

Doc 10047



Aviation Security Oversight Manual

**The Establishment and Management
of a State's Aviation Security Oversight System**

Approved by the Secretary General
and published under his authority

First Edition — 2015

International Civil Aviation Organization

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of a State's Aviation Security Oversight System***

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FOREWORD

This manual outlines the duties and responsibilities of ICAO Member States with respect to the establishment and management of a national civil aviation security oversight system. It is directed at high-level government decision makers, as it highlights States' obligations as signatories to the *Convention on International Civil Aviation* (Chicago Convention) signed at Chicago on 7 December 1944, and provides information and guidance on the establishment and management of a State's national civil aviation security oversight system, which may be required to fulfil those obligations.

This manual confines itself to the parameters of a Member State's overall aviation security oversight responsibilities, emphasizing the State's commitment to aviation security with respect to the State's aviation activity. Several critical elements (CEs) have been identified as essential components of a civil aviation security oversight system and should be considered for the effective implementation of a security-related policy and associated procedures. The CEs of a civil aviation security oversight system presented in this manual include:

- primary aviation security legislation;
- aviation security programmes and regulations;
- State appropriate authority for aviation security and its responsibilities;
- personnel qualifications and training;
- provision of technical guidance, tools and security-critical information;
- certification and approval obligations;
- quality control obligations; and
- resolution of security concerns.

On becoming parties to the Chicago Convention, States agree to certain principles and arrangements in order that international civil aviation may be developed in a safe, secure and orderly manner. The safe and orderly development of international civil aviation requires that all civil aviation operations be conducted under internationally accepted standards, procedures and practices. Article 37 of the Chicago Convention provides that each Contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures and organization in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation. It also follows that a Contracting State should establish and implement a system that enables it to satisfactorily discharge its international obligations and responsibilities to develop and conduct civil aviation in a safe and orderly manner.

With respect to aviation security, it is particularly important to maintain uniformity in the effectiveness of worldwide standards, since the level of protection against acts of unlawful interference deriving from the implementation of security measures as stipulated in the international Standards and Recommended Practices (SARPs) is only as strong as the weakest link in the global aviation network. The implementation of security-related SARPs by a Member State should be effected under the rule of law promulgated in that State. Thus, as a first step towards discharging its obligations and responsibilities, a State will require an enactment of a legislative framework, hereafter referred to as the State's primary aviation security legislation.

The primary aviation security legislation should entail the development and promulgation of civil aviation security regulations and the establishment of a National Civil Aviation Security Programme (NCASP) (essentially the blueprint for the State's national civil aviation security system) consistent with the State's acceptance of the provisions of the Annexes to the Chicago Convention (primarily Annex 17 — *Security — Safeguarding International Civil Aviation Against Acts of Unlawful Interference*), as well as the establishment and designation of a State organization as the appropriate authority responsible for national civil aviation security. The primary aviation security legislation should also address the necessary legal authority and powers to ensure compliance by all stakeholders with these provisions.

As the primary source of SARPs for the establishment and management of a State's national civil aviation security system, Annex 17 addresses preventive and responsive security measures for which the State's appropriate authority for aviation security is responsible, as well as responsibilities for oversight and quality control measures over all aspects of a State's national civil aviation security system, including responsibilities related to security measures for airports, aircraft, passengers and their cabin and hold baggage, cargo and mail, standards for the training and qualification of security personnel and measures relating to effective response to acts of unlawful interference. Other Annexes to the Chicago Convention have a bearing on a State's national civil aviation security system, most notably Annex 9 — *Facilitation*, which addresses the facilitation of customs and immigration procedures, passenger and crew identification and management and other border-crossing formalities. Annex 9 impacts the management of a State's national civil aviation security system through the control procedures used by government agencies that are responsible for the security of national borders, for example, through the specification of verification measures pertaining to travel documents used by passengers and crew.

The fundamental challenge in the establishment and management of a national civil aviation security oversight system is to create a security regime that is highly effective in preventing acts of unlawful interference, but does not unduly inhibit the growth of civil aviation, interfere with its efficiency and productivity, impose excessive costs, create unwarranted operational inconveniences, or intrude unnecessarily into private rights or civil liberties.

The manual entitled *Oversight Manual, Part C — The Establishment and Management of a State's Aviation Security Oversight System* (Doc 9734) was developed by the ICAO Secretariat as a result of Assembly Resolution A36-20 of the 36th Session of the ICAO Assembly (18 to 28 September 2007) and the decision of the ICAO Council to ensure the continuation of the Universal Security Audit Programme (USAP) following the initial cycle of audits at the end of 2007 focusing, wherever possible, on a State's capability to provide appropriate national oversight of its aviation security activities through the effective implementation of the CEs of an aviation security oversight system. This manual was developed by the ICAO Secretariat for the transition of the USAP to a continuous monitoring approach as directed under Assembly Resolution A38-15 — *Consolidated statement of continuing ICAO policies related to aviation security*, and is published under the authority of the Secretary General.

In order to keep this manual relevant and accurate, suggestions for improving it in terms of format, content or presentation are welcome. Any such recommendation or suggestion will be examined and, if found suitable, will be included in the next edition of this manual. Regular revision will ensure that this manual remains both pertinent and accurate. Comments concerning this manual should be addressed to:

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GLOSSARY

ABBREVIATIONS

Some common abbreviations used in this manual and in aviation security audits are as follows:

AOSP	Aircraft Operator Security Programme
ASA	Aviation Security Audit Section
ASC	Airport Security Committee
ASP	Airport Security Programme
ASTP	Aviation Security Training Package
ATSP	Air traffic service provider
CAP	Corrective action plan
CE	Critical element
CMA	Continuous Monitoring Approach
ICAO	International Civil Aviation Organization
ICASS	ICAO Comprehensive Aviation Security Strategy
ICPO-INTERPOL	International Criminal Police Organization
MANPADS	Man-portable air defence system
MRTD	Machine readable travel document
NCASC	National Civil Aviation Security Committee
NCASP	National Civil Aviation Security Programme
NCASTP	National Civil Aviation Security Training Programme
NQCP	National Civil Aviation Security Quality Control Programme
SARPs	Standards and Recommended Practices
SRA	Security restricted area
USAP	Universal Security Audit Programme

DEFINITIONS

The definitions used in this manual are similar to those found in relevant Annexes to the Chicago Convention, other ICAO documentation (such as the *International Civil Aviation Vocabulary* (Doc 9713) and the *Aviation Security Manual* (Doc 8973 — Restricted)) or are the definitions intended by the ICAO Aviation Security Audit Section (ASA). Therefore, when the following terms are used in this manual, they have the meanings as shown hereunder:

Acts of unlawful interference. Acts of unlawful interference as defined in Annex 17 and acts against the safety of civil aviation as expressed in the aviation security conventions.

Aerial work. An aircraft operation in which an aircraft is used for specialized services such as agriculture, construction, photography, surveying, observation and patrol, search and rescue, aerial advertisement, etc.

Aerodrome. A defined area on land or water (including any buildings, installations and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft.

Aircraft. Any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface.

Aircraft security check. An inspection of the interior of an aircraft to which passengers may have had access and an inspection of the hold for the purposes of discovering suspicious objects, weapons, explosives or other dangerous devices, articles and substances.

Aircraft security search. A thorough inspection of the interior and exterior of the aircraft for the purpose of discovering suspicious objects, weapons, explosives or other dangerous devices, articles or substances.

Air navigation services. Services provided to air traffic during all phases of operations including air traffic management, communication, navigation and surveillance, meteorological services for air navigation, search and rescue and aeronautical information services.

Airport. Any area in a Member State which is open for commercial aircraft operations.

Airside. The movement area of an airport, adjacent terrain and buildings or portions thereof, access to which is controlled.

Air traffic. All aircraft in flight or operating on the manoeuvring area of an aerodrome.

Air traffic service. A generic term meaning variously, flight information service, alerting service, air traffic advisory service, air traffic control service (area control service, approach control service or aerodrome control service).

Audit (ICAO USAP-CMA). An on-site or off-site USAP-CMA activity during which ICAO conducts a systematic and objective evaluation of a Member State's aviation security and oversight systems to assess the level of implementation of the CEs of a State's aviation security oversight system and to determine the degree of compliance with Annex 17 Standards and security-related provisions of Annex 9.

Background check. A check of a person's identity and previous experience, including where legally permissible, any criminal history, as part of the assessment of an individual's suitability to implement a security control and/or for unescorted access to a security restricted area.

Baggage. Personal property of passengers or crew carried in the cabin or in the hold of an aircraft by agreement with the operator.

Bomb threat. A communicated threat, anonymous or otherwise, which suggests, or infers, whether true or false, that the safety of an aircraft in flight or on the ground, or any airport or civil aviation facility or any person may be in danger from an explosive or other item or device.

Cargo. Any property carried on an aircraft other than mail, stores and accompanied or mishandled baggage.

Catering stores. All items, other than catering supplies, associated with passenger in-flight services, for example newspapers, magazines, headphones, audio and video tapes, pillows and blankets, and amenity kits.

Catering supplies. Food, beverages, other dry stores and associated equipment used on board an aircraft.

Certification. A formal evaluation and confirmation by or on behalf of the appropriate authority for aviation security that a person possesses the necessary competencies to perform assigned functions to an acceptable level as defined by the appropriate authority.

Commercial air transport operation. An aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire. (For the purpose of this manual, the term aircraft operator will be used instead of commercial air transport operator.)

Crew member. A person assigned by an operator to duty on an aircraft during a flight duty period.

Facilitation. The efficient management of the necessary control process, with the objective of expediting the clearance of persons or goods and preventing unnecessary operational delays.

General aviation operation. An aircraft operation other than a commercial air transport operation or an aerial work operation.

Human Factors principles. Principles which apply to design, certification, training, operations and maintenance and which seek safe interface between the human and other system components by proper consideration to human performance.

Human performance. Human capabilities and limitations which have an impact on the safety, security and efficiency of aeronautical operations.

Inadmissible person. A person who is or will be refused admission to a State by its authorities.

International airport. Any airport designated by the Member State in whose territory it is situated as an airport of entry and departure for international air traffic, where the formalities incident to customs, immigration, public health, animal and plant quarantine and similar procedures are carried out.

Mail. All postal items tendered by and intended for delivery to designated postal operators to operate the postal service in accordance with the Universal Postal Union Acts.

Operator. A person, organization or enterprise engaged in or offering to engage in an aircraft operation.

Pilot-in-command. The pilot designated by the operator, or in the case of general aviation, the owner, as being in command and charged with the safe conduct of a flight.

Regulated agent. An agent, freight forwarder or any other entity who conducts business with an operator and provides security controls that are accepted or required by the appropriate authority in respect of cargo or mail.

Regulation. The giving of authoritative direction to bring about and maintain a desired degree of order.

Note.— For the purpose of this manual, this term includes policies, requirements, rules, instructions, edicts, directives, orders, etc.

Sabotage. An act or omission, intended to cause malicious or wanton destruction of property, endangering or resulting in unlawful interference with civil aviation and its facilities.

Screening. The application of technical or other means which are intended to identify and/or detect weapons, explosives or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference.

Note.— Certain dangerous articles or substances are classified as dangerous goods by Annex 18 and the associated Technical Instructions for the Safe Transport of Dangerous Goods by Air (Doc 9284) and must be transported in accordance with those instructions. In addition, the Aviation Security Manual (Doc 8973—Restricted), provides a list of prohibited items that must never be carried in the cabin of an aircraft.

