



ASSEMBLY — 36TH SESSION

EXECUTIVE COMMITTEE

Agenda Item 15: Aviation security programme

Agenda Item 16: Universal Security Audit Programme (USAP)

SUGGESTED PRIORITIES FOR THE 2008-2010 WORK PROGRAMME ON AVIATION SECURITY

(Presented by Portugal, on behalf of the European Community and its Member States¹,
and by the other States Members of the European Civil Aviation Conference²)

EXECUTIVE SUMMARY

In the six years since 11 September 2001 considerable advances have been made worldwide in the standards of civil aviation security. This paper suggests priorities for building on the advances and further developing worldwide standards, and invites ICAO to take action accordingly.

Action: The Assembly is invited to:

- a) take note of the developments in the European Community and the ECAC region in the field of civil aviation security;
- b) promote the closest possible cooperation on compliance monitoring between organisations or States conducting audits or inspections in the field of civil aviation security. In this regards the continuation of the USAP Programme should be supported, with a revision to become more targeted on States and/or regions which do not have sufficient focus on national and regional oversight capabilities, and whereby the results of ICAO Security Audits form the basis of actions;
- c) recognise that there is a need for a mechanism to review Annex 17 and the Security Manual on a regular, on-going, dynamic basis, in coordination with Annexes 9 and 18. In this regard, priority should be given to worldwide requirements on liquids, aerosols and gels as to a review of the list of prohibited articles; and
- d) give greater emphasis on the implementation of Annex 17 and in particular on the human factor; in particular, prioritise initiatives to improve the training of security staff.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objective B (<i>Enhance global civil aviation security</i>).
<i>Financial implications:</i>	Not applicable.
<i>References:</i>	Not applicable

¹ Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and United Kingdom. All these 27 States are also Members of the ECAC.

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

1. INTRODUCTION

1.1 The events of 11 September 2001 were a reminder to the world that civil aviation continues to be an important target for terrorism. As a consequence of the events on that date actions were taken at all levels – internationally, regionally, nationally and locally – to raise standards of aviation security.

1.2 Within the European Community (EC) the European Commission was given a mandate to develop harmonised basic standards on civil aviation security. These rules –contained in Regulation (EC) No 2320/2002– have applied since January 2003. At the 35th Session of the ICAO Assembly the European Commission presented Information Paper A35-WP/94 detailing the legislative developments and inspection programme on civil aviation security in the European Community. The legislation applies not only to the 27 EC Member States, but also to Norway, Iceland and Switzerland on the basis of specific arrangements. All other States, Members of the European Civil Aviation Conference (ECAC) but not bound by the EC legislation, have also committed themselves to apply these standards by implementing ECAC Document 30, which is equal to those standards.

1.3 Since the 35th Session the European Commission has continued to develop additional pieces of legislation as needed on an on-going basis, so as to ensure that Community requirements for aviation security remain up-to-date and of the highest standard. These have included performance standards for various types of screening equipment, obligations for the examination of vehicles entering airside, detailed rules on air cargo security, and restrictions on the quantity of liquids that may be taken by passengers onto aircraft departing Community airports. This last measure addressed a security threat to civil aviation that was first identified in the EC on 10 August 2006.

1.4 The legislative actions are complemented by an active programme of inspections of airports and national appropriate authorities. Between its introduction in 2004 and June 2007, a total of 103 inspections were undertaken – 54 initial airports inspections, 21 follow-up inspections of airports and 28 inspections of national appropriate authorities.

1.5 The EC legislation requires that the inspections shall be unannounced to the airports concerned and so no calendar of planned inspections is made public. The results of the inspections are shared with all 27 EC Member States, since one of the goals is to create mutual confidence in the level of aviation security provided throughout the European Community. The inspections are performed by suitably trained full-time Commission staff, complemented by inspectors seconded from the EC Member States (with the proviso that national inspectors are not selected to inspect airports in their own country).

1.6 It should be noted that inspections undertaken by the European Commission are in many respects very similar to the ICAO Security Audits. They both examine quality controls and security measures, procedures and structures at both national- and airport levels. However, there are also important differences, such as the degree of detail of the standards to be implemented and inspected as well as the requirement that European Commission inspections at Community airports are unannounced. Another difference is that the European Commission has enforcement powers on the implementation of the standards and rules.

