



Agenda Item 5: Analysis of the results obtained in aviation security (AVSEC) and Facilitation (FAL) in the South American (SAM) Region

a) Results of the second cycle of the ICAO Universal Security Audit Programme (USAP) audits

(Presented by Secretariat)

SUMMARY

This working paper presents to the Meeting the progress in the Universal Security Audit Programme (USAP) providing information from the first cycle of USAP audits and follow-up visits, as well as updated information of the implementation of the second cycle of audits which incorporates the security-related provisions of Annex 9 – Facilitation.

This paper also provides an update on the implementation of the limited level of transparency principle with respect to aviation security audit results, as well as on the procedure approved by the Council to address significant security concerns; and finally, the paper summarizes the results of the 37th Session of the Assembly which relate to the USAP.

References:

- Report of the First Meeting of the ICAO/LACAC NAM/CAR/SAM AVSEC/FAL Regional Group Meeting, (Asunción, Paraguay, 25-27 May 2011).
- Universal Security Audit Programme – Analysis of Audit Results - Reporting Period: November 2002 to December 2009, Second Edition – 2010 which is available on the USAP secure website (<http://portal.icao.int/>).
- Universal Security Audit Programme – Analysis of Audit Results - Reporting Period: January 2008 to December 2010, Third Edition – 2011 which is available on the USAP secure website (<http://portal.icao.int/>).
- Electronic Bulletin 2010/31 – Security Risk Indicators and Significant Security Concerns, dated 23 August 2010.
- Electronic Bulletin 2011/1 - Latest developments related to the Universal Security Audit Programme, dated 21 January 2011.
- Electronic Bulletin 2011/13 - Posting of Significant Security Concerns (SSeCs), dated 2 March 2011.
- Electronic Bulletin 2011/31 - Latest developments related to the Universal Security Audit Programme, dated 22 July 2011.

ICAO Strategic Objectives:

B – Aviation Security

1. INTRODUCTION

1.1 This paper presents a report on the progress made in the implementation of the ICAO Universal Security Audit Programme (USAP), with special emphasis on related activities in the ICAO South American (SAM) region. It provides information on the status of implementation of the Programme, including the first cycle of audits and subsequent follow-up visits; the second-cycle audits completed thus far; and training and certification activities.

2. STATUS OF IMPLEMENTATION – AUDIT ACTIVITIES

2.1 First-Cycle Audits and Results

2.1.1 During the first audit cycle of the USAP, between November 2002 and December 2007, a total of 181 audits of Member States and one Special Administrative Region (SAR) were conducted including all the 13 States in the SAM region.

2.1.2 In all, 172 follow-up visits to validate the implementation of State corrective action plans were conducted since 2005 and completed in December 2009. All 13 States in the SAM which were audited during the first cycle received follow-up visits.

2.1.3 The analysis of audit results from the first cycle of audits has identified areas of concern at both the national and airport levels. At the national level, primary areas of concern include:

- oversight and enforcement capabilities;
- the certification of screening personnel; and
- the effectiveness of aviation security training programmes.

2.1.4 Common shortcomings at the airport level relate to:

- need to update airport security programmes;
- control of access to security restricted areas of airports
- application of security controls to cargo on passenger flights; and
- assurance of the quality and consistency of passenger, cabin and hold baggage screening.

2.1.5 Comprehensive details on the audit findings and analysis from the first cycle of audits are consolidated in a separate document entitled *Universal Security Audit Programme – Analysis of Audit Results - Reporting Period: November 2002 to December 2009*, Second Edition – 2010; and the progress of the second cycle audits in a separate document entitled *Universal Security Audit Programme – Analysis of Audit Results - Reporting Period: January 2008 to December 2010*, Third Edition – 2011, which are available on the USAP secure website (<http://portal.icao.int/>).

2.1.6 The follow-up visits that were conducted revealed that in the majority of States, there had been some improvement in the level of aviation security since the time of initial audits. Particularly, within the SAM region, the degree of compliance with Annex 17 — *Security Standards* improved from 33 per cent to 56 per cent, as shown in **Appendix A**.