Security. Safeguarding civil aviation against acts of unlawful interference. This objective is achieved by a combination of measures and human and material resources.

Security audit. An in-depth compliance examination of all aspects of the implementation of the national civil aviation security programme.

Security control. A means by which the introduction of weapons, explosives or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference can be prevented.

Security equipment. Devices of a specialized nature for use, individually or as part of a system, in the prevention or detection of acts of unlawful interference with civil aviation and its facilities.

Security inspection. An examination of the implementation of relevant national civil aviation security programme requirements by an airline, airport, or other entity involved in security.

Security programme. Written measures adopted to safeguard international civil aviation against acts of unlawful interference.

Security restricted area. Those areas of the airside of an airport which are identified as priority risk areas where in addition to access control, other security controls are applied. Such areas will normally include, inter alia, all commercial aviation passenger departure areas between the screening checkpoint and the aircraft, the ramp, baggage make-up areas, including those where aircraft are being brought into service and screened baggage and cargo are present, cargo sheds, mail centres, airside catering and aircraft cleaning premises.

Security survey. An evaluation of security needs, including the identification of vulnerabilities which could be exploited to carry out an act of unlawful interference, and the recommendation of corrective actions.

Security test. A covert or overt trial of an aviation security measure which simulates an attempt to commit an unlawful act.

Service provider. An organization, serving operators and other providers, that is part of the aviation activity and is functionally separated from its regulator.

State of Registry. The State on whose register the aircraft is entered.

State of the Operator. The State in which the operator's principal place of business is located or, if there is no such place of business, the operator's permanent residence.

Travel document. A passport or other official document of identity issued by a State or organization which may be used by the rightful holder for international travel.

PUBLICATIONS

(referred to in this manual)

The following documents are referred to in this manual or may provide additional guidance material for the establishment and management of a State's civil aviation security oversight system.

ICAO DOCUMENTS

Conventions and Related Acts

Convention on International Civil Aviation (Doc 7300)

Convention on Offences and Certain Other Acts Committed on Board Aircraft (Doc 8364)

Convention for the Suppression of Unlawful Seizure of Aircraft (Doc 8920)

Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Doc 8966)

Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Doc 9518)

Convention on the Marking of Plastic Explosives for the Purpose of Detection (Doc 9571)

Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation (Doc 9960)

Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft (Doc 9959)

Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Doc 10034)

Annexes to the Convention on International Civil Aviation

Annex 2 — Rules of the Air

Annex 6 — Operation of Aircraft, Part I — International Commercial Air Transport — Aeroplanes

Annex 8 — Airworthiness of Aircraft

Annex 9 — Facilitation

Annex 11 — Air Traffic Services

Annex 13 — Aircraft Accident and Incident Investigation

Annex 14 — *Aerodromes, Volume I — Aerodrome Design and Operations*

Annex 17 — *Security — Safeguarding International Civil Aviation Against Acts of Unlawful Interference*

Assembly Resolutions

Assembly Resolutions in Force (as of 4 October 2013) (Doc 10022)

Manuals and Circulars

Aerodrome Design Manual (Doc 9157)

Aircraft Operations (Doc 8168)

Airport Planning Manual (Doc 9184)

Air Traffic Management Security Manual (Doc 9985 — Restricted)

Aviation Security Manual (Doc 8973 — Restricted)

Guidance Material on the Legal Aspects of Unruly/Disruptive Passengers (Cir 288)

Human Factors in Civil Aviation Security Operations (Doc 9808)

Human Factors Training Manual (Doc 9683)

ICAO's Policies on Charges for Airports and Air Navigation Services (Doc 9082)

Machine Readable Travel Documents (Doc 9303)

Manual on the Implementation of the Security Provisions of Annex 6 (Doc 9811)

The Facilitation Manual (Doc 9957)

Training Manual (Doc 7192)

*Universal Security Audit Programme Continuous Monitoring Manual (Doc 9807 — Restricted)
(formerly entitled Security Audit Reference Manual)*

Procedures for Air Navigation Services (PANS)

Air Traffic Management (Doc 4444)

UNITED NATIONS OFFICE ON DRUGS AND CRIME — TECHNICAL ASSISTANCE TOOLS

Checklist of offences and jurisdictions set forth in the universal instruments relating to terrorism and Security Council resolution 1373, 2001

Guide for the Legislative Incorporation and Implementation of the Universal Anti-Terrorism Instruments, 2006

Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols, 2003

Model Law on Extradition, 2004

Chapter 1

INTRODUCTION

1.1 OBJECTIVES OF THIS MANUAL

This manual has been designed to emphasize the obligations and responsibilities of an ICAO Member State for the oversight of its national civil aviation security system, through the establishment and management of a civil aviation security oversight system, and to provide information and guidance for government decision makers in that regard. Taking into account difficulties encountered by many States in fulfilling their obligations under the Chicago Convention, this manual highlights the CEs involved in the establishment of an effective civil aviation security oversight system and provides guidance on establishing a system capable of resolving difficulties experienced in implementing security-related international SARPs, primarily those contained in Annex 17 — *Security — Safeguarding International Civil Aviation Against Acts of Unlawful Interference* but also including the security-related provisions of Annex 9 — *Facilitation*.

1.2 ABOUT THIS MANUAL

1.2.1 This manual is one of several aviation security-related guidance materials published by ICAO. By identifying and explaining the CEs involved in the effective establishment, implementation and maintenance of a State's civil aviation security oversight system, the guidance in this manual helps form the foundation of a well-run national civil aviation security system within a State.

1.2.2 Audits conducted under the ICAO USAP have revealed that not all States are fully implementing the Standards contained in Annex 17. A common deficiency encountered is that many States do not provide effective oversight of all relevant aviation security activities within their State. The establishment of a comprehensive civil aviation security oversight system is essential if a State is to ensure the effective implementation of Annex 17 SARPs, the security-related SARPs contained in Annex 9 and its own national aviation security requirements. This is a fundamental responsibility of all ICAO Member States, and one that is critical in achieving the common goal of a secure global aviation network. To fulfil this responsibility, States should enact appropriate legislation and policies and establish an appropriate authority with inspection and enforcement capabilities. The appropriate authority should be legally empowered to conduct ongoing surveillance, identify deficiencies, issue recommendations for their resolution and compel compliance when necessary.

1.2.3 The need for strong regulatory oversight has become increasingly relevant in recent years as a result of the global trend to privatize airports and government aviation-related services. In many States, for example, the operational aspects of aviation security programmes, such as passenger and baggage screening, are outsourced to private security companies. Outsourcing is often cost-effective and may provide high levels of security as long as appropriate performance standards have been set and are closely monitored. Where security functions are performed directly by civil service staff, it is equally important that an independent oversight infrastructure provide close governmental control and supervision. In all instances, it is essential that controls and accountability exist at all levels within the aviation security system, and that a clear distinction be made between those regulating aviation security and those providing aviation security services.

1.2.4 Additional guidance material is available in the *Aviation Security Manual* (Doc 8973 — Restricted), which addresses the many operational aspects involved in the day-to-day management of a State's national civil aviation security system.

1.2.5 The legislative obligations, responsibilities and related guidance contained in this manual are derived from various sources, including the Chicago Convention, Annex 17, security elements contained in other Annexes, guidance material published by ICAO to assist Member States in the implementation of SARPs, and guidance material published by the United Nations Office on Drugs and Crime. ICAO has long been aware of the difficulties experienced by many Member States in establishing a civil aviation security oversight system and has tried to assist them through its Technical Cooperation Programme and direct involvement of the Regional Offices and Headquarters.

1.2.6 The extent of the difficulties encountered by States in regard to aviation security oversight has been highlighted as a result of the audits conducted under the ICAO USAP, which convinced ICAO that further assistance should be given to States through the development of security oversight-related guidance material exclusively directed at high-level decision makers and the different levels of supervision within a State's national civil aviation security system.

Chapter 2

AVIATION SECURITY OVERSIGHT: A STATE OBLIGATION

2.1 AVIATION SECURITY OVERSIGHT CONCEPT AND DEFINITION

“... the future development of international civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world, yet its abuse can become a threat to the general security ...”

from the Preamble to the *Convention on
International Civil Aviation*

2.1.1 Aviation security oversight is defined as a function by means of which States ensure the effective implementation of the security-related SARPs and associated procedures contained in the Annexes to the Chicago Convention (primarily Annex 17, but including the security-related provisions of Annex 9) and related ICAO documents. Aviation security oversight also ensures that the national civil aviation industry provides a security level equal to or better than that defined by the SARPs. With respect to aviation security, it is particularly important to maintain worldwide uniform standards, since the level of protection deriving from the implementation of security standards is only as strong as the weakest link in the global aviation network. Lack of aviation security oversight in one State therefore threatens the security of international civil aviation operations.

2.1.2 Global harmonization with regard to the implementation of aviation security standards does not mean that measures must necessarily be identical. They should, however, be mutually recognized by States as providing equivalent levels of security while leaving room for operational flexibility to accommodate specific environmental and/or situational conditions.

2.1.3 ICAO Assembly Resolution A17-10 requested the ICAO Council, with the assistance of the other constituent bodies of the Organization, to develop and incorporate, as appropriate, the aviation security-related material in the Appendices attached to the Resolution as Standards, Recommended Practices and Procedures in existing or new Annexes or other regulatory documents or guidance material of the Organization.

2.1.4 Following the work of the Air Navigation Commission, the Air Transport Committee and the Committee on Unlawful Interference, and as a result of the comments received from Member States and interested international organizations, Annex 17 SARPs on aviation security were adopted by the ICAO Council on 22 March 1974, pursuant to the provisions of Article 37 of the Chicago Convention.

2.1.5 Other Annexes to the Chicago Convention, such as Annex 2 — *Rules of the Air*; Annex 6 — *Operation of Aircraft*; Annex 8 — *Airworthiness of Aircraft*; Annex 9 — *Facilitation*; Annex 10 — *Aeronautical Telecommunications*; Annex 11 — *Air Traffic Services*; Annex 13— *Aircraft Accident and Incident Investigation*; Annex 14 — *Aerodromes*; and Annex 18 — *The Safe Transport of Dangerous Goods by Air*, contain provisions pertinent to aviation security that should be addressed under the national civil aviation security oversight system. Annex 9, in particular, contains SARPs that have particular relevance to aviation security since they deal with issues addressing arriving and departing aircraft, as

well as passenger and baggage inspections at border controls and in transit. The implementation and improvement of such procedures, while primarily relevant to the efficiency of civil aviation operations, also directly impact aviation security. The ICAO Assembly, in its *Consolidated statement of continuing ICAO policies related to aviation security*, requested the ICAO Council to ensure, with respect to the technical aspects of aviation security, that the provisions of Annexes 9 and 17 are compatible with and complementary to each other, provided that the effectiveness of security measures is not compromised.

2.1.6 The events of 11 September 2001 underscored the need for a comprehensive and global strategy for strengthening aviation security worldwide, including the need for States to reaffirm their commitment to complying with ICAO security Standards. Following these events, Assembly Resolution A33-1 directed the ICAO Council and the Secretary General to act urgently to address new and emerging threats to civil aviation.

2.1.7 A key component of the global strategy was an ICAO Aviation Security Plan of Action, which addressed the need to review, inter alia, the ICAO aviation security programme, including Annex 17 and the security-related provisions of other Annexes to the Chicago Convention, and to consider the establishment of an ICAO programme of regular, mandatory, systematic and harmonized audits of all ICAO Member States.

