

BERMUDA INDEPENDENCE COMMISSION  
VISIT TO WASHINGTON D.C  
MEETINGS HELD, WEDNESDAY, FEBRUARY 16, 2005  
AT THE DHS & FAA  
9:00 a.m. to 12:30 p.m.

Visits to the Department of Homeland Security (DHS) and the Federal Aviation Administration (FAA) – Report thereof. Chairman made the appropriate introductions and shared the mandate of BIC and confirmed the reason for the visits.

I **Department of Homeland Security (DHS) – Ronald Reagan Building**  
**Pre-clearance/Visa-Waivers/Travel abroad outside USA:**

9:30 a.m. – 10:30 a.m. DHS – Mrs. Sheila Wilks, Program Analyst, Head of International Visitors, Office of International Affairs, Ms. Elizabeth Tisdale, Office of Field Operations, Ms. Kristin Dubelier, Office of Chief Counsel, Ms. Maureen Blanchard, Office of International Affairs

There is a visa-waiver program for 28 countries. Visa-free or waiver Country Citizens may travel both for business and personal reasons for up to ninety (90) days (eg. Bahamas)

State Department officials will have final word on ‘visa-waiver’ programs and how they are implemented.

Suggested that Bermuda BEGIN with the requirements outlined by ICAO (International Civil Aviation Organization) in respect of the requisite documents as a source to how other countries handle VERY IMPORTANT documents. Bermuda, upon independence would have to become an independent member of ICAO in its own right and to NEGOTIATE as such. As an independent Bermuda we should maintain present UK agreements on civil aviation.

ICAO will ensure that Bermuda documents are in order (ref. Vienna Convention). Present STATUS QUO (except for future passport requirements) as this relates to pre-clearance and visa-waiver will probably be maintained in an independent Bermuda.

Establishing a High Commission, Consulate, Embassy etc in Washington DC and or New York might alleviate any problems with visas, passports etc, if caught EARLY. This provides the ability to deal with some countries DIRECTLY.

Q. Have you looked at the ARUBA model in terms of its relationship with the NETHERLANDS? They practice STATUS APARTHEID, which gives them a lot of independence. The Netherlands handle all the foreign affairs of ARUBA. They also carry Dutch passports other than this Aruba functions independently.

A. STATUS APARTHEID is very much akin to Associate Statehood and the French Departmental System, which has been largely dismissed by the U.K. as not an option for Bermuda presently. The U.K. will not accept the international responsibility or obligations of such a constitutional arrangement.

Suggested we explore information from World Customs Association, MLATS, Container Security Initiatives (CSI) and Immigration Advisory Program dealing with security. USA would look to maintain any legal foundation with mutual benefits presently held through UK.

## II **Federal Aviation Administration (FAA) – Federal Building**

(Ms. Anna Sabella, International Aviation Open Space and Bermuda Desk, Ms. Lorna John, Senior Attorney, International Affairs and Legal Staff)

In order for Bermuda REGISTERED flights to fly directly to the USA they must first meet FAA and TSA standards.

Bermuda would have to satisfy three (3) different departments and two (2) different regencies:

1. The F.A.A.
2. The Department of Transport which has oversight of FAA
3. Transport Security Administration (TSA) which is part of Homeland Security.

At present Bermuda enjoys a Category I (CAT-1) status. The USA operates on the “clean-slate principle” i.e. with a NEW STATE it will start clean but will not ignore that country’s past performance. FAA is operated by “executive level treaties” which do not need the approval of CONGRESS (but are no less binding and are subject to international law) before executing. HOWEVER, there must be consultation with the State Department personnel who will make the FINAL decision(s).

All agreements do not automatically follow independence immediately. Bahamas is a good example some agreements maybe reached BEFORE independence.

USA is GUIDED by ICAO standards ie. as long as newly INDEPENDENT states meet these standards, the USA normally accepts.

Annexes 1, 6, and 8 of ICAO encapsulate OVERSIGHT standards. ICAO has new annexes coming online as long as NEW COUNTRIES pass IASA assessments they should be alright.

\*\*Document given – Overview of Federal Aviation Administration Standards Services, Aviation Polices affect US airports

Although each participant of ICAO is NOT OBLIGATED or is MANDATED to introduce ALL of the new technology eg. GPS OR GNSS (Global Navigation Satellite Systems) should a given country decide to introduce such technology, then this technology MUST MEET ICAO STANDARDS. ICAO has adopted GNSS standards.

What is relatively new at the moment is the concept of RVSM's (Reduced Vertical Separation Minimums) which track aircraft in SMALLER vertical segmentation(s). RVSM allows planes to fly closer together than in the past in open air space.

The BENEFITS of adopting this new technology are ENORMOUS and the attendant COSTS relatively and proportionately low (eg Ground Navigation Aids or GNA's)

Satellites are becoming extremely important. The USA landings (possibly because of RVSM's) required increased or greater oversights which are greatly assisted by satellite Technology – GPS being used EXTENSIVELY.

The CHICAGO CONVENTION – Right of Sovereignty, each independent state has SOVEREIGNTY over its own skies or air space (which is defined by the CONVENTION) – check ICAO website for further explanation.

The benefit to Bermuda to have sovereignty over its own air space, is that it can charge a fee for OVER FLIGHTS or flight in and out of Bermuda.

Annex 17 security matters by ICAO standards for a Bermuda REGISTERED flights/operates the LICENCE will specify what will be accessed by that operator (a Bermuda airline operated by Bermuda Entity)

Bermuda MUST ADHERE to ALL air service agreements eg. from EU – Bermuda – USA designated airports.

There is an OVER-ARCHING AGREEMENT with UK that BERMUDA must adopt. - the agreement concerning FACILITATION of air navigation systems and services, communications, equipment, technical assistance, air traffic control, flights inspections. TO DATE the UK has DELEGATED this to MOU (Memoranda of Understanding) to Bermuda (The Ministry of Tourism and Transport), the FAA entered into this agreement.

View website [www.faa.gov](http://www.faa.gov); section on organizations then the Office of Air and Space Technology (AST) for matters concerning SATELLITES. FAA used to inspect airports to evaluate and rate according to their standards. This is now the responsibility of TSA. Aviation can make or break a country if certain standards are not met.

Report adopted and signed on behalf of BIC

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Bishop Vernon G. Lambe Sr.  
Chairman

