



WORKING PAPER

ASSEMBLY — 39TH SESSION

Montréal, 27 September – 7 October 2016

EXECUTIVE COMMITTEE

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

**LEVEL OF DISCLOSURE OF AUDIT RESULT INFORMATION WITHIN THE
FRAMEWORK OF THE UNIVERSAL SECURITY AUDIT PROGRAMME (USAP)**

(Presented by the Russian Federation)

EXECUTIVE SUMMARY

This working paper sets out the position of the Russian Federation with respect to raising the level of disclosure of audit results within the framework of the Universal Security Audit Programme and to the publishing of information related to Significant Security Concerns (SSeCs) in the field of aviation security on the ICAO secure website.

Action: The Assembly is invited to:

- a) take note of the contents of this working paper;
- b) agree with the sovereign right of each State to provide information on the results of aviation security audits based on "limited transparency" and maintain the principle of confidentiality of information; and
- c) support the proposal that sensitive information related to ICAO audit results could be placed on the ICAO secure website only if the State does not express an objection.

<i>Strategic objectives:</i>	This information paper relates to Strategic Objective C — <i>Security and Facilitation</i>
<i>Financial implications:</i>	Not applicable
<i>References:</i>	Annex 9 — <i>Facilitation</i> Annex 17 — <i>Security</i> Doc 8973 – <i>Aviation Security Manual</i>

¹ Russian version provided by Russian Federation

1. INTRODUCTION

1.1 The Universal Security Audit Programme (USAP) was adopted by decision of the 33rd Session of the ICAO Assembly (Resolution A33-1), according to which it was proposed that regular, mandatory, systematic and harmonized aviation security audits would be carried out in all ICAO Member States in order to determine their compliance with the Standards of Annex 17 — *Security*.

1.2 During the 36th Session of the ICAO Assembly (Resolution A36-20), the Second Cycle of USAP audits was approved, which was intended to determine the capability of ICAO Member States for aviation security oversight by assessing whether the critical elements of an aviation security oversight system had been implemented effectively.

1.3 The 38th Session of the ICAO Assembly adopted (Resolution A38-15) the Universal Security Audit Programme — Continuous Monitoring Approach (USAP-CMA). The Continuous Monitoring Approach became fully operational as of 2015.

1.4 During the entire USAP implementation period, the principle of confidentiality of audit results has been in force, since this information is considered as having restricted access and can be provided only by ICAO to another ICAO Member State at its request based on a need-to-know basis.

1.5 Further to the proposal to the 27th Meeting of the ICAO Aviation Security Panel to review the level of disclosure of audit results related to Significant Security Concerns (SSeCs) towards a greater degree of disclosure, the Panel recommended to maintain the status quo regarding the disclosure level of audit results, indicating in the ICAO secure website the names of the States and publishing charts, reflecting the level of implementation by the State of critical security control elements, as well as an indication of the States' compliance with the Standards of Annex 17 — *Security* by audit area, related to SSeCs.

1.6 The following sets out the position of the Russian Federation on the issue of transparency and disclosure of audit results leading to SSeCs.

2. POSITION OF THE RUSSIAN FEDERATION

2.1 Resolution A38-15 of the ICAO Assembly recognized the importance of ensuring the limited transparency of ICAO aviation security audit results, as well as considered the fact that the ICAO Council approved the mechanism for the timely resolution of SSeCs.

2.2 Hence, in accordance with Recommendation 2.4.5 “*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.*”

2.3 However, it must be considered that even indirect information about slackened aviation security measures in a particular State can be used by terrorist organizations to commit acts of unlawful interference, which can lead to death or damage to property.

2.4 In this vein, it is appropriate to insist that the name of the State in which the aviation security deficiencies were discovered, causing SSeCs, and the charts reflecting the level of implementation of the critical elements of the security control system, as well as the State's degree of compliance with Annex 17 — *Security* be indicated in the ICAO secure website only if the State does not express an objection.

2.5 It should also be noted that there are no guarantees that extremist or terrorist organizations will not be able to gain access to the information published on the ICAO secure website and use it for their terrorist purposes.

2.6 With respect to the broader disclosure of audit results, the Russian Federation continues to adhere to the principle of "limited transparency" and opposes reducing the principle of information confidentiality, which plays an important role from the national security perspective of ICAO Member States and for countering terrorist threats.

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