2.1.8 On the recommendation of the High-level, Ministerial Conference on Aviation Security convened in Montreal in February 2002, the 166th session of the ICAO Council adopted the Aviation Security Plan of Action for strengthening aviation security. The Aviation Security Plan of Action provided for, inter alia, the identification, analysis and development of an effective global response to new and emerging threats, integrating timely measures to be taken in specific fields, including airports, aircraft and air traffic control systems, and the strengthening of the security-related provisions in the Annexes to the Chicago Convention. It also formally established the ICAO USAP.

2.1.9 The initial cycle of USAP audits commenced in November 2002 and was completed in December 2007. A programme of follow-up visits with respect to the initial cycle was initiated in 2005 and completed in 2009, and served to evaluate improvements made by States in implementing the ICAO audit recommendations as reflected in States' corrective action plans (CAPs).

2.1.10 In recognizing that the USAP proved to be instrumental in identifying aviation security concerns and providing recommendations for their resolution, the 36th Session of the Assembly in Resolution A36-20 requested the Council to ensure the continuation of the USAP following the initial cycle of audits at the end of 2007 focusing, wherever possible, on a State's capability to provide appropriate national oversight of its aviation security activities and expanding future audits to include relevant security-related provisions of Annex 9 — *Facilitation*. The second cycle of USAP audits was launched in January 2008 and was completed by the end of June 2013.

2.1.11 In order to prepare for the continuation of the USAP beyond 2013, and in accordance with the direction of the 37th Session of the Assembly (Resolution A37-17, Appendix E refers), the Council at its 187th session directed the Secretary General to study the feasibility of applying a Continuous Monitoring Approach (CMA) to the USAP.

2.1.12 A study on the application of a CMA to the USAP, completed by the Secretariat in coordination with a Secretariat Study Group, recommended that the USAP transition to a CMA specific to aviation security by combining continuous monitoring with a risk-based approach to aviation security auditing while maintaining the rigour of the audit process and methodology.

2.1.13 The High-level Conference on Aviation Security convened in Montreal in September 2012 expressed strong support for the transition of the USAP to a CMA. It was widely recognized that the USAP is an essential tool in enabling States to identify their own deficiencies and then implement corrective actions to address those deficiencies either directly or through assistance provided by other States or organizations. The Conference also supported the notion that the USAP-CMA should provide ICAO with the necessary flexibility in determining the type of audit and monitoring activity appropriate for each State based on the status of its aviation security and oversight systems and other risk indicators.

2.1.14 The Council during its 197th session formally approved the USAP-CMA and the transition plan. This decision was further endorsed by the 38th Session of the Assembly (Resolution A38-15, Appendix E refers). The 1½-year transition to USAP-CMA was implemented from July 2013 to December 2014, and the USAP-CMA was fully launched on 1 January 2015.

2.1.15 The ICAO Aviation Security Plan of Action of 2002, which provided for the establishment of the USAP, was succeeded by the ICAO Comprehensive Aviation Security Strategy (ICASS), adopted by the Council on 17 February 2010. The ICASS consists of seven strategic focus areas, which provide the framework for ICAO's aviation security activities for 2011-2016. These focus areas are:

- a) addressing new and existing threats;
- b) promoting innovative, effective and efficient security approaches;
- c) promoting the sharing of information amongst Member States to raise awareness of threats and security trends relevant to civil aviation operations;
- d) promoting global compliance and establishing sustainable aviation security oversight capability of States;
- e) improving human factors and security culture;
- f) promoting the development of mutual recognition for aviation security processes; and
- g) emphasizing the importance of security amongst States and stakeholders, and within ICAO.

2.2 OVERVIEW OF ICAO MEMBER STATES' RESPONSIBILITIES

2.2.1 The Chicago Convention establishes the rights and obligations of all Contracting States and provides for the adoption of international SARPs dealing with the safety, regularity and efficiency of air navigation. The Convention reiterates the fundamental principle that every State has complete and exclusive sovereignty over the airspace above its territory.

2.2.2 Article 37 of the Chicago Convention specifies that States must collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures and organization in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation. To this end, ICAO has adopted SARPs dealing with practically all aspects of civil aviation operations, including aviation security. However, it is the integration of such SARPs into the national regulations and practices of ICAO Member States, and their timely implementation and amendment, that will ultimately achieve safe and secure aircraft operations worldwide.

2.2.3 Article 4 of the Chicago Convention provides that each Contracting State agrees not to use civil aviation for any purpose inconsistent with the aims of the Convention. The underlying intent of Article 4 is to prevent the use of civil aviation by States for purposes that may create a threat to the security of other nations.

2.2.4 Article 44 of the Chicago Convention sets out the aims and objectives of ICAO, including the safe and orderly growth of international civil aviation throughout the world, and the promotion of safety in flight. Use of the word "safety" in this context implicitly covers "security" when viewing the Convention in its entirety and given its interpretation by the ICAO Assembly and Council in their Resolutions, background material and in other ICAO documents. These, and other related articles, enshrine Contracting States' responsibilities for security oversight in the Convention and leave no doubt as to their responsibilities for control and supervision of all their aviation security-related activities.

2.2.5 Article 38 of the Chicago Convention specifies that any State which finds it impracticable to comply with any international standard or procedure, or to bring its own regulations or practices into full accord with any international standard or procedure after amendment of the latter, or which deems it necessary to adopt regulations or practices differing from those established by an international standard, shall give immediate notification to ICAO of the differences between its own practice and that established by the international standard.

2.3 OVERVIEW OF ICAO MEMBER STATES' SECURITY OVERSIGHT OBLIGATIONS

2.3.1 Nature of Member States' obligations

2.3.1.1 Obligations under the Chicago Convention are imposed upon Contracting States. The civil aviation security SARPs are primarily reflected in Annex 17. First promulgated in 1974, this Annex has since been expanded and updated many times. Annex 17 requires States to establish an aviation security organization and to develop and implement regulations, practices and procedures to safeguard civil aviation against acts of unlawful interference taking into account the safety, regularity and efficiency of flights. Such regulations, practices and procedures are typically reflected in a State's NCASP, the establishment of which is also mandated by Annex 17.

2.3.1.2 Annex 17 specifically acknowledges the significance of the facilitation and security-related aspects of Annex 9 to civil aviation security and provides that each Member State should, whenever possible, arrange for security controls and procedures to cause a minimum of interference with, or delay to the activities of, civil aviation provided that the effectiveness of these controls and procedures is not compromised. Security and facilitation processes working together should be recognized as a key element in the global aviation security chain; for example, the use of machine readable travel documents (MRTDs) and the identification of persons using biometric systems, if properly integrated, may enhance the overall effectiveness of aviation security.

2.3.2 General obligations of a Member State

2.3.2.1 When authorizing or undertaking an aviation activity, States incur certain aviation security obligations under the Chicago Convention and its Annexes. For example, according to Annex 17, each Member State is obligated to have as its primary objective the safety of passengers, crew, ground personnel and the general public in all matters related to safeguarding against acts of unlawful interference with civil aviation. To meet this objective, a comprehensive organizational and legal structure needs to be established, with clearly defined responsibilities and methods of implementation. This manual, together with the *Aviation Security Manual* (Doc 8973 — Restricted), provides guidance on the establishment and management of the foregoing organizational and legal structure. Regulations for security equipment and systems, and for airport design and layout, also need to be established in accordance with the *Airport Planning Manual* (Doc 9184) and the *Aerodrome Design Manual* (Doc 9157).

2.3.2.2 To ensure that a State's aviation security system is appropriate to the level and scope of its aviation activity, that it is able to quickly adapt to changes in the level of threat and that it can implement new SARPs in a timely manner, consideration should be given to applying the CEs of a civil aviation security oversight system. These CEs are discussed in more detail in Chapter 3.

2.3.2.3 To achieve a standardized level of security for aviation, States, through their appropriate aviation security authorities need to establish a comprehensive policy, supported by appropriate legislation, to be implemented by the many entities involved in any civil aviation security structure. These include aircraft operators, airport operators, air traffic service providers (ATSPs), law enforcement authorities, providers of security services and intelligence organizations, amongst others. This policy is typically contained in the NCASP.

2.3.2.4 Each State should enact legislation that establishes the basic legal authority for the conduct of aviation security activities. Such legislation should identify and assign powers to the appropriate authority for aviation security within the State's administration and provide this authority with adequate legal power to establish and enforce aviation security rules, regulations and procedures including, for example, the designation of security restricted areas (SRAs) and the authority to screen and/or search passengers and baggage. States should also enact legislation, where necessary, to give legal force to their obligations as parties to any or all of the international aviation security conventions.

2.3.2.5 The appropriate authority for aviation security designated and empowered by a State is responsible for ensuring the implementation of all Annex 17 Standards and the security-related provisions of Annex 9. In addition, States are responsible for developing, implementing and maintaining a National Civil Aviation Security Quality Control Programme (NQCP) as an integral component of their civil aviation security oversight system in order to determine compliance with and validate the effectiveness of the NCASP (Annex 17 Standards 3.4.4 to 3.4.7).

2.3.2.6 In addition to the foregoing, the appropriate authority for aviation security may be obligated to exercise responsibility for Recommended Practices contained in Annex 17, including, inter alia:

- a) developing a system for the establishment, implementation and maintenance of written operator security programmes for general aviation and aerial work operations, and ensuring that such programmes meet the requirements of the NCASP (Recommended Practices 3.3.2 and 3.3.3);
- b) promoting the research and development of new security equipment, processes and procedures which will better achieve civil aviation security objectives and cooperation with other States in this matter, taking into account Human Factors principles (Recommended Practices 2.5.1 to 2.5.3); and
- c) arranging, whenever possible, for the security controls and procedures to cause a minimum of interference with, or delay to the activities of, civil aviation provided the effectiveness of these controls and procedures is not compromised (Recommended Practice 2.3).

2.3.2.7 The appropriate authority for aviation security should make adequate financial provision for the resources needed to fulfil its aviation security obligations and to ensure the effective implementation of aviation security.

2.3.2.8 Each Member State is ultimately responsible for ensuring the implementation of security measures to satisfy the requirements of Annex 17 Standards and the security-related provisions of Annex 9. However, it is generally considered an internal State matter to delegate roles and responsibilities to subordinate units or agencies and to specify their functions with regard to civil aviation security. While some delegated functions may be viewed as a standard practice (for example, airport management being charged with the development of an airport security or airport-level quality control programme), the nature of delegated responsibilities may vary given the particularities of each State. The following paragraphs contain examples of best practices, as applied by certain Member States, which a State or appropriate authority for aviation security may consider when defining and delegating aviation security functions.

2.3.3 Airport management functions

2.3.3.1 Airport management should be responsible for all functions pertaining to airport operations, including the coordination of security controls at the airport level. The airport authority may be the authority responsible for coordinating the implementation of security controls at the airport level, as mandated by Annex 17 Standard 3.2.2, or this responsibility may be delegated to a particular individual or office. The airport authority should also establish an Airport Security Committee (ASC) to assist with the coordination of the implementation of security controls and procedures as specified in the NCASP and as reflected in the Airport Security Programme (ASP).

