



International Civil Aviation Organization

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ASSEMBLY — 36TH SESSION

EXECUTIVE COMMITTEE

Agenda Item 15: Aviation Security Programme

HARMONIZATION OF INTERNATIONAL REGIONAL AND NATIONAL LEGISLATION IN THE FIELD OF CIVIL AVIATION SECURITY

(Presented by Saudi Arabia on behalf of the Arab Civil Aviation Commission
(ACAC)²)

EXECUTIVE SUMMARY

Action: The Assembly is invited to:

- To provide due attention to the issue of harmonization of legislations and laws in the area of civil aviation during the forthcoming meeting of the Council and the relevant technical committees, such as the Aviation Security Panel.
- To urge member states and regional organizations to be committed to the ICAO unified legislative umbrella when issuing civil aviation related laws, legislations and regulations and not to depart individually or collectively from ICAO security legislations and standards mechanisms.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objective B.
<i>Financial implications:</i>	Nil.
<i>References:</i>	Nil.

¹ Arabic version provided by ACAC.

² ACAC members: Bahrain, Egypt, Iraq, Jordan, Lebanon, the Libyan Arab Jamahiriya, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen

1. INTRODUCTION

1.1 The Arab States concluded their Second International Conference on Arab Aviation Security in Jeddah, Kingdom of Saudi Arabia, from 26 to 28 March 2007. Many issues and subjects related to the civil aviation security at the level of the Arab region and their interrelation and interaction with the international civil aviation security system were reviewed and discussed.

1.2 The harmonization with international, regional and national security legislations and regulations, which is of utmost importance, was presented and discussed in detail during one of the sessions, in view of its close connection to many factors namely the following:

- a) The keen interest of Civil Aviation Authorities in the Arab region to be committed to unified non-conflicting and non-contradicting laws and regulation.
- b) The necessity to conform Arab states national civil aviation security programmes with ICAO regulations, standards and procedures.
- c) The need for Arab states to cooperate with other regional organizations in the world, in order to meet additional security requirements of foreign flights operated in the region.
- d) The need for Arab airport security authorities to apply the same level of systematic homogeneous security procedures to all flights, with equal treatment to flights of all countries.
- e) The need for the procedures of the Civil Aviation Security Quality Control and training programmes to be based on a unified pattern pursuant to approved legislative and organizational standards rather than non-harmonious ones.

2. LEGISLATION AND REGULATIONS TO BE ENFORCED IN CIVIL AVIATION SECURITY

2.1 Standard regulations of Annex 17 to the Chicago Convention of 1944 and standard aviation security related regulations in other annexes.

2.2 International aviation security conventions and Agreements concluded and approved by the same states, most important of which: The Tokyo Convention of 1963, The Hague Convention of 1970, the Montreal Convention of 1971 and its Protocol, and Convention on the Marking of Plastic Explosives for the Purpose of Detection of 1991.

2.3 Bilateral Agreements signed and approved between an Arab state and another state.

2.4 Local Legislative laws enacted by the state itself.

2.5 States national civil aviation security programmes.

2.6 Regional legislations and regulations enacted by organizations to which Arab states are members.

2.7 As a matter of fact, in most cases when legislations and laws are enacted in the form of practical programmes for implementation at airports, they normally represent an operational burden to the enforcing parties due to their volume, nature, interaction and, in certain cases, contradiction with other laws. For example, knives are on the list of forbidden items to carry on aircrafts. ICAO forbids certain types and lengths of knives, but these same knives are allowed by other states' regulations. In other cases, knives of any type or length are absolutely forbidden by certain states.

2.8 Another recent example of international difference, non-conformity and disharmony in applying security procedures and standards at airports are the liquids, gels and aerosols allowed on aircrafts. In response to ICAO request to member states to be mindful of the dangers of carrying liquids, gels and aerosols inside airport restricted areas or onto aircraft, certain states responded with enthusiasm, while others, probably not fully convinced were late to respond, or lacked sufficient analysis of the dangers. This shows big differences in approaching dangers and the need to have a worldwide unified responsiveness to threats.

2.9 Therefore it is of utmost importance to create a unified legal system and an accepted a mechanism accepted by all ICAO contracting states to ensure consistency, coherence and harmony with regard to civil aviation laws.

2.10 Further more, certain states claimed national sovereignty over their airspace and asked for additional security procedures beyond internationally adopted standards, which made things more complex, especially when those claims entailed additional operational or technical burden on certain states that lack sufficient means to meet them.

2.11 Leaving things as they are now will lead, in the medium and long term, to increased conflicting or intermingled legislations and laws, or possibly a net increase in the number of states unable to implement or commit themselves. This in return will lead to negative results, when implementing Universal Security Audit Programmes in states, and also deficiencies, vulnerabilities and shortcomings that may be exploited to threaten civil aviation security and safety.

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