

**FACILITATION (FAL) DIVISION — TWELFTH SESSION****Cairo, Egypt, 22 March to 2 April 2004**

- Agenda Item 2: Facilitation and security of travel documents and border control formalities**  
**Agenda Item 3: Implementing modernized provisions for facilitation and security in air cargo service operations**

**FACILITATION AND SECURITY – NOT A ZERO-SUM GAME**

(Presented by the Secretariat)

1. The substance of this paper was written in 1998 as an article for an aviation magazine. The author goes beyond the thesis that the interests of facilitation and security are not adversarial but complementary, and asserts that the pursuit of a progressive facilitation programme is necessary to success in aviation security.

2. The phrase “facilitation of formalities” was introduced in the Chicago Convention in Article 22 as a mandate to Contracting States that they take appropriate measures to prevent unnecessary delays to aircraft and to persons and goods carried in them. Facilitation was one of the first programmes to be organized after the Convention was signed in December 1944. In the early days of ICAO the first Facilitation Divisions were convened to tackle the challenge of an infinite variety of forms and administrative requirements of the Contracting States – a global conundrum which threatened to choke the growth of civil aviation. For about 25 years the development of standards and recommended practices in Annex 9 focussed on minimizing paperwork, standardizing paper documents, simplifying procedures, and generally attempting to reduce the complexity of the formalities involved in clearing passengers and cargo through government controls before and after an international flight.

3. Although the Convention also makes clear, in Article 13, that border security requirements be respected and complied with, efforts to promote the early strategy as a means of continuing the speed advantage of air transport for the customer on the ground, left the erroneous impression in many quarters that Facilitation meant reducing or eliminating controls and hurrying the control processes along. With the emphasis on speed, effectiveness of inspection was seldom mentioned in the context of facilitation, and eventually, concerns arose that “too much facilitation” would be detrimental to security. Conservative administrators of inspection agencies felt they were reinforced in their belief that “security problems” in a State were justification for not taking any initiatives to facilitate the necessary controls on air passengers and cargo.

4. This is unfortunate, because during the 1970s, as security – aviation security in particular – was acquiring a higher profile, the quality of inspection by the customs and immigration authorities was actually beginning to improve with the application of modern technology. As traffic volumes grew and electronic data processing emerged as a helpful tool, States began to focus on how they could rationalize their clearance processes. At airports, the “black books” which had previously adorned the inspection booths were replaced by computerized data bases. New concepts of inspection management were introduced, including the use of risk analysis to determine the level of inspection required for a particular customer or type of customer and the segmentation of customers for multiple-channel processing according to criteria relevant to the inspection regime. Such innovations had the effect of facilitating the vast majority of customers, but it is important to note that such customers qualified for a lower level of control, not because

they were air transport customers but because they had been assessed as “low-risk”. By moving the low-risk customers out of the way, authorities were able to target for intensive inspection those who were more likely to present an enforcement problem, and experienced better success as a result.

5. Thirty years later, the contemporary objectives and strategies which are pursued under the banner of “facilitation” have matured further as a result of technological progress and not only are compatible with security but also serve to enhance the overall security picture of which aviation security is a part.

6. One important objective of facilitation programmes in States is to meet time goals for clearance, for example, to enable a full flight of passengers to complete inbound clearance formalities within 45 minutes of arrival and to provide for cargo shipments to be released within four hours of the presentation of entry and manifest information. In order to meet these goals, Annex 9 promotes the use of risk analysis in selecting people and shipments for intensive examination, as mentioned above; this frequently involves the analysis of, and decision on, information which has been submitted in advance of arrival. The latter strategy has become feasible for virtually all States with the advancement of information technology and the development of electronic data interchange systems. Cargo and passengers which are processed in advance information systems realize the facilitation benefit of faster progress through inspection formalities because most of the analytical work has been done ahead of time. Moreover, the additional time which the authorities now have to evaluate the information and assess the risks is a significant benefit to their control systems.

7. Another objective of the ICAO facilitation programme is to achieve *global interoperability*. In the context of landside operations we apply this term to the capability of inspection systems (whether manual or automated) in different States throughout the world to exchange data, to process data received from systems in other States, and to utilize that data in inspection operations in their respective States. The obvious strategy to pursue in order to accomplish this objective is to standardize information requirements and formats of official documents; one of the most visible products of this strategy is ICAO’s published specifications for machine readable travel documents. Adoption of these specifications, especially in the issuance of passports, has increased rapidly as States have come to understand the pivotal role of machine readable passports in modern, enhanced compliance systems. Standardization of passports worldwide is pursued as a means of facilitating inspection. Standardization, when coupled with the data security features of the documents, offers a strong defence against alteration, forgery or counterfeiting, and increases the rate of successful detection of abnormalities.

8. A third major objective of the facilitation programme is to raise the level of customer satisfaction with the service they receive and also to raise the confidence of the control authorities in the effectiveness of inspection procedures. To accomplish this objective ICAO encourages arrangements for “premium procedures” as exemplified in the arrangements for customs clearance of express cargo consignments and the industry-government cooperation for the interdiction of fraudulent travel documents. Premium procedures are designed to facilitate international transactions, but they have the ancillary effect of strengthening the security programme because they require a heightened level of industry competence in the implementation of customs and/or immigration requirements.

9. At the operational level the relationship between facilitation and security at airports is no longer seen as a “trade-off” or a “balance” between adversarial programmes or indeed as “two sides of the same coin”. Rather, the enhancement of the one results in enlargement of the success of the other.

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