2.3.3.2 Consistent with Annex 17 provisions on airport security, the airport authority should:

- a) establish, implement and maintain an ASP to ensure compliance with the requirements of the NCASP detailing, inter alia: the individual security measures in place at the airport, such as measures related to access control, passenger screening, cabin and hold baggage screening, and security controls for cargo, mail, catering and any other goods departing on passenger flights from the airport, and the organizational structure, including allocating duties and responsibilities for the above measures. The ASP should act as the coordinating document for all airport-level security controls, and reflect the roles and responsibilities of all entities implementing security controls at the airport;
- b) maintain effective liaison with other airport departments and relevant law enforcement authorities;
- c) ensure that the activities of airport security personnel and fire and rescue staff are coordinated from a security point of view;
- d) encourage security awareness and vigilance by all persons working at the airport;
- e) promote and require an effective threat/occurrence response capability; and
- f) develop and test the airport contingency plan on a regular basis.

2.3.3.3 In order to further ensure the effective implementation of Annex 17 requirements, the airport authority may also be assigned responsibility for, inter alia:

- a) developing, implementing and maintaining an internal quality control programme and performing quality control functions over all airport-level security activities which the authority is responsible for coordinating;
- b) developing, implementing and maintaining a security training programme for airport staff to ensure the correct implementation of the NCASP (in accordance with the requirements of the National Civil Aviation Security Training Programme (NCSTP)), which should be submitted to the appropriate authority for aviation security for review and approval prior to implementation;
- c) being a member of the airport planning and design team;
- d) recommending security features for incorporation into plans for the modification of existing airport facilities and for new construction in accordance with Annex 17 Standard 3.2.4 and Annex 14 requirements;
- e) ensuring that all persons granted unescorted access to airport SRAs are subject to background checks; and
- f) managing responses to acts (and attempted acts) of unlawful interference, within the limits prescribed by national legislation, such as:
 - 1) maintaining a record of all occurrences of acts or attempted acts of unlawful interference affecting airport operations, including bomb threats, and of all weapons and dangerous devices detected in the passenger and baggage screening processes;
 - 2) collecting and transmitting to the appropriate authority for aviation security all pertinent information related to an aircraft which has been unlawfully seized and diverted; and

- 3) commencing enquiries as soon as it is known or suspected that an aircraft which last departed from the airport has been involved in an act of unlawful seizure or an accident which may have been caused by an act of sabotage.

2.3.3.4 The airport authority should be assigned staff as part of an airport aviation security unit to assist with the implementation of the measures, controls and procedures listed in 2.3.3.2 and 2.3.3.3, as well as with the prevention of unauthorized entry into the airside and restricted areas and installations.

2.3.4 Airport tenant functions

Airport tenants include individuals or businesses granted a licence or other legal document by the airport management to conduct business operations at that airport. Examples may include concessionaires, cargo operators, catering and maintenance facilities. Airport tenants may be assigned aviation security responsibilities for, inter alia:

- a) ensuring the control of access through their facility to the airport airside or airport SRAs in compliance with national aviation security regulations and the ASP;
- b) applying appropriate physical security measures to items stored and/or passing through their facility into airport SRAs;
- c) contingency planning consistent with their responsibilities under the airport contingency plan;
- d) developing, where appropriate, an internal quality control programme, and performing quality control functions over activities within their sphere; and
- e) ensuring that their employees are adequately informed of the security requirements at the airport, providing those with direct security responsibilities with appropriate training, and providing their staff with security awareness training.

2.3.5 Aircraft operator functions

2.3.5.1 Aircraft operators have a responsibility to the travelling public and staff for the security of their operations, which normally includes the protection of aircraft and may include the security of baggage, cargo, mail, food service/catering, maintenance and ramp access areas. Operators should also comply with any security regulations that the State may promulgate.

2.3.5.2 Consistent with Annex 17 provisions, aircraft operators providing service from the State should be charged with the establishment, implementation and maintenance of a written Aircraft Operator Security Programme (AOSP) that meets the requirements of the NCASP of that State.

2.3.5.3 In accordance with a State's NCASP and regulations, aircraft operator security measures to be incorporated in an AOSP will usually include procedures related to aircraft security checks and searches, aircraft access and contingency planning.

2.3.5.4 Other aircraft operator security measures which may be mandated by a State's NCASP and regulations for incorporation in an AOSP (with details contained in or referenced in the ASP) may include procedures related to the following:

- a) person and hold baggage reconciliation;
- b) screening of passengers, cabin and hold baggage;
- c) security of aircraft operator catering stores and supplies;
- d) security of aircraft cleaning operations;
- e) security of cargo and mail (including company mail and company material);
- f) security of ground maintenance operations;
- g) recruitment and training of security staff/handling agents; and
- h) incident reporting.

2.3.5.5 In order to effectively implement their security programmes, aircraft operators are required by Annex 6 — *Operation of Aircraft, Part I — International Commercial Air Transport — Aeroplanes*, to develop, implement and maintain an approved security training programme for their staff, to ensure the correct implementation of their responsibilities. In addition, aircraft operators may be charged with the development, implementation and maintenance of an internal quality control programme and the performance of quality control functions over activities within their sphere.

2.3.6 Law enforcement authority functions

2.3.6.1 Various law enforcement authorities (for example, national, provincial, local, airport, immigration), in the context of aviation security, may be assigned responsibilities for:

- a) prevention and detection of crimes at civil aviation facilities;
- b) random surveillance and patrol of some or all airport terminal areas and airport perimeters;
- c) random surveillance/screening of arriving and departing passengers (and their baggage) for persons who may pose a threat to civil aviation;
- d) contingency planning with the appropriate authority for aviation security and airport authorities for responses to and control of acts of unlawful interference or any other criminal acts associated with civil aviation, such as hijacking, sabotage, bomb or other threats, attacks against civil aviation facilities, and civil disorder;
- e) command and control of major incidents and emergencies including, for example, hostage negotiation and the provision of rapid armed response capability for major incidents at the airport(s);
- f) explosive device disposal;
- g) reporting on criminal conduct incidents, confiscated prohibited items, threats, unauthorized access attempts, etc.; and
- h) initial and recurrent training of appropriate law enforcement personnel in aviation security practices and procedures pertinent to their operations.

2.3.6.2 Law enforcement personnel assigned to aviation duties should be prepared to work closely with the appropriate authority for aviation security, the civil aviation authority (if different from the appropriate authority) and airport management, in accordance with applicable regulations, the NCASP and ASPs. As with other entities implementing security measures, law enforcement entities should develop, implement and maintain written procedures to ensure the consistent implementation of their assigned responsibilities.

2.3.7 Intelligence agency functions

In accordance with the NCASP, State intelligence agencies may be required to cooperate with law enforcement and foreign/international intelligence agencies in the collection, assessment and dissemination of information concerning threats of criminal acts, particularly as related to the State's civil air transportation system. Such agencies may also be required to develop a secure system for sharing relevant information with the appropriate authority for aviation security and other concerned entities.

2.3.8 National armed forces functions

The national armed forces, as applicable, may be assigned responsibilities for:

- a) bomb detection and disposal services, armed intervention, patrol and other armed support functions at an airport, and specialist training;
- b) access control and other security functions at a civil airport facility if it is a joint tenant at that facility or if the military area is adjacent to that facility; and
- c) aviation security threat assessment and dissemination, as applicable.

2.3.9 Border control agency functions

States may empower the authority charged with border control functions (for example, immigration services) with the responsibility for implementing applicable Annex 9 SARPs and other regulations and procedures relevant to, inter alia, the:

- a) verification of the legitimacy of an individual's request to enter the State;
- b) promotion and utilization of MRTDs and, where applicable, biometrics in accordance with the relevant ICAO documentation;
- c) seizure and removal from circulation of fraudulent, falsified or counterfeit travel documents;
- d) reporting and clearance of arriving and departing aircraft engaged in scheduled and non-scheduled flights;
- e) provision of advance notice and sufficient information to aircraft operators regarding the transportation of potentially disruptive passengers to permit the implementation of necessary precautions to ensure the safety of the flight; and
- f) provision of direct transfer areas to accommodate passengers connecting between international flights without proceeding through full customs and immigration formalities.

2.3.10 Other government department/ministry functions

Depending on a State's particular government structure, other government departments/ministries that may be assigned aviation security-related functions may include the interior, external relations/foreign affairs, health, justice, customs, postal authorities and the communications authority. Some or all of these entities may be required to work closely with the appropriate authority for aviation security to ensure the safe conduct of aviation activity within the State.

2.3.11 Regulated agent functions

A regulated agent should provide security controls that are accepted or required by the appropriate authority for aviation security with respect to cargo and mail, which may include the screening of cargo and mail in accordance with requirements outlined in the NCASP and associated regulations, and the provision of appropriate security awareness training to its staff members. To this end, a written regulated agent security programme indicating how cargo and mail are processed and submitted to security measures should be required to be submitted for review and approval by the appropriate authority for aviation security.

2.3.12 Contingency planning functions

In addition to the functions described above, government departments, law enforcement agencies, national armed forces, airport tenants, regulated agents, etc., may be assigned the responsibility for preparing contingency plans consistent with the State and/or airport contingency plan(s), as applicable, issuing staff instructions, installing communications systems and undertaking training to respond to an act of unlawful interference that may adversely affect the security of civil aviation in the State.

2.4 GOVERNMENT APPROACH TO CONTROL AND SUPERVISION

2.4.1 Balanced approach between government entities

2.4.1.1 The structure of a State civil aviation security oversight system is an internal matter; however, it is considered preferable that the authority responsible for the management of State aviation security policy be, within the State organization, responsible for the management of aviation policy as a whole. In many States, this is the national civil aviation authority or the ministry or department of transport. However, while the appropriate authority for aviation security is responsible for defining and allocating tasks and coordinating activities between the departments, agencies and other organizations of the State, airport and aircraft operators, ATSPs and other entities concerned with or responsible for the implementation of various aspects of the NCASP, it should not attempt to assume the responsibility for implementing the entire programme itself, to the exclusion of other State authorities that also have aviation security-related roles, for example, customs, immigration, law enforcement, intelligence or national armed forces. This is necessary as the scope of aviation security may be larger than one authority can manage.

2.4.1.2 While control and supervision of the NCASP remain with the appropriate authority for aviation security, ultimately, a balanced government approach to the establishment, coordination and maintenance of a viable civil aviation security oversight system may best address aviation security needs within a State.

2.4.1.3 A balanced security oversight system is one in which government entities share the responsibility for the prevention of acts of unlawful interference against civil aviation. The relationship between these entities should be established in the primary aviation security legislation as well as in associated regulations and requirements. These should then be put into practice as a matter of policy and methodology of the appropriate authority for aviation security

(aviation security management policy). The sharing of aviation security implementation responsibilities should, however, be understood within the context that the appropriate authority for aviation security is charged with the ultimate responsibility for ensuring the effective implementation of the NCASP, and thus needs to be appropriately empowered to undertake this responsibility as indicated in 2.3.2.4.

2.4.1.4 Due to the numerous government departments and agencies likely to be involved in aviation security, and given the complexity of civil aviation operations, it is important that coordination be facilitated between the key players. This is achieved in part by means of the State's National Civil Aviation Security Committee (NCASC), as required by Annex 17, consisting of senior government officials and senior representatives of the civil aviation industry, the latter acting as consultants to the government. The NCASC is discussed in more detail in 3.4.4.