1.7 These actions are complemented by the work of ECAC in its spreading of 'know-how' within the bigger European region. It performs Security Audits upon the request of States, in order to assist them in improving the level of security. Furthermore, ECAC is pre-eminent in providing training at all levels in the field of aviation security in Europe. It also provides technical assistance to the European

Commission for its work in setting mandatory European standards for security equipment and on other issues.

2. A NEED FOR ICAO TO CONTINUOUSLY REASSESS THE STANDARDS AND RECOMMENDED PRACTICES IN ANNEX 17 AND THE SECURITY MANUAL

2.1 Historically, Standards and Recommended Practices contained in Annex 17 have developed step-by-step and, usually, as a reaction to a security incident. However, the evolution of aviation security measures has been upset with the emergence of radical terrorism, in particular the use of suicide attacks. Consequently, there was, and remains a need for a mechanism to review Annex 17 and the Security Manual on a regular, on-going, dynamic basis.

2.2 In particular, there are, to date, several elements that need to feed into the development of aviation security policy. The first is the continuous evolution of what constitutes a worldwide threat / risk. For example, before 2001 the concept of using civil aircraft as weapons of destruction was not considered to be a high risk. Similarly, the threat from home-made liquid explosives was not deemed to be great prior to August 2006. Whilst it is impossible to predict accurately the next potential source of attack on civil aviation, it is clear that it is desirable that the international rulemaking on aviation security can respond in a manner that is both swift and proportionate when the next threat does arise.

2.3 The increased (perceived) threat of terrorist attack on civil aviation is stimulating considerable research and development of security equipment. Trace detection, biometric identification, computer tomography (CT) technology for screening cabin and hold baggage and cargo, body imaging of passengers, and increasingly sophisticated means of identifying suspicious behaviours of passengers are some examples of the progress that has been made in the science of aviation security. It is essential that Annex 17 and the Security Manual can keep progress with these developments in terms of facilitating the introduction of new technologies and reviewing requirements with regard to outdated technologies.

2.4 Since security measures adopted by one State may have an effect on other States, there is a need to ensure the implementation of the Standards in Annex 17 on a worldwide basis. The concept of 'one-stop security' –allowing transfer passengers and transfer baggage to be exempted from re-screening at the airport of transfer, and avoiding the need to confiscate liquids, aerosols and gels from transfer passengers– can only be applied if the integrity of security is ensured and confirmed by other States.

2.5 When aviation security rulemaking is purely reactive to incidents, there is a chance that new rules are being introduced to address the last threat. The continual addition of 'rules upon rules' can lead to a confused set of rules. More importantly, it eventually may lead to resources being overstretched due to unnecessary duplication of security. Equally, it is relatively easy to continue to add layers of security requirements – but it is far more difficult to identify where the introduction of a new requirement can safely permit comparable reductions in measures and/or staff/resources elsewhere.

2.6 The ICAO Universal Security Audit Programme (USAP) is a very positive tool in raising aviation security standards throughout the world. Experience from a similar inspection programme within the European Community has shown that inspections/audits not only act as an incentive for States to perform correctly their obligations, but it can also highlight anomalies and loopholes in the rulemaking. It is important that the results of the ICAO audit programme feed directly and swiftly into the rulemaking process and thus allows for a reassessment of Annex 17 and the Security Manual, where necessary.

3. PROPOSED WORK PROGRAMME FOR 2008-2010

3.1 Based on its experiences of developing and monitoring aviation security standards on a regional basis, the European Community (EC) and the European Civil Aviation Conference (ECAC) would propose several actions to be included in the ICAO Work Programme for 2008-2010.

3.2 Following the ICAO State letter dated 1 December 2006 on 'Recommended security control guidelines for screening liquids, gels and aerosols' (Ref: AS 8/11-06/100 Confidential), and the subsequent State Letter of 30 March 2007, a priority action should include the urgent search for a technology-based solution and the completion of the on-going work to clarify and harmonise rules on restrictions of liquids, aerosols and gels, including the procedures for shops selling liquids in airside areas of the airport. This is a high-profile task on a measure that has generated negative publicity amongst the travelling public. Harmonised rules at the international level are highly desirable to restore confidence in the benefits of security.

