



WORKING PAPER

ASSEMBLY — 40TH SESSION

EXECUTIVE COMMITTEE

Agenda Item 12: Aviation Security — Policy

**ELEVATING THE CULTURE OF AVIATION SECURITY IN THE ICAO USAP-CMA AND
GLOBAL AVIATION SECURITY PLAN**

(Presented by the Russian Federation.)

EXECUTIVE SUMMARY

This working paper contains information related to an integrated approach to further improvement of States' oversight activities, using new methods aimed at preventing people from violating of aviation security requirements and elevating the culture of passenger security.

This paper presents Russian Federation experience in this area.

Action: The Assembly is invited to:

- a) take under advisement the information herein;
- b) agree with the relevance of the question of improving legal mechanisms to elevate the effectiveness of oversight activities by States for unruly passengers who commit acts of unlawful interference in civil aviation that threaten aviation security and flight safety;
- c) encourage States and interested organizations to hold a conference to exchange experiences and new technologies for practical and legal actions vis-a-vis unruly passengers and to elevate the passenger security culture;
- d) arrange for the drafting of methodological recommendations about the sequence of information exchange about unruly passengers facing administrative or criminal action in ICAO Member States; and
- e) consider the possibility of including in USAP-CMA the issue of actions of a State to prevent offences and to elevate the security culture.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objective C <i>Aviation Security and Facilitation</i>
<i>Financial implications:</i>	N/A
<i>References:</i>	A39-WP/14, <i>ICAO Comprehensive Aviation Security Strategy (ICASS)</i> A39-WP/20, <i>Implementation of the Universal Security Audit Programme - Continuous Monitoring Approach (USAP-CMA)</i> A39-WP/28, <i>Report on the ICAO Technical Assistance Programme in the Safety, Security, Facilitation, and Environmental Protection</i> A39-WP/73, <i>ICAO Workforce</i>

¹ Russian version provided by Russian Federation

1. INTRODUCTION

1.1. In connection with an increasing number of unruly-passenger-related incidents (and the increasingly severe consequences thereof), in 2011, a Special Sub-Committee of the ICAO Legal Committee was formed to modernize provisions of the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 1963) (Tokyo Convention) with modern practice.

1.2. The Special Sub-Committee developed a Protocol augmenting the Tokyo Convention of 1963 taking into account decisions of the 38th Session of the ICAO Assembly and the 25th meeting of the ICAO Aviation Security Panel Working Group.

1.3. Meanwhile, it was noted that the main cause of that behavior on the part of unruly passengers is the fact that there is a very small measure of accountability for them.

1.4. In 2013, the 35th session of the ICAO Legal Committee reviewed a report on the completion of the development of a draft Protocol to the Tokyo Convention. The Committee supported the need to modernize the Tokyo Convention; specifically, acts committed by passengers onboard the aircraft and they focused on questions of jurisdiction, violations, and security personnel onboard the aircraft.

1.5. At the 11th meeting of the 199th session of the Council of ICAO considered the report of the 35th session of the Legal Committee and adopted the decision to assemble a Diplomatic conference in 2014 in order to adopt the final text of the Protocol to the Tokyo Convention of 1963.

1.6. On 7 April 2014, the International Civil Aviation Organization announced that the Diplomatic Conference with the participation of 100 ICAO Member States and 9 international organizations adopted the Protocol changing the Convention on Offences and Certain Other Acts Committed on Board Aircraft, in order to establish accountability for unruly passengers.

2. THE EXPERIENCE OF THE RUSSIAN FEDERATION IN SOLVING PROBLEMS OF DESTRUCTIVE PASSENGER BEHAVIOR

2.1. Taking into account the changing nature of threats to aviation security linked to the behaviour of unruly passengers, as well as the need to implement in national practice measures ways of affecting offenders, the Russian Federation and specifically the Federal Service for Oversight of Transportation (in addition to changing national legislation to require individuals to follow transport security and establishing measures to hold them accountable if they offend), is working actively with the population (potential passengers) to educate them on a culture of security.

2.2. The State's main prevention tool is to communicate with the population:

- a) Inform the population through the mass media (aviation security experts speaking on television, at conferences at different levels, newspapers and magazines), give interviews on major mass media about security problems (inform the population about the consequences of a failure to observe rules of behaviour onboard an aircraft);
- b) Broadcast a social advertisement (billboards, TV spots), demonstrating the consequences of not following requirements for how passengers should behave onboard an aircraft;

- c) Hold lectures, seminars, and special competitions with university students studying transport to see how well they know security requirements on transport;
- d) Encourage journalists and writers to publish articles about transportation security problems;
- e) Encourage the best student teams to compete on knowledge about how to respond if there are threats of acts of unlawful interference; AND
- f) Reward citizens who provide assistance by reporting threats and acts of unlawful interference.

2.3. On the legislative level, the State adopted legal norms targeted at elevating the level of accountability for unlawful actions threatening passenger security:

- a) Changes were made to the Criminal Code of the Russian Federation to establish criminal accountability for actions threatening the secure operation of air transport;
- b) Changes were made to the Air Code of the Russian Federation, whereby one can refuse to conclude an agreement to transport passengers who are in a registry of people who've been restricted from traveling by a carrier;
- c) A mechanism was introduced to include passengers in a registry of people for whom air travel is limited because of an order saying that this individual was charged with an administrative penalty or because a court order/incriminating appellate verdict is in effect, declaring this individual guilty of committing a crime onboard an aircraft pursuant to the Criminal Code of the Russian Federation.

3. CONCLUSION

In order to elevate the security culture among the population by having a State use mass media and work with the population, we think it is necessary to:

- a) encourage States and interested parties to take under advisement the experience and work done by the Russian Federation;
- b) encourage States and interested parties to cooperate with mass media and use existing tools to elevate the security culture of the population (passengers).
- c) consider the possibility of including in USAP-CMA the issue of actions of a State to prevent offences and elevate the security culture;
- d) consider the question of creating a working sub-group in the AVSEC system to exchange experiences among ICAO States and participants to form proposals to elevate the security culture among the population.