2.4.2 Characteristics of an effective State aviation security oversight system

2.4.2.1 The characteristics of an effective State security oversight system include:

- a) a coordinated approach to the formulation, timely and accessible publication and implementation of aviation security legislation, requirements and guidance to civil aviation security stakeholders. This should include the manner in which security oversight is conducted, such as:
 - 1) adopting a systematic approach to auditing, inspecting, surveying and testing to ensure that all aspects of the aviation security system are considered, not just isolated elements, activities or disciplines;
 - 2) employing risk management/assessment strategies to assist in the effective use of resources; and
 - 3) coordinating with other agencies where overlapping or adjoining interfaces, such as security and safety or security and facilitation, exist;
- b) a well-balanced allocation of responsibility for civil aviation security between State entities;
- c) sufficient financial, technical and human resources to effectively implement an aviation security oversight system, together with an economic justification for the use of such resources;
- d) continuous State supervision of the aviation security activities of airport and aircraft operators and service providers without unduly inhibiting the effective direction and control of their own organization; and
- e) the cultivation and maintenance of harmonious relationships between all stakeholders in civil aviation security, including regular communication and consultation between the State and the civil aviation security stakeholders, while maintaining effective and clearly separate functional roles. Communication should include the provision to the civil aviation security stakeholders of all requirements to be met for the granting of certificates or other approvals, together with associated guidance material.

2.4.2.2 It is a general principle of international law that any obligation for a Contracting State derived from the Chicago Convention or from its Annexes should be implemented. In practice, such implementation is often effected through internal arrangements, including the delegation of certain functions to entities such as airport authorities or other service providers. Given the trend of privatizing airports and air navigation services, a number of States have adopted a policy of outsourcing operational aviation security activities to other government agencies or private entities. While outsourcing may, in some instances, provide a cost-effective alternative to State-run security services, governments cannot avoid their obligations under the Chicago Convention on the grounds that they have privatized certain aviation

security functions. States remain ultimately responsible for ensuring compliance, by privatized entities, with the security Standards contained in Annex 17 and the other Annexes to the Chicago Convention. In the event that a State outsources some of its aviation security responsibilities, as contained in its security programmes, it must ensure that appropriate and effective governmental controls and supervision are in place.

2.4.2.3 It is equally important that an independent oversight infrastructure provide close governmental control and supervision where security functions are performed directly by civil service staff. This poses a challenge in States where the State is both the regulatory authority and an airport operator, aircraft operator, ATSP or other service provider or operator. In order to avoid any potential conflict of interest, there should be a clear separation of authority and responsibility between the State regulatory authority and any State-run operator or service provider. All approval, certification and continued surveillance procedures should be followed as though the operating agency was a non-government entity.

2.4.2.4 In accordance with Annex 17, Member States shall ensure that the persons implementing security controls possess all competencies required to perform their duties and are appropriately trained according to the requirements of the NCASP. States shall also ensure that background checks are performed on all persons implementing security controls, including employees recruited by airport tenants, and on all persons granted unescorted access to airport SRAs. Due to the need for a high level of trust in security personnel, consideration should be given to performing more stringent background checks of these persons, over and above those required for the issuance of SRA passes.

2.4.2.5 When establishing the various quality control functions, States need to ensure that a proper system of checks and balances is maintained. Each State should retain effective control of all aviation security quality control functions (i.e. audits, inspections, surveys and tests). Such functions should not be delegated to non-government entities, otherwise aviation personnel, commercial operators, aviation service providers, airport operators, etc., will in effect be regulating themselves rather than being effectively monitored by inspectors of the appropriate authority for aviation security. In the event that a State elects to delegate any or all aviation security quality control functions to operators, such functions should be undertaken by an independent department within the organization, reporting directly to the senior official of the appropriate authority for aviation security. In such cases, the operator personnel conducting such functions should comply with stringent quality control guidelines developed by the appropriate authority for aviation security. All reports emanating from quality control activities should also be provided to the appropriate authority, which should retain the right to oversee the entire process.

2.5 STATE COMMITMENT TO AVIATION SECURITY

2.5.1 The Chicago Convention sets out certain principles and arrangements in order that international civil aviation may be developed in a safe, secure and orderly manner. Since the Chicago Convention came into force in 1947, commercial civil aviation has increasingly become the target of acts of unlawful interference, contributing to expanded aviation security challenges and complexities faced by States. This has, in turn, required that States' commitment to aviation security increases at the same rate.

2.5.2 The implementation by States of effective and sustainable civil aviation security oversight systems in accordance with Annex 17 SARPs and the need for States to become party to and enact, where applicable, the provisions of aviation security conventions have become increasingly urgent due to a number of factors, such as:

- a) new and emerging threats to civil aviation, including misuse of aircraft as weapons, suicide attacks in the air and on the ground, electronic and computer-based attacks, chemical and biological attacks, misuse of nuclear or other radioactive materials, and attacks that make use of man-portable air defence systems (MANPADS); and
- b) ICAO USAP findings of extensive aviation security-related deficiencies.

- 2.5.3 The ICAO Assembly in its *Consolidated statement of continuing ICAO policies related to aviation security*:
- a) emphasizes that acts of unlawful interference against civil aviation have become the main threat to its safe and orderly development and constitute a grave offence in violation of international law;
 - b) stresses that the protection of civil aviation against acts of unlawful interference requires continued vigilance and the development and implementation of positive safeguarding actions by the Organization and its Member States;
 - c) urges Member States which have not yet done so to become parties to the aviation security conventions and requests the Council to direct the Secretary General to provide assistance requested by States encountering any difficulties in becoming parties to these instruments;
 - d) reaffirms that aviation security must continue to be treated as a matter of highest priority by ICAO and its Member States, calling upon all Member States to confirm their resolute support for the established policy of ICAO by applying the most effective security measures, individually and in cooperation with one another, to suppress acts of unlawful interference and to punish the perpetrators of any such acts;
 - e) stresses that the responsibility for ensuring that security measures are applied by government agencies, airport authorities and aircraft operators rests with Member States;
 - f) stresses that countermeasures for the protection of civil aviation can only be effective through the employment of highly-trained security personnel, in addition to background checks, certification and quality control;
 - g) urges all Member States, on an individual basis and in cooperation with other States, to take all possible measures for the suppression of acts of violence at airports serving international civil aviation, in particular those required or recommended in Annex 17 and to intensify their efforts in implementing existing SARPs related to aviation security, monitoring their implementation and taking all necessary steps to prevent acts of unlawful interference against international civil aviation; and
 - h) emphasizes the importance of a collective approach to aviation security by urging all Member States and relevant stakeholders to enter into partnership agreements for the organization and delivery of capacity-building activities, encompassing all parties concerned and including commitments to be made by all parties.

2.5.4 Ultimately, the most effective means of deterring acts of unlawful interference is the inter-reliance by and among States on their national legislation and national airport security systems based on the ICAO SARPs. States with similar interests should collectively agree to enhance airport security and impose penalties uniformly on offenders. States are also encouraged to share intelligence information related to aviation security with the International Criminal Police Organization (ICPO-INTERPOL) and other law enforcement organizations, as well as with States with similar interests. The achievement of consistent practices and procedures between States enhances security generally, assists the implementation of security by operators and improves the travelling public's perception of and confidence in security.

2.5.5 In order to promote the consistent implementation by Member States of aviation security practices and procedures, Annex 17 requires States to cooperate in the development and exchange of information concerning NCASPs, NCASTPs and NQCPs, as necessary. For example, States are encouraged to make available to other States, upon request, appropriate written portions of their NCASP that contain national policy directives only, rather than specific operational details. Operational documents that directly support the NCASP, such as airport/aircraft operator

aviation security and training programmes and national contingency plans, may be attached as appendices to the NCASP and may then be distributed under strict control only to those persons cleared to receive them. Portions of the NCASP, without these sensitive appendices attached, may then be disseminated to a greater number or organizations within the State as well as to other States.

2.5.6 States should adopt protective measures for the NCASP and other aviation security information, such as threat information, in keeping with their national policies regarding the security of classified information to ensure that such information is not misused or disclosed to unauthorized persons. Such protective measures should also be applied to security information shared by other States, or to information that affects the security interests of other States to ensure that inappropriate use or disclosure is avoided.

Chapter 3

CRITICAL ELEMENTS OF A CIVIL AVIATION SECURITY OVERSIGHT SYSTEM

3.1 GENERAL CONSIDERATIONS

3.1.1 ICAO Member States, in their effort to establish and implement an effective civil aviation security oversight system, need to consider the CEs for aviation security oversight, which are required for the effective implementation of security-related policies and associated procedures. States are expected to implement the CEs in a way that assumes shared responsibility among government entities, with a management role provided by the appropriate authority for aviation security. The effective implementation of the CEs is an indication of a State's capability for security oversight.

3.1.2 ICAO has identified and defined the following CEs of a State's aviation security oversight system:

CE-1. Primary aviation security legislation. The provision of a comprehensive and effective legislative framework, consistent with the environment and complexity of the State's civil aviation operations, to effect the establishment and implementation of the State's aviation security policies and requirements in conformance with Annex 17 SARPs and security-related provisions contained in other Annexes to the Chicago Convention.

CE-2. Aviation security programmes and regulations. The provision of necessary national-level programmes and adequate regulations to address, at a minimum, national requirements emanating from the primary aviation security legislation and providing for standardized implementation procedures, equipment and infrastructures (including security management and training systems) in conformance with Annex 17 SARPs and security-related provisions contained in other Annexes to the Chicago Convention.

Note.— Throughout this manual, the term "regulations" is used in a generic sense to include policies, requirements, rules, instructions, edicts, directives, orders, etc., that are enforceable in the State. The specific status given to a regulation when it is applied within the State and the penalty assigned in the event of non-compliance are internal matters subject to the discretion of individual States, taking into account their responsibilities under the Chicago Convention.

CE-3. State appropriate authority for aviation security and its responsibilities. The designation of an appropriate national authority for aviation security supported by appropriate technical and non-technical staff and provided with adequate financial resources. The State appropriate authority must have aviation security regulatory functions, objectives and policies. This element also includes the definition and allocation of tasks and coordination of activities between government agencies and airport-level entities concerned with or responsible for the implementation of various aspects of the NCASP, as well as arranging for the supporting resources and facilities required for aviation security to be available at airports serving civil aviation.

CE-4. Personnel qualifications and training. The establishment of minimum knowledge and experience requirements for the technical personnel performing aviation security oversight functions and the provision of appropriate training to these personnel to maintain and enhance their competence at the

desired level. The training should include initial, on-the-job and recurrent training. This element also includes the provision of training to entities involved in the implementation of applicable aviation security requirements, measures and procedures.

Note.— The technical personnel may be from an organization engaged by the appropriate authority to provide State oversight functions on its behalf.

CE-5. Provision of technical guidance, tools and security-critical information. The provision of technical guidance (including processes and procedures), tools (including facilities and equipment) and security-critical information, as applicable, to the technical personnel to enable them to perform their aviation security oversight functions in accordance with established requirements and in a standardized manner. This element also includes the provision of technical guidance by the appropriate authority to entities responsible for the implementation of applicable aviation security requirements, measures and procedures.

CE-6. Certification and approval obligations. The implementation of processes and procedures to ensure that personnel and entities performing an aviation security activity meet the established requirements (such as certification systems for security screeners and aviation security instructors, and a system to ensure that entities responsible for the implementation of security measures and procedures have established security programmes consistent with all relevant national requirements) before they are allowed to conduct the relevant activity.

CE-7. Quality control obligations. The implementation of processes, such as audits, inspections, surveys and tests, to proactively ensure that entities authorized and/or approved to perform an aviation security activity continue to meet the established requirements and operate at the level of competency and security required by the State. This includes the monitoring of designated personnel who perform security oversight functions on behalf of the appropriate authority.

CE-8. Resolution of security concerns. The implementation of processes and procedures to resolve identified deficiencies impacting aviation security, which may have been residing in the aviation security system and have been detected by the appropriate authority or other appropriate bodies. This includes the ability to analyse security deficiencies, provide recommendations, support the resolution of identified deficiencies by implementing follow-up procedures to validate the effective implementation of corrective actions, as well as take enforcement action when appropriate.