2.2 Second-Cycle Audits and Results

2.2.1 The 36th Session of the ICAO Assembly recognized that the USAP has proven to be instrumental in identifying aviation security concerns and in providing recommendations for their resolution, and requested the continuation of the USAP following completion of the initial cycle of audits at the end of 2007. The Assembly further directed that audits in the second cycle focus, wherever possible, on a State's capability to provide appropriate national oversight of its aviation security activities, and that the audits be expanded to include relevant security-related provisions of Annex 9 — *Facilitation*. The second cycle of USAP audits was launched in January 2008.

2.2.2 As of 15 August 2011, practically all States in the SAM Region have been audited, with the exception of Argentina and Panamá, to be audited in 2012.

2.2.3 **Appendix B** shows a chart depicting the degree of implementation of the eight critical elements of an aviation security oversight system, based on the results of the 11 second-cycle audits conducted in the NAM/CAR regions. These results indicate, overall, a lack of effective implementation of the critical elements of an aviation security oversight system of 35.7 per cent in the SAM Region, where zero per cent would be the optimum result and 100 per cent the worst.

2.2.4 The critical element of a security oversight system related to the implementation of quality control obligations (CE-7) has shown the lowest level of implementation. However, this often corresponds to the low level of implementation of the critical elements related to certification and approval responsibility (CE-6), the provision of technical guidance, tools and security critical information (CE-5), and resolution of security concerns (CE-8).

2.2.5 States are reminded to request assistance, if required, prior to receiving an audit and also following the audit in order to prepare the corrective action plan and implement the recommended actions. In this regard, options available for providing assistance to and cooperation between States include the following:

- Direct bilateral and multilateral agreements between States
- Horizontal cooperation facilitated by the LACAC Secretariat
- ICAO Regional Offices with the support of and in coordination with the Implementation Support and Development – Security Section and the Technical Cooperation Bureau
- Other international organizations and development agencies

3. OTHER ACTIVITIES AND DEVELOPMENTS RELATED TO AUDITS

3.1 Training Courses and Seminars

3.1.1 During 2007 and 2008, all USAP auditors went through a recertification process in order to provide them training on the audit methodology of the USAP second cycle audits. The recertification consisted of live interactive web-based briefings and an e-learning programme; it concluded with over 120 USAP auditors recertified. Currently, there are 16 certified auditors in the SAM Region eligible to take part as team members in aviation security audits under the USAP. The continued support received from States, including many in the SAM Regions, through the short- and long-term secondment of experts to the Programme, has been instrumental in the effective implementation of the USAP.

3.1.2 Additionally, two ICAO USAP Auditor Certification Course were conducted, one in Spanish language, in Lima, Peru, from 15 to 24 November 2010, and one in English language, in Montreal in January 2011.

3.2 Transparency

3.2.1 As directed by the 36th Session of the Assembly, the Council, during its 184th Session, approved a proposal to introduce a limited level of transparency with respect to aviation security audit results, whereby a graphical representation depicting the lack of implementation of the critical elements of an aviation security oversight system for each audited State is posted on the USAP secure website. A consequential amendment to the model Memorandum of Understanding (MoU) between ICAO and States regarding aviation security audits was subsequently approved by the Council. This limited level of transparency applies to all audits conducted under the second cycle of the USAP. All States which were invited did provided their consent to this amendment to the MoU.

3.2.2 As a result of this limited level of transparency with respect to aviation security audit results, a graphical representation depicting the lack of implementation of the critical elements of an aviation security oversight system for each audited State is posted on the USAP section of the ICAO secure site for which access may be requested by States by visiting the following site: <http://portal.icao.int/>. This limited level of transparency applies to all audits conducted under the second cycle of the USAP.

