57th CONFERENCE OF
DIRECTORS GENERAL OF CIVIL AVIATION
ASIA AND PACIFIC REGIONS

Incheon, Republic of Korea
4 – 8 July 2022

AGENDA ITEM 5:   AVIATION SECURITY AND FACILITATION

SUPPORT AND ASSISTANCE FOR PACIFIC SMALL ISLAND DEVELOPING STATES (PSIDS) TO MEET GLOBAL AVIATION SECURITY PLAN (GASEP) CRITICAL ELEMENT (CE) MILESTONES AND UNIVERSAL SECURITY AUDIT PROGRAM (USAP) CONTINUOUS MONITORING APPROACH (CMA) PREPARATION AND OTHER REQUIREMENTS

Presented by New Zealand and

sponsored by the European Union Aviation Safety Agency (EASA)

SUMMARY

PSIDS face numerous challenges in implementing the International Civil Aviation Organizations (ICAO) Standards and Recommended Practices (SARPs) for security. Contributing factors include fundamental constraints on financial, human and workplace resourcing and engagement between PSIDS and ICAO.

It is vitally important that ICAO understands and responds to these challenges, to enable PSIDS to meet GASeP CE Milestones and USAP-CMA requirements. This paper will focus on proposing tangible, achievable actions for ICAO to implement.

**SUPPORT AND ASSISTANCE FOR PACIFIC SMALL ISLAND DEVELOPING STATES
(PSIDS) TO MEET GLOBAL AVIATION SECURITY PLAN (GASEP) CRITICAL
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1.   INTRODUCTION

1.1   The Pacific Small Island Developing States (PSIDS) strive to maintain a safe, secure, resilient and sustainable regional civil aviation system[1]. PSIDS, like all International Civil Aviation Organization (ICAO) Member States, are grappling with post-pandemic aviation sector recovery. However, PSIDS continue to face additional, unique challenges in implementing the ICAO Standards and Recommended Practices (SARPs) for safety and security.

1.2   New Zealand has previously highlighted to the Conference that PSIDS are significantly constrained in their ability to fully implement ICAO SARPs and manage ICAO monitoring requirements for aviation **safety**. These constraints equally affect PSIDS in respect of aviation **security**, specifically in meeting Universal Security Audit Program (USAP) Continuous Monitoring Approach (CMA) requirements and Global Aviation Security Plan (GASeP) Critical Elements (CEs) milestones.

1.3   Both the aviation security and aviation safety domains exist to protect people and aircraft from harm by reducing the risk of accidents and incidents. Security is critical for successful, safe aviation. Aviation security supports the aviation safety priorities of preventing injury or loss of life and avoiding damage to the environment and property. Actions taken to strengthen one domain frequently have positive crossovers to the other.

1.4   In the Pacific, PSIDS have continued to make significant efforts to enhance aviation safety and align with international standards. For aviation security, however, PSIDS are highly reliant on the support of larger States, regional bodies and partners within the region for technical, training and policy support. Fundamental challenges include limited internet connectivity and limited staff resources (including technical expertise) to perform the State's regulatory oversight responsibilities.

1.5   Implementing ICAO's detailed standards and frameworks presents challenges for PSIDS with far less complex aviation systems than many other Member States. While ICAO readily provides additional direction, guidance and/or assistance to States in their efforts to comply with security SARPs, fundamental support in the form of tailored training, sponsorship and improved infrastructure is likely to have the most impact in assisting PSIDS.

1.6   New Zealand endorses the DGCA 57 high-level panel discussion on "Strengthening Regional Cooperation for the Restoration of Air Networks with No Country Left Behind". ICAO's ongoing support for PSIDS at a regional level is welcome and strongly encouraged. However, ICAO would build additional trust and political capital through enhanced bilateral engagement with PSIDS. Recognising individual Pacific State sovereignty would help ensure that all countries are able to effectively engage in the international aviation system.

2.   INCREASED FOCUS ON PACIFIC ASSISTANCE SINCE DGCA 56

2.1   ICAO's 2019 PSIDS Needs Analysis Study (NAS) outcomes included recommendations for short-term, achievable goals and longer-term, aspirational goals to improve aviation safety and security in the Pacific region. The NAS urged for strong support and actions by the Pacific Islands Forum (PIF), commitment from the PSIDS, and enhanced coordination and cooperation between ICAO and all concerned stakeholders.