3.2 PRIMARY AVIATION SECURITY LEGISLATION (CE-1)

3.2.1 General requirements

3.2.1.1 Primary aviation security legislation refers to laws enacted by the legislative branch of a State government or to the founding treaties of an international organization. In the case of States, such laws are generally enacted by a legislative body, such as a parliament, in the form of a statute or legal code. Primary legislation differs from secondary legislation, which is normally prepared and/or enacted by the executive branch, including government ministries or departments. Secondary legislation is made by the executive body on the basis of powers delegated in the primary legislation, and generally consists of a set of regulations. Such secondary legislation could include, for example, regulations detailing the operational requirements of individuals and entities with aviation security responsibilities. Operational regulations are discussed in 3.3.

3.2.1.2 In order to fulfil their aviation security obligations under the Chicago Convention and, where applicable, other aviation security conventions, States must implement the requirements of Annex 17 and security-related provisions contained in other Annexes through their own aviation security legislation. The method used to implement such requirements will differ depending on the legal system used by each Member State. Each State that is party to the Chicago Convention and, where applicable, to one or more of the aviation security conventions, should determine which implementation method is most appropriate to its unique circumstances, while using the provisions of the conventions as a support. Irrespective of the method chosen, the prescriptions of the conventions must be respected, particularly with regard to the criminalization of certain acts. It is up to each Member State to determine the technique that best responds to its needs and that is perfectly compatible with its legal system. For example, if the ratification of the pertinent conventions is a peremptory obligation, the legal framework may be adjusted either by amending the relevant section(s) of the Member State's Penal Code (especially in the case of the aviation security conventions) or by adopting one or more stand-alone laws containing the elements required by the conventions.

3.2.1.3 The ratification of an international convention is the constitutional process through which a State accepts the obligations derived from a convention. Some Member States will only ratify a treaty once they have promulgated legislation allowing them to fulfil all their legal obligations. In other States, a ratified treaty has the same status as domestic law. In such cases, additional laws may still need to be promulgated in order to implement the necessary elements that do not appear in the treaty, for example, empowering the appropriate authority for aviation security to administer the NCASP or establishing severe penalties for offences committed under the aviation security conventions.¹

3.2.1.4 However implemented, primary aviation security legislation should provide for the establishment of a national aviation security system that enables the government and its administration to proactively supervise and regulate civil aviation security activities. A Member State's primary aviation security legislation also creates a solid legal foundation for the establishment of an appropriate authority for aviation security with delegated powers and responsibilities. As such, primary aviation security legislation is a critical component of any effective aviation security oversight system.

3.2.1.5 Primary aviation security legislation should set out the parameters of responsibility and accountability inherent in a Member State's aviation security system, including:

- a) designating the authority responsible for the administration of the NCASP and empowering that authority to develop, implement and maintain the NCASP consistent with the provisions of Annex 17. This authority should also be empowered to issue the necessary regulations for carrying out the NCASP and capable of responding rapidly to meet any increased security threat, and to exercise continued surveillance over aviation security operations to ensure that the implementation of aviation security measures is compliant with the relevant national policies and requirements;
- b) providing the appropriate authority for aviation security with the necessary powers to allow it to assign various aviation security-related responsibilities between the relevant government organizations and the civil aviation industry;
- c) requiring airports, aircraft operators, other operators and ATSPs to comply with the provisions of the NCASP;
- d) authorizing audits, inspections, surveys, tests and investigations carried out by the appropriate authority for aviation security to determine compliance with relevant legislation and to monitor the effectiveness of the NCASP;

1. Guidance on the creation of an adequate legislative framework within a State may be found in publications of the United Nations Office on Drugs and Crime, primarily dealing with the implementation of the aviation security conventions.

- e) authorizing and assigning responsibility for the screening of persons and goods and permitting the establishment of access control points to control the movement of persons and vehicles entering, circulating and parking within the airside and SRAs;
- f) authorizing the refusal of transportation by air to those persons deemed to be a threat to the safety of any flight;
- g) providing powers to the authority performing police functions and to security authorities to issue fines and to arrest and detain offenders;
- h) providing for authority to search and access persons, baggage and property;
- i) providing for authority to issue emergency directions, including the evacuation of aircraft, aerodromes or other aviation facilities, the detention of aircraft or diversion thereof to alternate landing sites, if there is a perceived immediate threat to aviation security, to any aircraft, aerodrome or other aviation facility, or to the safety of the public, passengers or crew members;
- j) authorizing and assigning responsibility for the provision of national security/armed forces officers suitably trained to respond to suspected incidents of unlawful interference and suspected unlawful activity, and in the questioning of suspected persons; and
- k) defining acts of unlawful interference in line with aviation security conventions, establishing jurisdiction in relation to such offences, and prescribing severe penalties for the commitment of such acts, in accordance with the laws of the State.

3.2.1.6 In order to assist in the implementation and enforcement of the policies contained in the NCASP, it is also important for States to insert into their primary aviation security legislation provisions:

- a) related to the carriage of firearms in the cabin and in the hold of an aircraft;
- b) related to travel of persons in custody or who have been subject to administrative procedures (such as due to deportation or inadmissibility);
- c) providing the legal authority for the conduct of background checks to confirm a person's identity and previous experience, including where legally permissible, any criminal history, as part of the assessment of an individual's suitability to implement a security control and/or for unescorted access to an SRA. Such legislation should also state any disqualifying offences; and
- d) related to the financing of aviation security, including any security fees, if applicable.

3.2.1.7 Primary aviation security legislation should provide for the enforcement of aviation security rules, regulations and procedures and for the establishment of a system of sanctions and/or penalties, when applicable, for non-compliance with such rules, regulations and procedures. The appropriate authority should be legally empowered to carry out continuing oversight of aviation security activities and to exercise enforcement powers, including the power to suspend, revoke or terminate certificates and other approvals and issue fines, as appropriate. This will allow the appropriate authority to ensure compliance with national aviation security legislation, monitor the effectiveness of the NCASP and ensure that corrective actions are taken to address identified deficiencies.

3.2.1.8 Primary aviation security legislation should also provide enforcement powers, including immediate enforcement powers, to national aviation security inspectors, as well as the necessary authority to have unrestricted and unlimited access to aircraft and aviation facilities to access and inspect aviation documentation for the performance of their functions and duties. These inspectors are responsible for implementing the NQCP and should be formally authorized to carry out the following tasks:

- a) enter any land, facility or building at any airport in the State for the purpose of conducting quality control activities, or land outside an airport occupied for business purposes connected with an airport or aircraft operator;
- b) enter any aircraft registered or operating in the State for the purpose of inspecting any security procedure;
- c) require an aircraft operator, airport manager or occupier of land outside the airport used for business purposes connected with the airport to provide information relevant to the audit, inspection, survey, test or investigation;
- d) obtain access to relevant security documentation and records;
- e) interview any person for the purpose of assessing the standard of security or the implementation of security procedures;
- f) inspect any part of any airport in the State or any land or area outside the airport used by businesses that operate at the airport or that is in SRAs;
- g) inspect any aircraft registered or operating in the State for the purpose of evaluating any security procedure;
- h) inspect and test the effectiveness of security measures and procedures and performance of security equipment;
- i) take into an airport, airside area or any designated SRA, and use any equipment necessary to carry out their duties, including radios, cameras, recording devices (both audio and video) and specially authorized restricted or prohibited articles, such as replica weapons or simulated explosive devices;
- j) issue notices of deficiencies and/or recommendations, as appropriate; and
- k) enforce corrective actions, including immediate rectification of any deficiencies and/or apply enforcement measures against violators of specific regulations, directives and/or instructions.

3.2.2 Requirements of the aviation security conventions

3.2.2.1 The following international legal instruments were developed in response to an ever-increasing variety of criminal acts, which jeopardize the safety, regularity and efficiency of international civil aviation:

- a) *Convention on Offences and Certain Other Acts Committed on Board Aircraft*, Signed at Tokyo on 14 September 1963 (Tokyo Convention);
- b) *Convention for the Suppression of Unlawful Seizure of Aircraft*, Signed at The Hague on 16 December 1970 (The Hague Convention);

- c) *Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation*, Signed at Montréal on 23 September 1971 (Montréal Convention);
- d) *Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation*, Done at Montréal on 23 September 1971, Signed at Montréal on 24 February 1988 (Montréal Supplementary Protocol);
- e) *Convention on the Marking of Plastic Explosives for the Purpose of Detection*, Done at Montréal on 1 March 1991 (MEX Convention);
- f) *Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation*, Done at Beijing on 10 September 2010 (Beijing Convention);
- g) *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft*, Done at Beijing on 10 September 2010 (Beijing Protocol); and
- h) *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft*, Done at Montréal on 4 April 2014 (Montréal Protocol).

3.2.2.2 The Tokyo Convention, The Hague Convention, the Montréal Convention, the Montréal Supplementary Protocol, the Beijing Convention and the Beijing Protocol criminalize and establish jurisdiction for a number of specified acts of unlawful interference involving aircraft, airports and other aviation facilities. States that have become parties to one or more of the aviation security conventions should, at a minimum, introduce and define, through existing legal instruments such as a national criminal code and/or dedicated aviation security legislation, the following acts as criminal offences punishable by severe penalties:

- a) unlawful seizure of aircraft;
- b) an act of violence against a person on board an aircraft in flight, if that act is likely to endanger the safety of that aircraft;
- c) an act of violence using any device, substance or weapon against a person at an airport serving international civil aviation, which causes or is likely to cause serious injury or death, if such an act endangers or is likely to endanger safety at that airport;
- d) destruction of, or serious damage to the facilities of, an airport serving international civil aviation or aircraft not in service located thereon, or disruption of the services of the airport, if such an act endangers or is likely to endanger safety at that airport;
- e) placing or causing to be placed on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft, or to cause damage to it that renders it incapable of flight or that is likely to endanger its safety in flight;
- f) destruction or damage to air navigation facilities or interference with their operation, if such an act is likely to endanger the safety of aircraft in flight; and
- g) communication of information which a person knows to be false, thereby endangering the safety of an aircraft in flight.

3.2.2.3 The Hague Convention, the Montréal Convention and the Beijing Convention, along with the Montréal Supplementary Protocol and the Beijing Protocol aim, in particular, to deny alleged offenders a safe haven. Each State

Party that does not extradite an alleged offender on request should proceed with its own prosecution. States Parties to these Conventions, or that intend to become Party, should establish procedures for the extradition and surrender of alleged offenders to other States. When extradition is not requested or such a request is refused, the State is then required to establish jurisdiction over the alleged offender and ensure that the individual is submitted to the authority responsible for prosecution.

3.2.2.4 The MEX Convention requires that plastic explosives be marked during the manufacturing process by one of the detection agents defined in the Technical Annex to the Convention. Furthermore, the Convention requires each State Party to prohibit the manufacture and transport of unmarked plastic explosives and to exercise strict and effective control over the possession and movement of existing unmarked explosives, as well as to destroy existing stockpiles. States Parties to the MEX Convention, or that intend to become Party, should establish provisions to ensure compliance with the foregoing requirements.

3.2.2.5 The Montréal Protocol modernizes the Tokyo Convention. It recognizes, under certain conditions, the competence of the State of Landing and the State of the Operator to exercise jurisdiction over offences and acts on board aircraft and extends legal recognition and certain protections to in-flight security officers.