3.3 Results of the 37th Session of the Assembly

3.3.1 The 37th Session of the Assembly expressed unanimous support for the continuation of the USAP as an essential part of the newly adopted ICAO Comprehensive Aviation Security Strategy (ICASS). The Assembly also endorsed the policy of a limited level of transparency of security audit results for the second cycle of the USAP, particularly relating to the prompt notification of the existence of significant security concerns. Moreover, the Assembly unanimously adopted a Declaration on Aviation Security, which reflects the commitment and political will of States to work with all stakeholders in strengthening aviation security worldwide.

3.4 Significant Security Concerns

3.4.1 Under the current USAP report production process, a final security audit report is forwarded to the audited State within 60 calendar days after the closing meeting of the audit. The State then has 60 calendar days to submit a corrective action plan (CAP). However, during the audit, USAP auditors sometimes encounter situations that reveal significant security concerns (SSeCs) which may pose an immediate security risk to international civil aviation. In the absence of a mechanism to address these SSeCs in a timely manner, corrective action might not be taken by the audited State before the CAP is submitted to ICAO approximately four months after the audit.

3.4.2 The Council, during its 189th Session, approved a definition of an SSeC, which occurs *when the appropriate authority responsible for aviation security in the State permits aviation activities to continue, despite lack of effective implementation of the minimum security requirements established by the State and by the provisions set forth in Annex 17 — Security related to critical aviation security controls including, but not limited to, the screening and the protection from unauthorized interference of passengers, cabin and hold baggage; the security of cargo and catering; access control to restricted and security-restricted areas of airports; and the security of departing aircraft resulting in an immediate security risk to international civil aviation.*

3.4.3 Thus, the Council also approved the associated mechanism to address such concerns outside of the established timeline for the production of aviation security audit reports and corrective action plans. This allows for SSeCs to be addressed in a much shorter time frame. In accordance with the mechanism, a preliminary SSeC is to be validated and notified to the State, if the SSeC is confirmed, within 15 calendar days following the conclusion of the audit. The State is then given a maximum of 15 calendar days to take corrective action¹. A consequential amendment to the model MoU between ICAO and audited Member States was subsequently approved by the Council to reflect the new mechanism, which is effective from the fourth quarter of 2010, on a non-retroactive basis.

3.5 Results of the Twenty-Second Meeting of the Aviation Security (AVSEC) Panel

3.5.1 The twenty-second meeting of the AVSEC Panel concluded that the USAP continues contributing to the enhancement of global aviation security. The Panel also recognized that while the primary responsibility to address deficiencies identified under the USAP resides with individual States, ICAO should continue to offer and provide assistance to those States in need. The Panel further supported the establishment of a Secretariat Study Group to assess the feasibility of extending the Continuous Monitoring Approach to the USAP and develop options for the evolution and future direction of the Programme beyond the end of its second cycle in 2013.

4. CONCLUSION

4.1 The ICAO USAP has successfully completed a first cycle of aviation security audits and follow-up visits. The positive results of this cycle confirm the commitment of States to implement ICAO security Standards and to strengthen aviation security worldwide. In addition to identifying deficiencies and providing recommendations, the results also assist in the determination of global, regional and State specific remedial strategies. The second audit cycle, focusing on the capability of States to conduct effective oversight through the implementation of the critical elements of a State's aviation security oversight system, promotes the development of sustainable aviation security structures and programmes in States.

4.2 Despite the overall progress made by States in addressing identified deficiencies, a number of States continue to experience difficulties in increasing their level of compliance with ICAO provisions and in meeting their security oversight obligations. Assistance to these States is coordinated through the ICAO Regional Offices, the Implementation Support and Development – Security Section and the Technical Cooperation Bureau.

4.3 The introduction of a limited level of transparency of audit results and a mechanism to timely address the SSeCs that constitute an immediate risk to civil aviation, balances the need to keep sensitive security information out of the public realm with that of informing States of unresolved deficiencies in the aviation security systems of audited States. The USAP continues to enjoy the support of States, serving as a catalyst for their continued efforts to meet their international obligations in the aviation security field.

