



ASSEMBLY — 39TH SESSION

EXECUTIVE COMMITTEE

Agenda Item 17: Universal Security Audit Programme – Continuous Monitoring Approach (USAP-CMA)

LEVEL OF DISCLOSURE OF UNIVERSAL SECURITY AUDIT PROGRAMME – CONTINUOUS MONITORING APPROACH (USAP-CMA) AUDIT RESULTS

(Presented by the African Civil Aviation Commission (AFCAC)²
on behalf of African States)

EXECUTIVE SUMMARY

This working paper reiterates the need to maintain the level of disclosure with regards to ICAO audit results in line with Recommended Practice 2.4.5 of Annex 17 — *Security* having considered the potential risks and benefits associated with the disclosure of such information.

Action: The Assembly is invited to:

- a) note this working paper;
- b) direct ICAO to maintain the level of disclosure of audit results based on Recommended Practice 2.4.5 of Annex 17; and
- c) urge ICAO to continue to provide assistance to States with low levels of compliance with Annex 17 Standards and Recommended Practices (SARPs) and Security provisions in Annex 9 — *Facilitation*.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objective C — <i>Security and Facilitation</i> .
<i>References:</i>	<i>Report of the Twenty-seventh Meeting of the Aviation Security (AVSEC) Panel, Restricted AVSECP/27-WP/5, Appendix A, Restricted AVSECP/27-WP/37, Restricted Annex 17 — Security, Recommended Practice 2.4.5 Doc 9990 Restricted, Report of the High-Level Conference on Aviation Security (2012) Assembly Resolution A38-15, Consolidated statement on continuing ICAO policies related to aviation security</i>

¹ English and French versions provided by AFCAC.

² Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan, Sudan, Swaziland, Togo, Tunisia, Uganda, United Republic of Tanzania, Zambia, Zimbabwe.

1. INTRODUCTION

1.1 In keeping with the principle of confidentiality, the 36th Session of ICAO Assembly Resolution A36-20 encouraged all States to share their audit reports and information on a bilateral or multilateral basis in order to promote mutual confidence in the level of aviation security between States. This resolution was reinforced with the inclusion of Recommended Practice 2.4.5 in Amendment 11 to Annex 17, whereby 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.

1.2 The principle of confidentiality continues to apply to the USAP-CMA, as amended by the generic Memorandum of Understanding (MoU) regarding the USAP-CMA approved by the Council. The confidentiality principle stipulates that Sensitive Security Information (SSI) collected as part of the USAP-CMA will be protected from unauthorized disclosure. Accordingly, USAP-CMA audit reports are, like previous USAP reports, strictly confidential and only made available to the audited State and to ICAO staff with an operational need-to-know.

1.3 However, in the interest of promoting global aviation security, a limited level of disclosure applies whereby charts depicting the level of implementation of the CEs of an aviation security oversight system by a Member State and the indicative degree of compliance by a Member State with Annex 17 Standards are made available to all Member States on the USAP secure website. Assembly Resolution A38-15 recognized the need to maintain the level of disclosure while promoting bilateral agreements.

2. VULNERABILITY THAT COULD BE EXPLOITED

2.1 It should be noted that findings and recommendations included in USAP audit reports highlight both systemic and specific deficiencies in the audited State's aviation security and oversight systems. While all audit-related information is sensitive, unrestricted disclosure regarding specific deficiencies are especially so, as they highlight vulnerabilities that could be exploited.

2.2 The audit report information, if not restricted, could be used to compromise national security interests and may be used by other States for inappropriate or punitive purposes.

3. INFORMATION NEEDED TO TARGET ASSISTANCE

3.1. The audit information currently disclosed through the USAP secure site can serve a number of purposes beneficial to global aviation security. For instance, this information can be used to mobilize assistance offers and resources, and help target such assistance to meet the true needs of recipient States.

3.2 Since audit results are generated using a rigorous, independent and objective methodology, the resulting audit information can also be used to challenge assumptions, preconceptions and distorted information.

4. **ASSISTANCE TO STATES**

4.1 Assistance audit missions need to be encouraged on a bilateral or multilateral basis in order to address apparent findings that may lead to Significant Security Concerns (SSECs) in some States.

4.2 ICAO should continue to provide workshops, seminars and training assistance to States with low level of compliance with Annex 17 SARPs and the related security provisions of Annex 9 –, *Facilitation*.

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