



WORKING PAPER

ASSEMBLY — 39TH SESSION

EXECUTIVE COMMITTEE

Agenda Item 16: Aviation Security - Policy

PRIORITIES FOR AVIATION SECURITY

(Presented by Slovakia on behalf of the European Union and its Member States¹,
the other Member States of the European Civil Aviation Conference²)

EXECUTIVE SUMMARY

This Working Paper presents proposals for priorities in aviation security, based on the lessons learnt from the implementation of Assembly Resolution A38-15 and the ICAO work programme for 2014-16.

Action: The Assembly is invited, when amending Assembly Resolution A38-15 (“Consolidated statement on continuing ICAO policies related to aviation security”), and defining ICAO’s 2017-2019 work programme, to:

- a) Reaffirm Member States’ responsibility for the implementation of effective aviation security measures within their territory, taking account of the evolving threat picture;
- b) Urge all Member States to fully and sustainably implement Annex 17 SARPs and Annex 9 security-related SARPs, and to rectify any gaps or deficiencies as a matter of urgency;
- c) Urge the ICAO Secretariat, Member States, regional organisations, industry partners and others to work collaboratively in order to improve the effectiveness and sustainability of capacity-building activities; and
- d) Request the ICAO Secretariat to review the scope and methods of the current ICAO Universal Security Audit Programme so as to ensure that it represents a reliable means of providing assurance to Member States, industry and passengers as to the effective implementation of aviation security measures on the ground.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objective C - <i>Security and Facilitation</i> .
<i>Financial implications:</i>	The proposed work priorities for ICAO should be covered under the regular budget of the organisation.
<i>References:</i>	Assembly Resolution A38-15: <i>Consolidated statement of continuing ICAO policies related to aviation security</i> .

¹ Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxemburg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and United Kingdom.

² Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Iceland, Republic of Moldova, Monaco, Montenegro, Norway, San Marino, Serbia, Switzerland, The former Yugoslav Republic of Macedonia, Turkey and Ukraine.

1. INTRODUCTION

1.1 The threat to civil aviation remains significant, as demonstrated by the acts of unlawful interference which occurred in various regions of the world in 2015 and 2016 (e.g. Metrojet flight 9268 on 31 October 2015, Daallo Airlines flight 3159 on 2 February 2016, attacks at Brussels airport on 22 March 2016 and at Istanbul Ataturk airport on 28 June 2016). The nature of the threats and the modus operandi vary, as described in the ICAO Global Risk Context Statement (RCS), which is regularly reviewed by the ICAO AVSEC Panel. The RCS provides a valuable understanding of the current threat and risk to aviation at the global level, and guidance on the use of risk assessment in formulating action by Member States in addressing the security threat to civil aviation.

1.2 The terrorist threat to aviation is higher than at any other recent period, evolving rapidly and becoming increasingly a global problem. The risks linked with Person-borne Improvised Explosive Devices carried on the person or in cabin baggage, MANPADS in conflict or proliferation zones, Improvised Explosive Devices in cargo and landside threats are commonly assessed as either high or medium-high.

2. DISCUSSION

2.1 ICAO provisions on aviation security represent the baseline measures that need to be implemented at the global level in order to safeguard international civil aviation against acts of unlawful interference. It is therefore of primary importance that the content of ICAO Annex 17 Standards and Recommended Practices (SARPs), and the security-related SARPs in ICAO Annex 9, be kept under continuous review by the ICAO AVSEC Panel. These baseline measures, and the related guidance material, should reflect evolving threats and modus operandi. Their content should be appropriate to the current types of threats faced by civil aviation.

Effective and sustainable implementation of ICAO Annex 17

2.2 Under the Chicago Convention, each ICAO Member State is responsible for compliance with ICAO provisions and Annexes in order to ensure safe and secure air transport system. In this context, each State is responsible for the effective and sustainable implementation of ICAO Annex 17 Standards and Recommended Practices (SARPs), and of the security-related SARPs of ICAO Annex 9. This responsibility should be clearly reaffirmed in the *ICAO Assembly Resolution A38-15: Consolidated statement of continuing ICAO policies related to aviation security*, due to be amended during the Assembly.