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1 Port Moresby Declaration on Aviation Safety and Security (RAMM 2021)

2.2   New Zealand supports the January 2022 announcement by the ICAO APAC Regional Office (APAC-RO) that a key focus for 2022 would be to collaborate with relevant entities, particularly the Pacific Aviation Safety Office (PASO), to progress implementation of the NAS recommendations.

2.3   Since 2019, PSIDS have continued efforts to implement NAS recommendations, despite the impact of the pandemic. In 2021, the Pacific Regional Aviation Ministers' Meeting (RAMM) endorsed the Port Moresby Declaration on Aviation Safety and Security. The RAMM directed the PIF Secretariat and PASO to implement a NAS recommendation to develop a Pacific Regional Aviation Strategy. When complete, the ambitious 10-year Strategy will support States to boost compliance with ICAO SARPs and other obligations of the Chicago Convention, alongside long-term sustainable development.

2.4   The RAMM's support for the Strategy demonstrates the increased political commitment sought by ICAO from Pacific States to implement effective aviation safety and security programmes. Care will be needed, however, to ensure that a focus on enhancing regional mechanisms and regional monitoring does not overlook the needs of individual States with low Effective Implementation (EI) scores to meet safety and security objectives.

2.5   Given the Strategy's development timeline and focus on aviation safety rather than security, individual PSIDS will remain in need of interim and targeted support to meet GASeP CEs and USAP-CMA requirements. In September 2021, New Zealand announced NZD9.1 million in funding for PASO over five years, to provide PASO Member States with strategic capacity support to improve their international aviation safety and security compliance. New Zealand calls for ICAO and other regional partners to provide direct assistance to States, as well as through PASO and the Strategy's proposed Regional Aviation Organisation (RAO), for the extended period that the Strategy is in development.

3.   ROOT CAUSE ANALYSIS FOR LOW COMPLIANCE WITH USAP-CMA AND GASEP TARGETS

3.1   In May 2022, the Thirty-third Aviation Security Panel (AVSECP/33) heard several papers[2] reviewing and offering options for enhancing the global effective implementation of both USAP-CMA and GASeP. The papers acknowledged the need to analyse and understand other root causes for low compliance levels, such as individual States' resources, knowledge and skills, and/or the political will to develop, implement and maintain effective programmes and measures.

3.2   The USAP-CMA continuous improvement methodology provides flexibility for ICAO to apply a risk-based approach in assessing EI across all Member States. Many USAP protocol questions are not relevant for Pacific jurisdictions, particularly in consideration of the regional aviation security threat profile. We assert that, for PSIDS, it would be fairer to take a proportionate and outcomes-focused approach to monitoring their progress towards EI and deficiency resolution.

3.3   Similarly, while the GASeP is important for encouraging all Member States to focus on aviation security measures and to obtain political commitment, its targets are perceived by many Member States as too ambitious and unrealistic. It is now recognised that the GASeP target to have 90% of all Member States reach above 80% per cent EI of CEs by 2023 will not be met. As of October 2021, only 65% of States globally had achieved 65% EI, and in the APAC region, only 43% had achieved 80% or higher. Even within APAC, the PSIDS average EI of CEs is 52.77% against the APAC average of 65.96%. Noting their aviation system size and other fundamental challenges, expecting the PSIDS to effectively implement CEs at the same level as other Member States is both impractical and unfair.

3.4   Many PSIDS have made significant efforts to strengthen their aviation security systems in response to ICAO audits. However, the workload required by PSIDS to prepare for ICAO audits and manage ongoing reporting to ICAO is disproportionate to the small size and scope of their

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2 USAP-CMA Secretariat Study Group progress report (AVSECP/33-WP/4); Working Group on Annex 17 report (AVSECP/33-WP/7); Task Force on Assessing the Enhancement of Compliance with Annex 17 report (AVSECP/33-WP/11); ICAO Office of Internal Oversight GASeP evaluation report (AVSECP/33-WP/2)

aviation activities. This burden, combined with fundamental resource constraints, risks PSIDS never being able to improve their EI scores.

