



ASSEMBLY — 36TH SESSION

EXECUTIVE COMMITTEE

Agenda Item 16: Universal Security Audit Programme (USAP)

THE UNIVERSAL SECURITY AUDIT PROGRAMME (USAP): INCREASING TRANSPARENCY THROUGH NOTIFICATION TO STATES

(Presented by the United States of America)

EXECUTIVE SUMMARY

All ICAO Member States are to have been successfully audited by the end of 2007, with strengths and weaknesses identified, regional and global trends tracked, and recommendations made to States for improving their security regimes. However, there remains a small number of States that have made little or no progress in implementing the ICAO recommendations to correct the deficiencies identified through the audits. Although security audit information has been restricted in the past, steps should be taken to increase the transparency of the audit programme and ensure that the global aviation network remain protected. This paper proposes that, in addition to a review of deficiencies by the Audit Results Review Board, consideration be given to the development of a process that will notify all Member States when deficiencies identified during the course of a USAP audit remain unaddressed for a sustained period. A notification process could involve the use of information which does not divulge specific vulnerabilities but enables States to initiate consultations with the State of interest to ensure the continued protection of aviation assets on a bilateral basis.

Action: The Assembly is invited to:

- recommend further exploration of a notification system for Contracting States concerning unaddressed and sustained deficiencies; and
- recommend that such a system, if developed, should ensure the appropriate safeguarding of a Contracting State's security information without divulging specific information that could be used to exploit existing vulnerabilities.

<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.

1. INTRODUCTION

1.1 The Universal Security Audit Programme (USAP) is directly linked to ICAO Strategic Objective B – *Enhance global civil aviation security* and, in particular, to Key Activity B3 – *Conduct aviation security audits to identify deficiencies and encourage their resolution by States*. This key activity, in turn, calls for the carrying out of a series of critical tasks. The progress of the programme with regard to Strategic Objective B and its related critical tasks has had many successes.

1.2 All ICAO Member States are to have been successfully audited by the end of 2007, with strengths and weaknesses identified, regional and global trends tracked, and recommendations made to States for improving their security regimes. The maturing of the USAP has increased global attention to aviation security by promoting the implementation of international aviation security standards in line with the USAP objectives. The USAP sends a signal to those who want to harm the global aviation system that nations stand together to counter acts of crime and terrorism.

1.3 Upon completion of a USAP audit, States are required to submit a corrective action plan addressing deficiencies and schedule a follow-up visit. Audit follow-up visits were initiated in mid-2005 in order to validate the implementation of States' corrective action plans and to provide support to States in remedying identified deficiencies. These visits are normally conducted in the second year following the date of a State's audit.

1.4 According to USAP reports, follow-up visit results have shown that the majority of States have made progress in the implementation of their corrective action plans. The average implementation rate of Annex 17 Standards in visited States increased significantly when compared with the initial audit results. At the same time, however, it is significant to note that follow-up visits have also revealed that there remains a small number of States that have made little or no progress in implementing the ICAO recommendations to correct the deficiencies identified through the audits.

2. DISCUSSION

2.1 Comprehensive statistical analysis of audit results and levels of compliance (globally, by region, and by subject matter) is available on the USAP secure website. Key findings are presented at both the national and airport levels. According to the progress report submitted to the 179th Council Session, "In the case of States that are demonstrating little or no progress by the time of the follow-up visit, a cross analysis of the USAP audit results with those of the USOAP reveals that generally, States that have difficulty in implementing the safety-related SARPs are also experiencing difficulties with the implementation of the Annex provisions on the security side. Certain contributing factors have been identified. These often include a lack of financial and/or suitably qualified human resources as well as frequent changes in key personnel within a State's Appropriate Authority. In certain cases, there also appears to be a certain complacency and general lack of interest in implementing the ICAO recommendations."

2.2 In order to address the issue of States that are not responding effectively to the ICAO audit process, a high-level Secretariat Audit Results Review Board has recently been established for the purpose of examining both the safety and security histories of specific States brought to its attention by either the USOAP or USAP. The Review Board is comprised of senior officers from relevant Bureaux

and Offices and is charged with proposing to the Secretary General a specific course of action and strategy for each State referred to it. The objective is to highlight or raise the profile of these States within the system in order to encourage them to take responsible actions in a measured and timely manner.

2.3 The intent of the Review Board, according to reports, is to provide a course of action should attempts by ICAO to resolve a situation be exhausted with no improvement made. Such a case would be presented to the ICAO Council for special consideration and possible further action, as appropriate. As noted in documentation, in the case of significant compliance shortcomings with ICAO safety-related SARPs, this may include action under Article 54(j) of the Chicago Convention (Resolution A35-7 – *Unified strategy to resolve safety-related deficiencies*, Clause 5).

2.4 The Committee on Unlawful Interference is recommending to the Council that these data and trends be made public at the Assembly. Although such information has been restricted in the past, the Committee believes all States and the public should be aware of the areas needing improvement without identifying specific States or vulnerabilities. Further, the Council has been discussing with the Secretariat ways in which it can most effectively exercise its oversight responsibilities with respect to States that do not comply with their responsibilities under the Convention and its Annexes.

2.5 While reports show that many ICAO Member States have actively used information gathered from USAP audits to improve their security systems, reports also demonstrate that other States cannot or will not make necessary changes. For those States that lack resources to improve their security systems, new mechanisms such as ICAO's Coordinated Assistance and Development (CAD) Programme are in place to assist in directing longer-term attention to problems.

2.6 For those States that remain unable to improve their security systems, bringing such challenges before the Audit Results Review Board, and possibly the Council, for consideration are valuable steps toward addressing the deficiencies in the longer term. However, the vulnerabilities presented by unresolved and sustained issues represents a significant weakness in the global protective network and a possible critical or urgent area of vulnerability for other Member States with air carrier service at the airport of interest, particularly when combined with indications of a heightened threat.

2.7 Consideration should be given to the development of a process for ensuring that all Member States are notified when deficiencies identified during the course of a USAP audit remain unaddressed for a sustained period of time. A notification process could involve the use of information which does not divulge specific vulnerabilities but enables States to initiate consultations with the State of interest to ensure the continued protection of aviation assets on a bilateral basis.

2.8 Such a notification process may result in a strengthened ability on the part of ICAO to ensure that States unwilling to meet basic security standards will be held accountable and allow for a limited amount of transparency in the security audit programme without divulging specific potential security vulnerabilities.

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