2.3 While the State has overall responsibility, each entity (e.g. airport operator, aircraft operator, air navigation service provider, law enforcement agencies) involved in aviation security has a shared responsibility and a role to play in delivering effective aviation security, and for the implementation of measures as prescribed by ICAO Annex 17 and in national regulations and programmes. Coordination between these private and public entities is essential to ensure that there is a comprehensive, integrated approach to security, and that there are no gaps in national or local implementation systems, or in the transmission of important security information, that could create weaknesses or a lack of clarity and coherence in the overall system.

2.4 Effective and sustainable implementation is critical to the security of air transport operations, and also to public confidence in air transport and the ability of regulators and operators to protect citizens and customers respectively. National and international compliance monitoring systems are

key tools to verify the effective implementation of national and international security requirements, and to ensure prompt rectification in the event that deficiencies or areas of non-compliance are identified.

2.5 Effective and sustainable implementation is also a pre-condition for the international harmonisation of security measures, and a pre-requisite for States' recognition of the equivalence of each other's security measures.

2.6 However, where sufficient security measures are not currently in place to mitigate the risk in certain countries, States receiving flights from those countries, who are responsible for protecting their citizens and their own national security, have a legitimate right to require additional measures (see Standards 2.4.1 of Annex 17) for incoming flights as a condition of those services continuing to operate. Aircraft operators may also require additional measures based on their own risk assessments.

International cooperation in case of increased threats

2.7 Respecting the principles of international cooperation is essential to ensure the effective deployment of additional measures in case of increased threats. Coordination between Member States involved is essential to promote awareness and understanding of the threat, to ensure an effective and efficient response, and to ensure that measures are proportionate and practical.

Capacity building

2.8 Effective and sustainable implementation of Annex 17 may be challenging for some ICAO Member States for a number of reasons, such as lack of resources, lack of political commitment, poor understanding of the threat and risk picture, inadequate training and supervision of staff, and weak organisational structures.

2.9 The ICAO Secretariat, individual States, regional organisations and industry stakeholders have all actively supported Member States' efforts to implement the requirements of Annex 17, in a spirit of partnership with the national authorities involved. This support has been multi-faceted, including the provision of guidance material and training, and in some cases of equipment.

2.10 The practical outcomes of these capacity-building initiatives in terms of sustained and effective aviation security on the ground have to date been mixed, with some States having significantly improved their level of effective compliance while others have made little or no progress. More needs to be done by all entities in collaborating to improve the effectiveness and sustainability of capacity-building activities.

Effectiveness of audit process

2.11 The availability of reliable data about the effective implementation of security measures is critical to ensuring global compliance with Annex 17 baseline standards, and to maintaining confidence in the safety of air travel.

2.12 There are growing concerns that the current ICAO Universal Security Audit Programme (USAP) is no longer able to provide a reliable picture of the standards of security measures on the ground. A disparity between positive USAP findings – which are based on pre-arranged visits, and have a strong focus on processes and documentation – and the lack of effective security measures on the ground that States and operators are able to observe in some airports is a matter that needs to be addressed in order to maintain the credibility of the ICAO audit system.

2.13 Increasing the availability of reliable information arising from international audits and inspections, whether these are ICAO USAP, bilateral assessments or assessments conducted by operators, is important to building confidence in the robustness of States' aviation security systems. It is also critical to improving the design, targeting and prioritisation of capacity-building activities.

2.14 Furthermore, recent initiatives aimed at providing more (albeit limited) disclosure as regards the effective implementation of the critical elements of an aviation security oversight system of audited ICAO Member States, and at disclosure of information regarding a State having serious security concerns (SSeCs), are welcomed and should be implemented. The recommendations of the 2016 AVSEC Panel meeting to include the name of States with SSeCs in the Electronic Bulletin sent to all ICAO Member States, and to identify through the USAP secure website the audit areas related to these SSeCs, if these are not resolved within three months, are also strongly supported.

3. CONCLUSION

3.1 The Assembly is invited, when amending Assembly Resolution A38-15: Consolidated statement on continuing ICAO policies related to aviation security, and defining the ICAO 2017-2019 work programme, to:

- a) Reaffirm Member States' responsibility for the implementation of effective aviation security measures within their territory, taking account of the evolving threat picture;
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