



SECOND HIGH-LEVEL CONFERENCE ON AVIATION SECURITY (HLCAS/2)

Montréal, 29 to 30 November 2018

Agenda Item 5: Ensuring sustainability of security measures

THE BENEFITS OF OUTCOMES BASED STANDARDS IN ANNEX 17

(Presented by Australia, Canada and New Zealand)

SUMMARY

The evolving threat environment and potential differences in States' operational risk environments globally means there is no perfect 'one size fits all' approach to aviation security. This paper encourages Member States and ICAO to consider ensuring a continued outcomes based approach to the ongoing development of Annex 17 Standards and Recommended Practices, enabling flexibility and innovation without compromising security.

Action by the High-level Conference on Aviation Security is in paragraph 5.

1. INTRODUCTION

1.1 The aviation threat environment is continually evolving, challenging the international community in its efforts to safeguard civil aviation. Aviation remains a favoured terrorist target, with new and emerging threats expected as the norm. We face conscious and adaptive adversaries who are continually looking to identify and exploit vulnerabilities in our global security system.

1.2 Threat and risk environments vary across the world, as does each State's aviation security system. Levels of security awareness and capability also vary, as does the capacity to respond to new and evolving threats. Given this, a prescriptive, single approach to aviation security cannot effectively, efficiently and sustainably cater for all the different operating environments. Global aviation security measures must be flexible, agile and outcomes based in order to accommodate these differences.

1.3 The evolving threat environment requires that ICAO and its Member States regularly re-evaluate and amend Annex 17 Standards and Recommended Practices.

1.4 While prescriptive proposals for amendments to Annex 17 are commonly based on established practice in some States and usually have merit in their application in those States, they may not be as relevant or practical in other States, depending on the operating environment.

1.5 Prescriptive Standards do not work the same way in all places. Where prescriptive standards are applied in two different places, they may:

- not achieve the same level of effectiveness, or may even reduce the effectiveness of other existing measures;

- be disproportionate to the risk environment, diverting resources away from more necessary and effective measures;
- have substantial cost and facilitation impacts; and/or
- preclude the development of innovative mitigation measures that may be better suited to the risk environment and operational context.

1.6 Outcome-based Standards are based on desired and measurable outcomes, rather than prescriptive processes, techniques, or procedures, thus allowing States the flexibility to identify measures that align with their unique risk and operational environment while producing an equivalent security outcome. Flexibility can potentially produce better security outcomes, allowing for innovation and continuous improvement in security delivery processes.

2. ADDRESSING THE UNDERLYING CAUSE OF SECURITY CONCERNS

2.1 Prescriptive Standards are commonly employed to address apparent deficiencies in States' aviation security systems, as well as to address the challenges brought by evolving aviation security threats. While strengthening Standards plays an important role in driving improvements in global aviation security, this does not always address the underlying reasons for those deficiencies.

2.2 Employing prescriptive Standards may in fact have the opposite effect on the efficacy of security in a resource-limited State, as they direct resources away from core and critical security functions in order to meet the prescriptive detail of the Standard.

2.3 States may not have the necessary knowledge and resources to address deficiencies in their aviation security system, and so other approaches, including capacity building, would be more effective in addressing the issue.

2.4 Alternatively, the perceived deficiency may be due to a difference in the risk context of the State, or operational limitations due to infrastructure or other constraints.

3. FLEXIBILITY IN ANNEX 17 STANDARDS

3.1 The risks to civil aviation vary substantially between States (and in some cases even different airports within States), both in the extent of overall risk and the types of risk that are most plausible. Further, States (and airports) have substantially different legislative and regulatory frameworks and operating models that necessitate different ways of thinking about, and implementing, security measures. Measures that are outcomes focused and appropriately take into account varying threat and risk environments, and the proportionality of counter measures, can contribute significantly to the sustainability of our aviation security systems.

3.2 Recent amendments to Annex 17 demonstrate an acknowledgement by ICAO and its Member States that there is no 'one-size-fits-all' approach to aviation security, with the increased recognition that national authorities can use the outcomes of a security risk assessment to determine the most appropriate level of measures to apply to meet certain Standards.

3.3 While a degree of prescription is required to ensure that ICAO Member States can adequately be held to account, Standards should allow flexibility and innovation while clearly describing the security outcome to be achieved.

3.4 A common concern expressed about the use of outcomes based standards is that they create an opportunity for States to justify implementing less than adequate measures. Therefore, outcomes based Standards must be supported by clear guidance material, which provides options or approaches through which measurable outcomes may be delivered. There is also a need for transparency by States in demonstrating to ICAO and other States, their logic in determining how a particular approach or suite of measures achieves the required outcome. This is necessary to maintain collective confidence in the international aviation security network.

4. LEAVING ROOM FOR INNOVATION

4.1 Recommended Practice 2.5.1 of Annex 17 states that *'each contracting State should promote research and development of new security equipment, processes and procedures...'* and Recommended Practice 2.5.3 recognizes that *'each contracting State should consider implementing innovative processes and procedures to allow operational differentiation of screening and security controls...'*

4.2 These Recommended Practices highlight the merit in each State working to develop innovative new ways of delivering effective security outcomes. This innovation is crucial to the future of aviation as ever increasing demand for air travel, and increased traveller expectations around passenger experience, compel us to find new ways to expedite time, labour and resource intensive security processes.

4.3 Outcomes based Standards provide the necessary flexibility to allow States to innovate, while still them requiring them to deliver strong security outcomes.

4.4 While prescriptive Standards may be deemed necessary in limited cases, this should be the exception rather than the rule and should be based on careful analysis, evidence of necessity and consideration of all relevant factors.

5. ACTION BY THE HIGH-LEVEL CONFERENCE

5.1 The High-level Conference on Aviation Security is invited to:

- a) acknowledge and promote the importance of adopting an outcome-based approach to developing and modifying Annex 17-*Security* Standards and Recommended Practices;
- b) affirm and promote the recommendation of the AVSEC Panel 29 Report, which encouraged Member States, when developing/implementing a National Civil Aviation Security Programme, to consider adopting an outcome-focused approach, allowing for a range of measures suitable for specific operational environments, provided they have an equivalent security outcome;
- c) uphold the principles enshrined in the Assembly Resolution A-39-18 that take into account Member States' ability to implement sustainable, innovative, risk-based and outcome-focused approaches; and
- d) reaffirm the conclusion in the HLCAS 2012 Report that risk-based and outcomes-focused security measures are policy principles that can contribute significantly to aviation security sustainability.