developed to aid in the reinforcement of aviation security in Guyana and will be implemented shortly.

Local and Regional Security Threats

Guyana and the region as we know it, has not been faced with many (if any) forms of terrorist threats. However, over the years many acts of unlawful interference (AUI) and terrorist attacks were perpetuated against civil aviation operations across the world – more particularly to the developed or industrialized countries in North America and Europe for reasons that are either political, ideological or

both. The scourge of terrorism is always changing and subtly taking new forms in areas/locations/countries that are peaceful in nature or, in the past, unheard of.

Hence, developing countries, and in particular the region, are, at this point, also vulnerable to acts of unlawful interference, or can serve as vehicles for terrorist acts, as air transport is not restricted to the developing world, but includes a complex network of civil aviation operations that provides linkages to the developed world including over 200 sovereign territories.

Apart from the safety risks associated with air travel, the debilitating elements of terrorist or security threats to civil aviation has forced the aviation industry (airport and airline) to implement stringent security measures to protect passengers, crew, ground personnel, the general public, aircraft and airport facilities from any act of terrorism.

It is important, to note that the airline industry has evolved to become a massive multi-billion dollar industry over the years – one that has provided employment for masses of people, contributed to many countries' (including Guyana) economic growth – both directly and indirectly through the movement of products/goods and services, people, raw materials, cargo, food, produce, machinery, vehicles etc.

This industry is also considered to be a key source of economic development both for a country and its people; thus, if or when an airline loses an airplane or aircraft to some form of terrorist destruction, years of profit accumulation immediately disappears and the company can become financially impaired thereby economically affecting many other critical areas that are considered dependent both directly and indirectly.

Because many acts of unlawful interference comes in the form of hijacking, sabotage to aircraft or to the avionics of aircraft, damage to air navigation facilities, attacks against civil airports, attack against passengers onboard an aircraft etc. (such as 9-11), it was considered critical that countries again focus their attention towards continuously implementing security controls to prevent acts of terrorism.

However, many lesser developed countries hadn't the appropriate support system in place to allow for the implementation of stringent security measures to be applied to domestic and international civil aviation operations; hence, there is a need to ensure that the mechanisms in place are efficient, effective but most of all sustainable.