3.3 AVIATION SECURITY PROGRAMMES AND REGULATIONS (CE-2)

3.3.1 General requirements

3.3.1.1 Member State aviation security laws, regulations and programmes should be in conformity with the relevant Annexes to the Chicago Convention (primarily Annex 17). Annex provisions are designed to provide the minimum aviation security requirements to be met by all Member States, regardless of the size and complexity of their civil aviation operations. Individual Member States are then responsible for developing regulations, rules and programmes containing sufficient details to ensure that satisfactory compliance will result in the desired level of aviation security, taking into consideration specific national needs. This responsibility also includes the development and implementation of a process for the timely amendment of aviation security regulations, programmes, practices and procedures, as necessary, especially in response to any new and emerging threat to a State's civil aviation system, and also when changes are introduced to relevant Annexes to the Chicago Convention (primarily Annex 17).

3.3.1.2 The Annexes to the Chicago Convention, which specify international requirements covering civil aviation operations, set out SARPs to achieve uniformity and to facilitate the incorporation of these requirements into national regulations. Authorization and approval of civil aviation security organizations and programmes are governed by a State's own laws and regulations. In discharging its responsibilities in this respect, however, the State has an obligation to collaborate in securing the highest practicable degree of uniformity in regulations, programmes, practices and procedures, as required by Article 37 of the Chicago Convention.

3.3.1.3 Given the differences inherent in the legal frameworks of States, it is inevitable that Member States implement Annex 17 provisions and the aviation security-related SARPs of other Annexes in different ways while pursuing the same objectives. However, while legislative systems naturally vary, it is important that aviation security regulations, programmes, measures and procedures be expressed in a form that permits simple and rapid amendment, commensurate with a State's threat assessment, which may fluctuate given various changing factors.

3.3.1.4 State regulations and programmes should be written in such a way that they may be understood by the staff of the appropriate authority for aviation security and by the staff of other entities with aviation security responsibilities, including airport management and aircraft operators, who need to understand the regulatory requirements contained in the NCASP.

3.3.2 Adapting or adopting regulations and programmes from other States

An ICAO Member State always has the option of adopting, upon request, portions of another Member State's NCASP and/or regulations, as appropriate to meet its requirements for regulations. While adopting another State's regulations and/or programmes has the advantage of promoting consistency and uniformity in the implementation of aviation security practices and procedures, States taking this approach must ensure that the regulations and/or programmes being adopted are up to date and meet all ICAO security-related requirements. Differences in the complexity of each State's civil aviation operations should also be considered. A State with limited aviation activities should be careful not to place undue burden on its aviation community and its oversight staff by adopting excessively restrictive regulations. In such circumstances, a preferred alternative would be to adapt another State's regulations and/or programmes in order to meet national aviation security needs, while still ensuring harmonization between regulations and programmes.

3.3.3 National-level programmes

3.3.3.1 As mentioned under CE-1, the appropriate authority for aviation security should be empowered by primary aviation security legislation to develop national civil aviation security policy and to ensure that the policy is implemented. To this end, the designated authority should promulgate regulations, practices and procedures to fulfil Annex 17 requirements and the aviation security requirements of other Annexes to the Chicago Convention. Typically, such regulations, practices and procedures are reflected in the NCASP.

3.3.3.2 Each Member State is required to establish, implement and maintain a written NCASP. The objective of the NCASP is to protect the safety, regularity and efficiency of international civil aviation in the State by providing, through regulations, practices and procedures, the necessary safeguards against acts of unlawful interference. The NCASP is intended to permit a State to describe its methods of compliance with Annex 17 SARPs and security-related SARPs of other Annexes, by focusing on national policy directives rather than operational details, which would be more appropriately contained in, for example, the appendices to the NCASP and airport and aircraft operator security programmes.

3.3.3.3 Each NCASP is unique to a State. The NCASP may be a single written document containing current aviation security requirements and procedures in effect in that State. Alternatively, the NCASP may consist of more than one document reflecting State requirements and procedures emanating from various laws, regulations and programmes, in which case the State would benefit greatly from the development of a matrix of compliance with relevant Annex 17 SARPs and security-related SARPs of other Annexes. Regardless of its format, the NCASP should always reflect the latest amendments to Annex 17 and other relevant Annexes, and be capable of being rapidly adapted to meet any new or increased security threat.

3.3.3.4 The NCASP should address preventive aviation security policies related to aircraft, airports, air navigation facilities, passengers, baggage, cargo, mail and catering stores and supplies. Measures should cover, for example, the handling and screening of passengers and baggage, the screening and security controls of persons other than passengers, the designation of and measures to prevent unauthorized access to airside and airport SRAs, the protection of aircraft and air navigation facilities, appropriate security controls for cargo and mail, the authorized carriage of weapons on board aircraft, in-flight security officers, carriage of persons in custody and under administrative control, and security controls for aircraft catering supplies and stores.

3.3.3.5 States should require their appropriate authority to ensure the development and implementation of an NCASTP for personnel of all entities involved with or responsible for the implementation of various aspects of the NCASP. The NCASTP should be designed to ensure the effectiveness of the NCASP and reflect State policy on aviation security training requirements for all personnel with aviation security functions, including security oversight personnel. The NCASTP should detail the security and administrative training necessary for security oversight personnel to effectively accomplish their duties and responsibilities, as well as for all levels of staff responsible for the implementation of security measures. The Programme should specify, inter alia:

- a) function-specific training requirements and programmes;
- b) administrative directives related to aviation security training;
- c) guidance on instructional practices;
- d) curriculum outlines;
- e) course syllabi;
- f) in-service training requirements;
- g) aviation security awareness training requirements;
- h) guidance as to reference material; and
- i) sources of training assistance, including the global network of ICAO aviation security training centres, aviation security training packages and standardized training packages.

3.3.3.6 Each State should require its appropriate authority to develop, implement and maintain an NQCP to determine compliance with and validate the effectiveness of the NCASP. The NQCP should describe the structure, responsibilities, processes and procedures, including criteria for quality control functions, that promote and establish an environment and culture of continuing improvement and enhancement of aviation security. The objectives of the NQCP should be to:

- a) monitor the implementation of aviation security measures by airport and aircraft operators and other entities that perform security functions, in compliance with State regulations and the NCASP;
- b) ensure the effectiveness of the regulations and the NCASP;
- c) identify any deficiencies and appropriate corrective actions; and
- d) identify all aspects of security measures that may need changes in aviation security regulations, the NCASP and/or the means of implementation.

3.3.3.7 Apart from Annex 17, other Annexes to the Chicago Convention will have a bearing on State aviation security policy and should be reflected in the NCASP, primarily Annex 9, which attempts to balance the sometimes conflicting goals of aviation security with passenger convenience and aircraft operator efficiency. For example, while States should secure the cooperation of aircraft and airport operators in ensuring that satisfactory facilities and services are provided for the rapid handling and clearance of passengers, crew, baggage, cargo and mail at airports serving civil aviation, such facilities and services need to be flexible and capable of expansion to meet increased security measures during higher threat situations. States should establish a National Air Transport Facilitation Programme based on the facilitation requirements of the Chicago Convention and of Annex 9 thereto, with the objective of adopting all practicable measures to facilitate the movement of aircraft, crews, passengers, cargo, mail and stores by removing unnecessary obstacles and delays.

3.3.3.8 Annex 9 SARPs also impact State regulations for the evaluation and acquisition of security equipment and systems, and for airport design and layout. When formulating aviation security policy, it is recommended that States take into account ICAO's contemporary facilitation strategy, which supports the objective of raising the level of general security through the standardization of travel documents, the rationalization of border clearance systems and procedures, and the promotion of international cooperation to address security problems related to passengers and cargo.

3.3.4 Differences between national regulations and ICAO Standards

3.3.4.1 Article 38 of the Chicago Convention specifies that if a State finds it impracticable to comply in all respects with any international Standards or to bring its own regulations or practices into full accord with international Standards as amended, or if it deems it necessary to adopt regulations or practices differing from those established by ICAO, it shall give immediate notification to ICAO of the differences between its own practice and that established by the international Standard. In any such case, the ICAO Council is obligated to make an immediate notification to all other States of the difference which exists between one or more features of an international Standard and the corresponding national practice of the notifying State.

3.3.4.2 It should be noted, however, that the filing of differences with respect to international Standards does not mean that a State can then continue to do business as usual. Several articles of the Convention make it clear that if Standards adopted by a State are lower than those required by ICAO, aerodromes, aircraft, service providers or personnel with licences or certificates endorsed by that State cannot participate in international air navigation, except with the permission of the State or States whose territory is entered. The responsibility to obtain such permission is that of the individual or civil aviation organization whose certificate has been so endorsed, although a State may also request blanket permission on behalf of its licence or certificate holders.

3.3.4.3 States should establish and implement a policy and procedures for the timely amendment of aviation security regulations, programmes, practices and procedures, as necessary, especially in response to a change in the level of threat or any new and emerging threat directed against a State's civil aviation system, and also when amendments are introduced to relevant Annexes (primarily Annex 17). States should also establish and implement a policy and procedures to identify and notify ICAO of differences, if any, between relevant Annex (primarily Annex 17) Standards and their national aviation security policies and requirements.

3.4 STATE APPROPRIATE AUTHORITY FOR AVIATION SECURITY AND ITS RESPONSIBILITIES (CE-3)

3.4.1 Establishment of a State appropriate authority for aviation security and its responsibilities

3.4.1.1 For States to properly fulfil their obligations as provided for in the Chicago Convention, it is clear that appropriately organized, funded and empowered civil aviation security systems should be established and structured, to effectively fulfil the tasks that States are expected to undertake. States should establish an appropriate and practical organization and employ the necessary personnel to carry out the various functions of a national aviation security authority. Since aviation activity and Member State requirements differ, so do their respective civil aviation security systems, and it is not reasonable or practical to suggest a one-size-fits-all model for the guidance of States. For example, in some larger States where the aviation security authority is the civil aviation authority, such States may feel it necessary and efficient, as well as effective, to carry out security-related functions at the regional offices (where applicable) as well as at the headquarters office. In such cases, there should be processes to ensure effective management and communication with the main office, necessary access to the library and other common documents, as well as standardization, taking account of any appropriate regional differences. It should be noted, however, that while the scope of authority and responsibility for a civil aviation security system may vary from State to State, whatever the size of the aviation security authority, States should always ensure that a proper system of checks and balances is duly established and maintained.

3.4.1.2 In deciding upon the required organizational structure, States should assess their responsibilities as outlined in Annex 17 and associated guidance material, keeping in view the size and complexity of civil aviation operations in the State. Typically, States establish a security policy and regulatory section, among other sections, within

the appropriate authority for aviation security, that is capable of effectively allocating State resources for the secure operation of aircraft in normal operating conditions and for a rapid response to meet any increased security threat. The terms of reference for the section may include, inter alia:

- a) responsibility for establishing, producing, promulgating and frequently reviewing the NCASP to ensure that the Programme continues to meet the State's obligations and is consistent with government policy;
- b) defining and allocating tasks within government policy guidelines for the implementation of the NCASP between agencies, aircraft operators, airports and others concerned;
- c) reviewing and ensuring the adequacy of security programmes produced by airports, aircraft operators, ATSPs, cargo operators and others, as applicable;
- d) developing, promoting, producing and disseminating suitable training materials for individuals involved in the implementation of the NCASP;
- e) developing national standards and recommendations related to the specifications and evaluation methodology of security equipment and systems and to airport design, to adapt airports to security requirements; and
- f) coordinating security measures and procedures with appropriate organizations and agencies.

