International Civil Aviation Organization

WORKING PAPER

HIGH-LEVEL CONFERENCE ON AVIATION SECURITY (HLCAS)

Montréal, 12 to 14 September 2012

Agenda Item 4: The evolution of the aviation security audit process – transparency

**INCREASED DISCLOSURE OF UNIVERSAL SECURITY
AUDIT PROGRAMME (USAP) AUDIT RESULTS**

(Presented by the Secretariat)

SUMMARY

The ICAO Council has approved in principle the concept of a transition of the Universal Security Audit Programme (USAP) to a continuous monitoring approach (CMA). Preparations now underway for the transition to the USAP CMA provide a timely opportunity for the High-Level Conference on Aviation Security to consider options related to the disclosure of audit (including other monitoring activity) results.

Action: The High-level Conference on Aviation Security is invited to endorse the conclusions and recommendations in paragraph 4.

1.   **INTRODUCTION**

1.1   The Universal Security Audit Programme (USAP) was established in 2002 with the objective of promoting global aviation security through the auditing of all ICAO Member States. The first cycle of audits began in 2002 and was completed at the end of 2007. That initial cycle focused on determining the status of implementation by States of Annex 17 – *Security* Standards. The second cycle of the USAP was launched in January 2008 and focuses on States' levels of effective implementation of the critical elements of an aviation security oversight system wherever possible, as well as on compliance with Standards contained in Annex 17, and relevant security-related provisions of Annex 9 – *Facilitation*. The second cycle of audits is on course to be completed by the end of 2013.

1.2   Recognizing the need to determine the future nature and direction of the USAP beyond 2013, the Council, during its 187th Session (C-DEC 187/8), directed the Secretary General to study the feasibility of applying a continuous monitoring approach (CMA) to the USAP. Any application of a CMA to security audits would need to take into consideration the principle of confidentiality and the appropriate level of disclosure of audit results (which hereinafter should be understood to include audit results and any other type of monitoring activity conducted by ICAO) associated with data collection and reporting under the USAP. More details pertaining to the adoption of a USAP CMA are available in HLCAS-WP/4.

1.3   The fundamental principles of the USAP[1] have remained largely unchanged since they were first established at the inception of the Programme in 2002. The one exception relates to the principle of full confidentiality of audit results. This principle has been modified, as directed by the

---

[1]The principles of the USAP are: sovereignty; universality; transparency of methodology; timeliness; all-inclusiveness; consistency and objectivity; fairness; quality; and confidentiality.

37th Session of the ICAO Assembly and the Council of ICAO, to introduce a limited level of disclosure, whereby a graphical depiction of the level of effective implementation of the critical elements of the aviation security oversight system for each State audited is posted on the USAP secure website (https://portal.icao.int). A mechanism for the timely identification, validation and notification of Significant Security Concerns (SSeCs) has also been introduced.

1.4   In recent years, certain proposals and requests, as well as counterpoints relating to further expansion of the existing limited level of disclosure of USAP audit results, have been debated. While sensitive security information must continue to be protected from unauthorized access and kept out of the public realm to prevent the exploitation of vulnerabilities, there are some reasons for further increasing the existing levels of disclosure.

2.   **DISCUSSION**

2.1   Currently, limited audit information pertaining to each audited State is available to other ICAO Member States through the USAP secure website. In addition, general information in the form of an analysis of global and regional audit results is available through an annual publication entitled *Universal Security Audit Programme – Analysis of Audit Results* (Fourth Edition – 2012; English only). The USAP audit reports, together with relevant audit documentation and Corrective Action Plans (CAPs) produced by States to address identified deficiencies, are kept strictly confidential through the application of administrative and physical measures and are available only to the designated appropriate authority for aviation security within the audited State and ICAO Secretariat staff on a need-to-know basis.

2.2   Upon receipt of its USAP audit report, each audited State undertakes to prepare and submit a CAP addressing the audit findings and recommendations in accordance with the model Memorandum of Understanding (MoU) signed with ICAO prior to the audit. If one or more SSeCs are identified, these are dealt with by ICAO under a separate and concurrent mechanism that may lead to the notification of the existence of the SSeC(s) on the USAP secure website. In extreme cases, where a State is found not to fulfil its aviation security obligations, ICAO may report the State to the Council under Article 54 j) to the *Convention on International Civil Aviation* (Chicago Convention). At any time, the State may request, or be offered, assistance by ICAO.

2.3   While it is clear that there is a consensus that audit results should not lead directly or indirectly to sanctions against audited States, the success of the SSeC mechanism and views expressed by States indicate that greater exposure of deficient performance leads to increased engagement by States in resolving concerns. However, opinion is divided among States regarding whether there should be increased disclosure of audit information and results. Reasons often cited in support of retaining the existing levels of disclosure include national security concerns and concerns that audit results might be used in a manner that causes commercial disadvantage to an audited State and/or its air transport industry. Conversely, some States contend that access to more detailed information on audit results would allow them to provide targeted assistance aimed at correcting deficiencies of the State concerned.