3.3 Secondly, the restrictions on items that may be taken on board aircraft should be reviewed to reflect better the current circumstances. The existing list of prohibited articles was created before the widespread threat of suicide bombers and before the mandatory use of reinforced cockpit doors. Similarly, the attitude of passengers to hijackers has changed, with them less likely to be passive (as the events on flight UA93 on 11 September 2001 demonstrated). This could be a clear case where the creation of 'rules upon rules' (see 2.5) should be reassessed.

3.4 In addition, there should be greater compatibility between Annexes 17 (Security) and 18 (Dangerous Goods) since there is significant degree of overlap as regards prohibited articles. Passengers should be informed accordingly of the restrictions on items that they may carry either in cabin baggage or in hold baggage, whether it is for security- or safety reasons.

3.5 Combining these elements, the degree of actual threat posed by each object on the prohibited articles list should be reviewed, not least since it is important that this list is seen as credible by passengers. Therefore, the on-going work by ICAO to review the list of prohibited articles should be continued and completed, as a matter of priority, with the integration of the rules on liquids, aerosols and gels. Consideration should also be given to having a combined list of prohibited articles that applies to both Annexes 17 and 18.

3.6 More generally, a shift should be considered from creating new rules as a means of addressing aviation security towards a better implementation of existing rules. Experience from audits and inspections shows that deficiencies in aviation security are more likely to be due to failures to apply the existing security measures correctly, rather than the lack of appropriate requirements.

3.7 In this respect the human element plays a key role in security failures, as it is often the weakest link in the aviation security chain. Recruitment and training of staff – both initial and recurrent – are key factors in maintaining or improving standards of aviation security. Greater priority should therefore be given towards addressing human factor issues.

3.8 The first phase of the USAP Programme in visiting all Contracting States has been a valuable exercise in raising awareness of aviation security around the world. However, for the second phase of the Programme such a generalised approach would seem to be unbalanced. Rather, the primary focus should be on a State's ability to provide appropriate oversight of aviation security activities and on how States have rectified the deficiencies highlighted during their initial Security Audit. Thus resources

should be targeted on controlling effectively the corrective action plans proposed by States. In addition, greater monitoring the effectiveness of national quality control systems is an efficient way of using limited resources to measure the quality implementation of security measures.

3.9 As well as more specific targeting of the ICAO Security Audits to optimise the USAP effectiveness, there should also be a greater provision of information to Contracting States when the level of security is found to be highly unsatisfactory. Such an approach will further add to the credibility and effectiveness of the USAP Programme. Clearly, modalities for the dissemination of such information should be developed, both to allow a State an opportunity to undertake a rectification programme, and also to limit the dissemination of such sensitive information. Nonetheless, the persistent failure of a Contracting State to meet its obligations under Annex 17 is of concern to all States.

3.10 To complement the ICAO Security Audits, a means to learn from other Contracting States on how to improve security standards should also be further considered. ECAC is already very active in training, both within Europe and in cooperation with neighbouring regions. ICAO should therefore continue its activities in fostering interregional cooperation, in coordination with its regional Conferences.

3.11 An on-going issue is the need for a better balance between Security and Facilitation. Too often the rules for facilitation are developed independently of the rules on security, and vice versa. A balance needs to be sought between allowing the aviation industry to function with the minimum amount of intrusion on operations caused by security requirements and, on the other hand, ensuring that security is not compromised for facilitation reasons. In this respect greater coordination between Annexes 9 and 17 should be considered.

3.12 Finally, there is a wish to complement the existing 'Model Clause on Aviation Security' for bilateral or regional agreements with provisions on cooperation between States in order to allow for the (mutual) recognition of security standards. Such a model clause could then form the basis of negotiation between Contracting States. The development of such a model clause would be a major step forward in the promotion of the concept of 'one-stop security'.

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