



WORKING PAPER

HIGH-LEVEL CONFERENCE ON AVIATION SECURITY (HLCAS)

Montréal, 12 to 14 September 2012

Agenda Item 4: The evolution of the aviation security audit process - transparency

**APPROPRIATE LEVEL OF DISCLOSURE OF SECURITY AUDIT PROGRAMME (USAP)
AUDIT RESULTS**

(Presented by South Africa)

SUMMARY

The ICAO High Level Security Conference is called upon to endorse the conclusions and recommendations contained in paragraph 4.

1. INTRODUCTION

1.1 South Africa recognises efforts by ICAO to audit States based on its fundamental principles, one of which is confidentiality, as established in 2002 under the Universal Security Audit Programme (USAP). Although this principle has somewhat been altered based on the revolution of the USAP by introducing a limited level of disclosure through a graphical illustration of the level of compliance based on 8 critical elements, the principle of confidentiality remains critical and to this end, it is befitting to present this paper aiming to articulate and seek endorsement of South Africa's position in as far as this matter is concerned.

1.2 The first cycle of auditing concentrated on compliance to Annex 17 whilst the second cycle ending in 2013 focuses on both Annex 17 and 9. Beyond 2013, the Council in its 187th Session directed that the Secretary General studies the feasibility of a Continuous Monitoring Approach which is risk based. Even with this envisaged change, the issue of confidentiality should not be neglected and appropriate level of disclosure should be taken into account.

2. DISCUSSION

2.1 Currently, the USAP Audit Results are available in the secure ICAO website projecting the level of compliance, per critical element of 8, in graphical form. This methodology gives an overall picture on the effectiveness of individual States' oversight system. The finer details of the results and corrective action plans on the status of compliance by individual States are kept confidential between ICAO and Member States.

2.2 Whilst the current method is widely acceptable, some States have called for increased level of transparency / disclosure. Chief amongst the reasons cited is targeted assistance by some States with capacity. Equally, some States have argued that the disclosure could potentially have a

disadvantaging impact commercially and that disclosing security sensitive information could potentially undermine or compromise national security efforts.

2.3 On the issue of targeted assistance, South Africa recognises the efforts of ICAO ISD to offer assistance to States in need of support and development in aviation security and also has an appreciation of the newly approved Strategy. South Africa also recognises the efforts by ICAO of introducing the State Improvement Plan which we believe will go a long way to achieve compliance to the USAP. It is also noted that ICAO recognises the role of Regional Bodies at various regions and the importance that these Bodies can play in ensuring that milestones towards improving oversight systems in countries that are struggling to achieve and maintain compliance, are reached.

2.4 It is against this backdrop that SA calls upon the Conference to observe the following elements:

1. USAP detailed Audit Results are between ICAO and the State concerned underpinned by the fundamental principle of confidentiality also applicable to the resolution of the 37th Session of the ICAO Assembly and the Council of ICAO introducing the limited level of disclosure.
2. Limited disclosure has proven to be an adequate measurement to gauge the States performance in relation to compliance to the requirements of ICAO Annex 17 and 9. The same can be applied to the Continuous Monitoring Approach.
3. USAP Audit results should be used solely by ICAO for the purposes of advancing assistance initiatives to States in dire need of support and development initiatives as per the ISD initiative.
4. Sharing of information between States on USAP findings for the purposes of technical co-operation and capacity building should be limited to bilateral engagements between States requiring assistance and States offering assistance. It is our belief that transparency of results for the purposes of assistance, consistent with ICAO recommendation, should be between consenting States with mutual interest in relation to assistance programmes.

Recommendation 2.4.5 of ICAO Annex 17 stipulates that — *“Each Contracting State should share, as appropriate, and consistent with its sovereignty, the results of the audit carried out by ICAO and the corrective actions taken by the audited State if requested by another State.”*

2.5 Based on the above, South Africa believes that the status quo of limited transparency is sufficient and should, therefore, be retained. Increased access to results for targeted assistance purposes can be done based on recommended practice 2.4.5. where States can make their audit results available to those providing or wishing to provide assistance.

3. CONCLUSION:

3.1 The Conference is invited to conclude as follows:

- a) The current limited disclosure is sufficient and provides for the necessary confidentially, to avoid exposure of details of the audit results;

- b) The current recommended practice 2.4.5 provides sufficient guidance and allows States to engage bilaterally to share results consistent to their sovereignty; and
- c) For the purposes of targeted assistance, the ISD Programme provides a coordinated approach to facilitate the provision of assistance to States in the area of security for the rectification of deficiencies identified by the Universal Security Audit Programme (USAP).

4. **RECOMMENDATIONS TO THE CONFERENCE**

4.1 The Conference is invited to:

- a) continue to support limited transparency of USAP audit findings as opposed to sharing in detail States Security audit findings;
- b) note the support of ISD initiatives;
- c) encourage States to engage bilaterally for assistance and capacity building purposes taking into account issues of sovereignty;
- d) encourage States to recognise the importance of the role played by regional bodies and ICAO; and
- e) urge ICAO to improve the reporting format to be as accurate as possible to avoid giving a skewed picture in the overall reporting e.g. a standard that is applicable in 2013 should not be recorded as a finding as the date for compliance has not passed. Many other examples for improvement can be sighted without compromising the integrity of the system and confidentiality principle.

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