4.4 States audited during the USAP Second Cycle should ensure the implementation of their corrective action plans and send the implementation progress periodically to the ICAO Aviation Security Audit Section (ASA) in Montreal, and those States that still have pending the second USAP audit are urged to comply Annex 17 and Annex 9 Standards related to security in order to avoid that SSeC mechanism could affect them.

¹ The details of the mechanism dealing with SSeCs are described in Electronic Bulletin EB 2010/31 dated 23 August 2010.

5. SUGGESTED ACTION

5.1 The Meeting is invited to note the information presented in this Working Paper and is encouraged to take any action considered appropriate to comply with Annex 17 – *Security* Standards and Recommended Practices (SARPs), and Annex 9 – *Facilitation* SARPs related with aviation security.

APPENDIX A

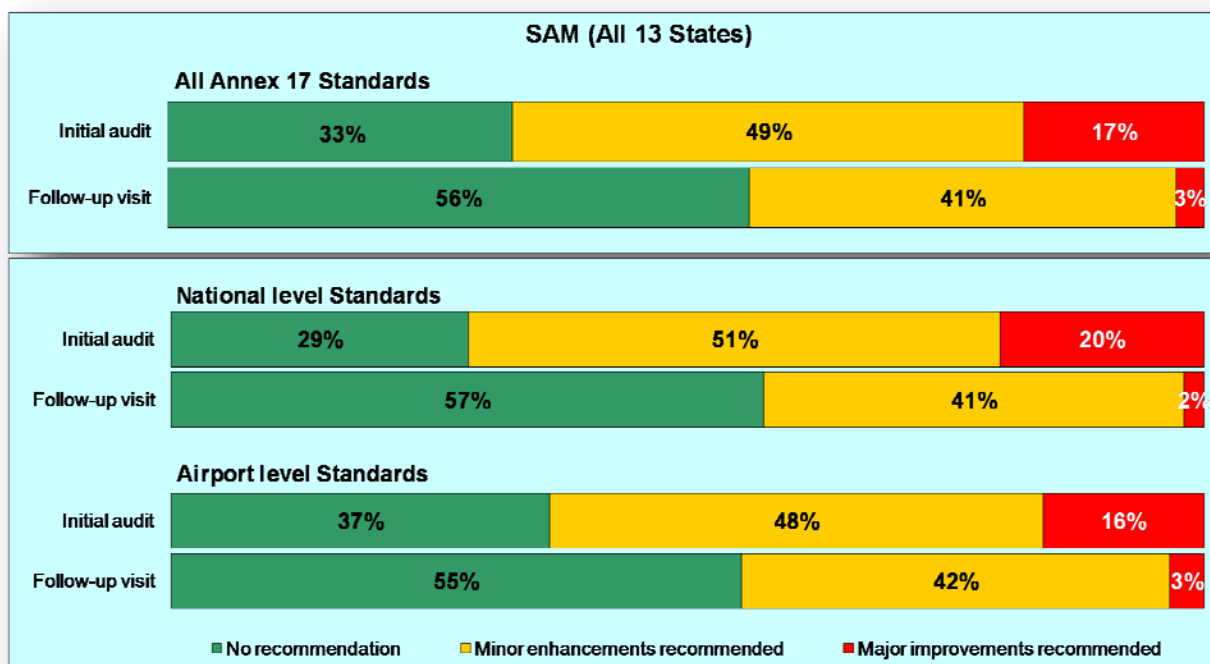
ANNEX 17 STANDARDS – PROGRESS MADE

South America (SAM)

The following chart depicts, by subject module, the level of implementation of Annex 17 Standards for States analyzed in the South American region for which initial audits and follow-up visits have been completed.

USAP – First Cycle

SAM (All 13 States)



Overall, full compliance with Annex 17 Standards averaged 56 per cent in this region, close to the global average of 59 per cent.

Full compliance with Annex 17 Standards in all the primary national-level areas (laws, regulations, organization, aviation security national programmes) is below 25 per cent; while at the airport level—security procedures on inspection points, cargo security and catering service security -- passenger and cabin baggage security, in addition to illicit interference and access control response, are the areas with the lowest level of compliance.