3.5   New Zealand contends that setting proportionate, achievable expectations for individual PSIDS would be fairer and less punitive. It would enhance their ability to implement the elements of Annex 17 and Annex 9 most relevant to their operational context. Accordingly, we urge ICAO to consider adjusting EI targets for aviation security according to the complexity of a State's aviation system. This would enhance Pacific aviation security outcomes, particularly in combination with straightforward, inexpensive capacity-building initiatives aimed at Pacific States, regulatory bodies and individual aviation security personnel.

4.   INITIATIVES TO TACKLE FUNDAMENTAL CHALLENGES

4.1   It is vitally important that ICAO understands the nature of the additional challenges faced by PSIDS in implementing security SARPs. These challenges are sometimes shared with other States in the APAC region, but many are unique to PSIDS' geographic size, distance, economic stability and infrastructure.

4.2   Limited internet connectivity within and outside Pacific islands and limited technical infrastructure frequently impact aviation security operational effectiveness. It interrupts or prevents participation in vital online training provided by ICAO or partners. It inhibits the Electronic Filing of Differences (EFOD) and uploading of progress on corrective actions to complex ICAO systems. Accordingly, the USAP EI scoring for individual PSIDS may not always provide an accurate reflection of the State's security oversight system.

4.3   Limited human resourcing and technical expertise to perform the State's regulatory oversight responsibilities requires targeted funding and tailored training. National authorities are often staffed by a very small number of individuals, meaning that the time dedicated to ICAO training or ICAO administration can impact standard aviation safety and security operations. Cost and travel times act as significant barriers for PSIDS access to ICAO training (whether in-person or online), and online ICAO training is frequently held during unfavourable hours for the Pacific.

4.4   Limited direct engagement between ICAO and PSIDS, as noted in the NAS, has strained the relationship. In engaging primarily through PASO, or through the new ICAO PSIDS Liaison Officer, ICAO risks overlooking its enduring requirement to engage bilaterally at a sovereign State level. Until the Pacific Regional Aviation Strategy delivers a new regional regulatory framework, regulatory power remains with each PSIDS national civil aviation regulator.

4.5   In recognition of these fundamental challenges for PSIDS, New Zealand proposes a range of pragmatic actions for consideration by ICAO, larger States or development partners to support PSIDS capacity building in aviation security.

   4.5.1   **Connectivity & Infrastructure:** encourage donors to partner with international or Pacific-based power and telecommunications companies to sponsor or subsidise the cost of consistent electrical supply, office IT equipment and high-capacity reliable communication technologies between islands and out over the international backbone

   4.5.2   **Capacity-building**

      (1) recognise the need to enhance PASO's aviation security expertise with trained local personnel

    (2) invite larger States to sponsor PSIDS trainees on their domestic security training courses, and to second trained Pacific personnel into their workforces

    (3) increase the number and frequency of APAC-RO Combined Action Team (CAT) assistance programmes for PSIDS for aviation security

    (4) support and invest in joint security initiatives developing between PASO, New Zealand and other partners

    (5) subsidise the cost of Pacific participants on ICAO courses and workshops

    (6) invite Pacific technical experts to join or observe ICAO security audit panels to bring back knowledge for application in national and regional environments

    (7) offer ICAO virtual training courses at a reasonable hour for Pacific timezones.

4.5.3   **Engagement**

    (1) communicate more frequently and more directly with PSIDS

    (2) recognise out-of-audit improvements and progress as it occurs

    (3) prioritise delivery of the NAS recommendations through direct collaboration with States as well as through regional bodies

    (4) leverage existing Pacific regional mechanisms for funding and capacity building (such as PACER Plus, PRIF, PILON) to allow the Pacific to help the Pacific

    (5) sponsor or subsidise Pacific States and PASO representatives to attend ICAO regional and international meetings in person.

5.   ACTION BY THE CONFERENCE

5.1   The Conference is invited to:

    a) Note the fundamental challenges faced by PSIDS in implementing security SARPs;

    b) Recommend that ICAO works closely with PASO, partners and individual PSIDS to assist in raising regional capacity and capability;

    c) Recommend that ICAO consider how USAP-CMA requirements could be tailored to PSIDS capacity and capability; and

    d) Note the practical actions recommended in paragraph 4.5 for ICAO to assist PSIDS to overcome fundamental challenges.

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