2.4   The Conference is reminded that Recommended Practice 2.4.5 in Annex 17 - *Security* recommends that "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". When considering any modification to the current principle of limited disclosure of audit results, the Conference may consider whether the combination of Recommended Practice 2.4.5 and audit information and results currently provided (graphs, analysis and names of States with SSeCs) continues to be sufficient. If this is not adequate, the Conference may consider the audit information that should be shared, as well as associated protective measures.

2.5   Increased access to audit results could facilitate the provision of targeted assistance to States in need. In practice, States receiving assistance can make their audit reports available to those States providing the assistance or wishing to provide assistance to them. However, audit results are not generally available in advance to facilitate States or Regional entities with assistance programmes in the prioritization and the focus of the assistance activities. Consideration may therefore be given to whether Recommended Practice 2.4.5 should be amended to a Standard, obliging States to share their audit results, to the extent practicable, with other States when requested to do so in order to enhance and promote aviation security worldwide.

3.   **OPTIONS**

3.1   There are numerous options regarding the possible disclosure of audit results and information. These include, but are not necessarily limited to:

1) maintaining the *status quo*;

2) publishing State-specific information, such as a graphical depiction of the audit results for each of the nine audit areas, in addition to information that is already provided for each of the critical elements of the aviation security oversight system. An example of both types of graph is provided in the Appendix;

3) amending the status of Annex 17 Recommended Practice 2.4.5 into a Standard;

4) including additional information regarding SSeCs in the regular USAP updates to Council or in Electronic Bulletins, such as naming the States with SSeCs and/or identifying the audit area where the SSeCs have been identified; and/or

5) providing partial or full publication of all audit reports on the ICAO USAP secure site.

3.2   Any modification of the existing principle of confidentiality to allow for the increased disclosure of audit results could be accompanied by a commitment by all States, in the form of a code of conduct on the sharing of security information, that no form of punitive action will result from the sharing of audit-related information. Any modification of the principle of confidentiality that is not accompanied by such a commitment could lead States to become reluctant to participate in USAP audits or to withhold full cooperation from an audit team during the conduct of an audit.

4.   **CONCLUSIONS AND RECOMMENDATIONS**

4.1   The HLCAS is invited to conclude whether the increased disclosure of USAP audit results would:

a) help promote the security of international civil aviation; and

b) improve the prioritization and targeting of aviation security assistance activities.

4.2   The HLCAS is invited to recommend the desired level of disclosure of USAP audit results.

— — — — — — — —

APPENDIX

**INCREASED DISCLOSURE OF UNIVERSAL SECURITY AUDIT
PROGRAMME (USAP) AUDIT RESULTS**

1.   Graphical representation of audit results by Critical Element and Audit Area

1.1   The following two charts are taken from the Universal Security Audit Programme – Analysis of Audit Results, Fourth Edition – 2012 and depict the average lack of effective implementation (LEI) by the eight Critical Elements (CEs) of an aviation security oversight system and in each of the nine Audit Areas (AAs) at the global level, based on the 129 second-cycle audits conducted from 1 January 2008 to 31 December 2011, which include 128 Member States and one SAR.
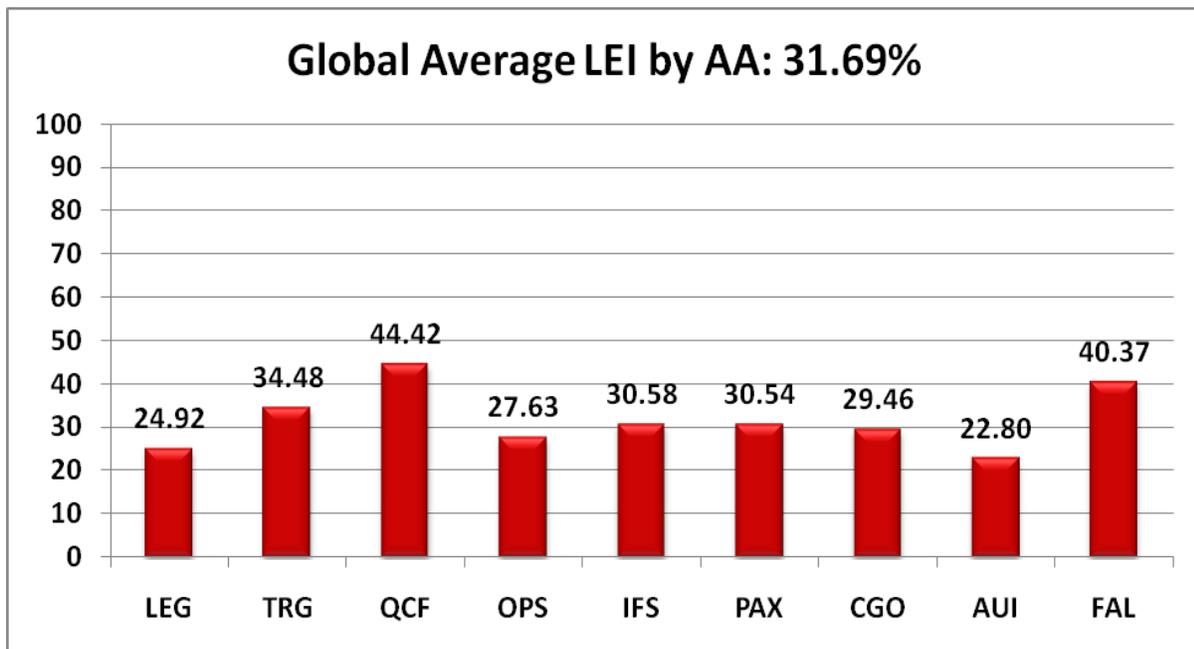
1.2   The eight CEs are:

CE-1   Aviation security legislation
CE-2   Aviation security programmes and regulations
CE-3   State appropriate authority for aviation security and its responsibilities
CE-4   Personnel qualifications and training
CE-5   Provision of technical guidance, tools and security-critical information
CE-6   Certification and approval obligations
CE-7   Quality control obligations
CE-8   Resolution of security concerns
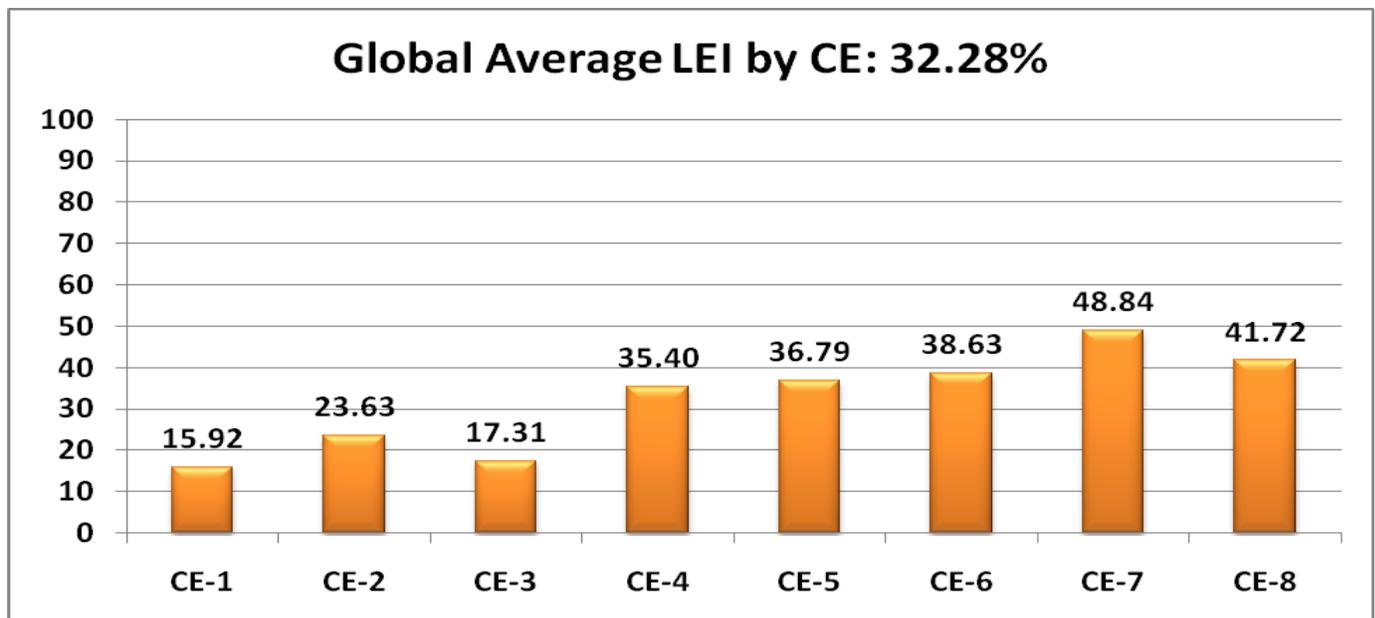
1.3   The nine AAs are:

LEG   Regulatory Framework and the National Civil Aviation Security System
TRG   Training of Aviation Security Personnel
QCF   Quality Control Functions
OPS   Airport Operations
IFS   Aircraft and In-flight Security
PAX   Passenger and Baggage Security
CGO   Cargo, Catering and Mail Security
AUI   Response to Acts of Unlawful Interference
FAL   Security Aspects of Facilitation

Global Average LEI by AA: 31.69%

AA	LEI
LEG	24.92
TRG	34.48
QCF	44.42
OPS	27.63
IFS	30.58
PAX	30.54
CGO	29.46
AUI	22.80
FAL	40.37

— **END** —