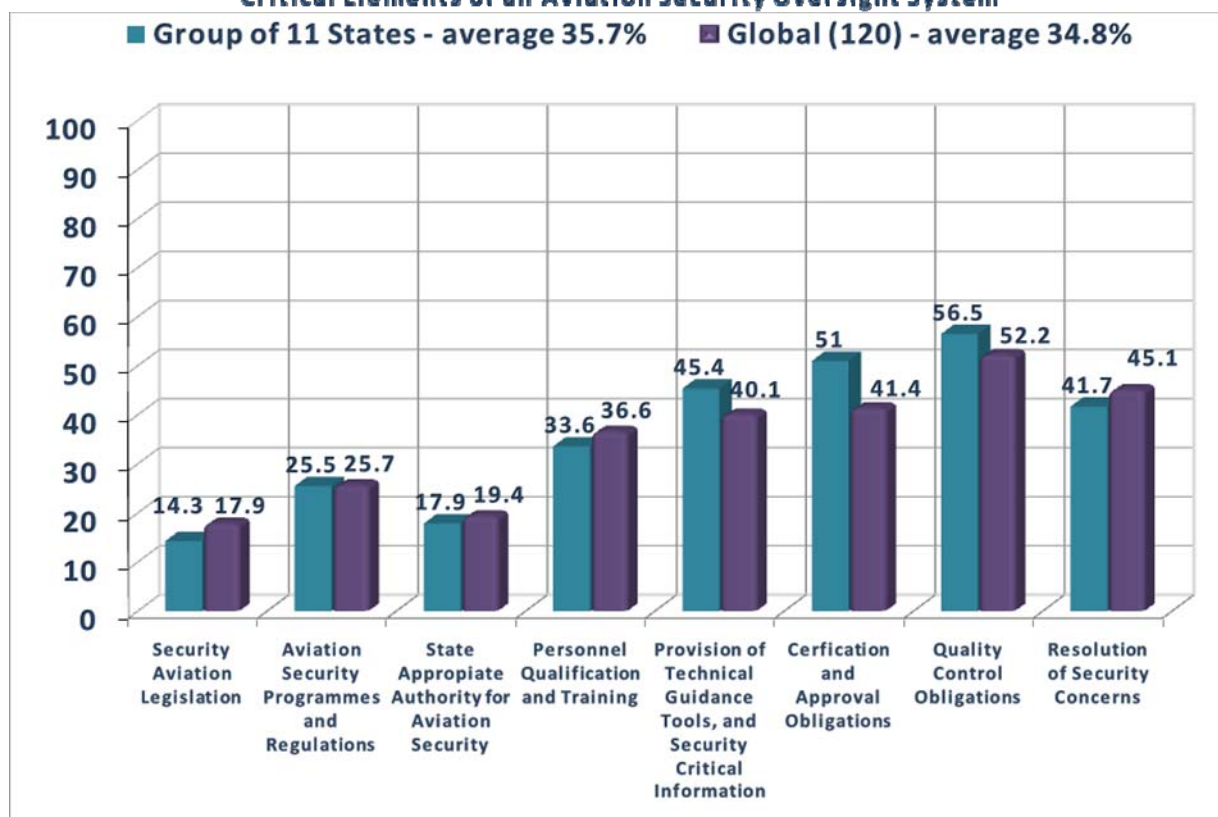
APPENDIX B

AVIATION SECURITY OVERSIGHT SYSTEM GLOBAL

USAP – Second Cycle

USAP Audit Results – SAM States

Lack of Effective Implementation (%)
Critical Elements of an Aviation Security Oversight System



CE-1: Aviation security legislation

CE-2: Aviation security programmes and regulations

CE-3: State appropriate authority for aviation security

CE-4: Personnel qualifications and training

CE-5: Provision of technical guidance, tools and security-critical information

CE-6: Certification and approval obligations

CE-7: Quality control obligations

CE-8: Resolution of security concerns

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