3.4.1.3 In keeping with the necessity of maintaining a proper system of checks and balances in the aviation security system, States may establish another section within the appropriate authority for aviation security to be responsible for the development, implementation and maintenance of the NQCP, to determine compliance with and validate the effectiveness of the NCASP. The quality control section would, inter alia, conduct audits, inspections, surveys, tests and investigations of the security standards and operating procedures of airports, aircraft operators and providers of security services, report any deficiencies in security measures, and recommend and/or enforce procedures for their correction (see 3.8 and 3.9).

3.4.2 Staffing requirements

3.4.2.1 Given that the establishment of a comprehensive security oversight system is essential if a State is to ensure the effective implementation of Annex 17 SARPs and its national aviation security requirements, the appropriate authority and other relevant authorities responsible for aviation security oversight should be provided with the necessary resources, both human and financial, to be able to effectively carry out security oversight obligations on behalf of the State, as well as effectively function on a day-to-day basis, both within normal operating conditions and on higher alert during periods of increased threat. Furthermore, security oversight personnel should be provided conditions of service and remuneration consistent with their education, aviation security knowledge and experience and comparable to those of personnel of the operator whose activities they will inspect and supervise.

3.4.2.2 All personnel authorized by the State to ensure the maintenance of competency and to conduct surveillance or aviation security oversight functions, as applicable, should be provided with appropriate credentials identifying them as aviation security inspectors employed by the State authorities, with the right to unhindered access to inspect aircraft, documents, aerodromes, air traffic services and other relevant facilities, as well as normally restricted civil aviation-related sites.

3.4.2.3 The cost of recruiting and retaining qualified aviation security personnel who satisfactorily meet the requirements of the profession represents a significant financial commitment and may require revisions to long-standing policies and regulations regarding remuneration for qualified aviation security personnel. In order to recruit and retain

appropriately qualified personnel who combine professionalism and integrity, it is essential that State authorities become competitive employers. Furthermore, States should have appropriate recruitment policies, terms of employment and practices in place.

3.4.2.4 Aviation security oversight activities should be conducted by staff members of the appropriate authority, or by any third party approved by the appropriate authority to perform aviation security oversight activities on its behalf and in accordance with the NQCP. However, States should avoid delegating inspection activities to non-government entities to compensate for insufficient State inspectorate personnel and resources. This would amount to aviation personnel, commercial operators, aviation service providers, airport operators, etc., in effect regulating and controlling themselves, rather than being effectively monitored by inspectors of the appropriate authority for aviation security.

3.4.2.5 Persons and entities responsible for the management, setting of priorities and organization of the NQCP should operate independently from persons and entities responsible for the implementation of measures under the NCASP, to avoid the perception of conflict of interest, and to ensure that designated personnel who perform aviation security oversight functions are, in turn, also subject to surveillance.

3.4.3 Establishment of service providers

3.4.3.1 The need for strong regulatory oversight has become increasingly relevant in recent years as a result of the global trend to commercialize airports and other aviation services. In many States, for example, the operational aspects of aviation security programmes, such as passenger and baggage screening, are outsourced to private security companies, or de facto outsourced to commercialized airport and aircraft operators. While the Chicago Convention does not prohibit outsourcing certain services related to aviation per se, the obligation to establish an aviation security system and ensure the security of aircraft operations always remains with the State.

3.4.3.2 Outsourcing may be cost-effective and provide high levels of security as long as appropriate performance standards have been set and there is strong government oversight of the contracts. Whether outsourced to a government and/or private entity or international organization, it is essential that controls and accountability be established at all levels of the security system, and a clear distinction made between those providing and those regulating the aviation security services. A clear distinction and separation of responsibilities shall be defined and maintained between the regulatory and oversight functions and service provision functions. Regulatory and oversight functions shall remain the responsibility of the State.

3.4.3.3 The appropriate authority should ensure that aviation security services at airports serving civil aviation within the State are provided with supporting resources and facilities (human, financial, technical and administrative resources), including office space, communications equipment, appropriate security screening equipment and training facilities. The appropriate authority should also ensure that adequate resources are made available to support airport contingency plans, such as a crisis management centre, a designated explosives disposal area or containment equipment, designated isolated aircraft parking positions, etc.

3.4.4 Coordination and cooperation between entities involved in aviation security

3.4.4.1 The NCASP should reflect the allocation of the specific responsibilities of the various entities involved in aviation security. Because of the inevitable division of responsibility for aviation security within a State, the NCASP should have clearly defined, unambiguous responsibilities assigned to each entity and ensure that there is no overlap of responsibility. Such entities include the appropriate authority for aviation security, airport management and tenants, aircraft operators, ATSPs, law enforcement authorities, national armed forces, border control authorities and other entities, as appropriate. Specific responsibilities should cover, for example, the obligation of airport and aircraft operators to develop security programmes and security training programmes which should be submitted for review and approval to the appropriate authority for aviation security prior to implementation.

3.4.4.2 The NCASP should address specific responsibilities for a State's reactive measures to acts of unlawful interference, or threats thereof. Specific responsibilities in this regard for, inter alia, preparing contingency plans, issuing staff instructions, installing communication systems and undertaking training to respond to an act of unlawful interference occurring in, or affecting the State, should be allocated to government departments, law enforcement agencies, national armed forces, aircraft operators, airport management and tenants.

3.4.4.3 Due to the large number of government departments and agencies likely to be involved in aviation security activities within a State, and given the complexity of civil aviation operations, coordination should be facilitated between the key players. Specifications for coordination and communication within the State national civil aviation security system should be incorporated in the NCASP. This includes, inter alia, the establishment of the NCASC for the coordination of aviation security activities at a national level, to ensure the implementation of security-related SARPs and the regular adjustment of the NCASP to meet the needs of State policy and changes in threat. An ASC should also be established at each airport serving civil aviation to assist the airport-level authority in its role of coordinating the implementation of security controls and procedures to reflect policies specified in the NCASP and the ASP.

3.4.4.4 The NCASC should be a standing committee which meets regularly, acting under the authority of the government. Participants should be senior government officials and senior representatives of the civil aviation industry (aircraft operators, airport authorities, etc.), the latter acting as consultants to the government. Those most likely to be represented are ministries, departments and/or agencies for civil aviation, law enforcement, internal security, external relations, national armed forces, immigration, customs, postal services, emergency services, intelligence, etc. Consideration should also be given to including members on an ad hoc basis from organizations that represent principal groups of employees in the civil aviation industry, such as technical and cabin crew, airport and aircraft operator ground staff and air traffic control staff. Terms of reference for the NCASC should be detailed in the NCASP.

3.4.4.5 States should also establish a National Air Transport Facilitation Committee and Airport Facilitation Committees, or similar coordinating bodies, for the purpose of coordinating facilitation activities between departments, agencies and other organizations of the State concerned with or responsible for various aspects of international civil aviation, as well as with airport and aircraft operators. States should endeavour to establish close coordination, adapted to circumstances, between civil aviation security and facilitation programmes. To this end, certain members of Facilitation Committees should also be members of Security Committees and vice versa. It is recommended that the chairperson of the National Air Transport Facilitation Committee be a member of the NCASC, to ensure consistency in programme implementation and to consider the possible effects of security measures on day-to-day aviation operations.

3.5 PERSONNEL QUALIFICATIONS AND TRAINING (CE-4)

3.5.1 Qualifications of security oversight personnel

3.5.1.1 The tasks and activities involved in regulating and supervising aviation security-related activities include a wide range of complex evaluations, inspections, audits, analyses and interventions, reviews of personnel qualifications, and the ability to assess the effectiveness and efficiency of established aviation security systems. Effective implementation of these tasks requires the intervention of technical staff who are appropriately trained and highly qualified. In order for the State to effectively fulfil its responsibilities, the State's civil aviation security oversight system should be properly staffed with qualified personnel capable of accomplishing the wide range of required duties involved in aviation security oversight.

3.5.1.2 The satisfactory execution of the various functions of the aviation security regulating authorities and inspectorates depends to a large extent on the qualifications, experience, competence and dedication of individual inspectors. In addition to the vital importance of technical competency in performing approval, certification, authorization and surveillance functions, it is critical that security oversight personnel possess a high degree of integrity, be impartial

in carrying out their tasks, be tactful, have a good understanding of human nature and possess good communication skills. Considering the specialized and sensitive nature of aviation security, it is vitally important that the qualifications, previous experience and personal characteristics of each person to be assigned approval, certification, authorization and surveillance duties be verified and carefully evaluated before selections are made.

3.5.1.3 It is also important that personnel charged with approval, certification and surveillance functions possess excellent knowledge of international practices and procedures related to aviation security, a thorough understanding of the NCASP and how it is applied to the operator's security programmes and operations being examined, knowledge of the assessed threat as it is applied to the State and location being examined, and up-to-date knowledge of security technologies and techniques. The qualifications of a civil aviation security inspector should, at a minimum, match the qualifications of those who are being inspected.

3.5.1.4 Quality control activities detailed in the NQCP should be carried out by appropriately trained and qualified professionals who are chosen according to established criteria. The State should specify a minimum of two years' experience in aviation security or other relevant fields. Personnel involved in carrying out quality control measures should:

- a) meet the selection criteria;
- b) be subject to specific training;
- c) successfully pass an exam relating to quality control activity techniques; and
- d) be subject to on-the-job training for a specified period of time.

3.5.1.5 Selection criteria for national aviation security inspectors should include the following:

- a) an appropriate level of education or adequate job experience;
- b) a good knowledge of the international Standards contained in Annex 17, regional regulations, if applicable, and an in-depth knowledge of the NCASP and national regulations;
- c) a good knowledge of air transport operations;
- d) a good working knowledge of practices and procedures for the implementation of aviation security measures;
- e) absence of a criminal record;
- f) clearance for access to sensitive information;
- g) adequate physical attributes, including vision, hearing, etc.;
- h) adequate writing and speaking skills; and
- i) interpersonal skills such as integrity, good diplomacy, discretion and flexibility, when appropriate.

Review of the selection criteria and the selection of personnel should be conducted by the appropriate authority, and more specifically, by the entity designated to manage the NQCP.

3.5.1.6 The departments and/or sections within the appropriate authority for aviation security with aviation security oversight responsibilities should be organizationally competent. Depending upon the size of a State's aviation activity, this may require a team of inspectors with a mix of disciplines, for example, passenger operations, cargo operations, perimeter access, etc. As a team, they should be as knowledgeable, qualified and experienced in the appropriate areas of qualification and experience as the organization being inspected.

3.5.2 Training of security oversight personnel and persons implementing security controls

3.5.2.1 Standards and qualifications in the selection and training of security oversight personnel acting on behalf of the appropriate authority for aviation security, as well as specific selection criteria for persons performing security functions throughout the civil aviation industry, should be regulated by the State, reflected in the NCASP and described in detail in the NCASTP. The appropriate authority for aviation security should establish selection criteria and minimum professional qualifications for security personnel performing oversight functions in the State. The appropriate authority for aviation security should also establish a training policy which will specify, inter alia, the appropriate authority's commitment to providing training to security personnel performing oversight functions, including initial, recurrent and specialized/technical training.

3.5.2.2 The appropriate authority for aviation security should develop and implement a training programme for security oversight personnel acting on behalf of the appropriate authority and be prepared to finance initial and recurrent training for such personnel in order for them to maintain and upgrade their competency, knowledge and capability. States should also ensure that the persons implementing security controls possess all competencies required to perform their duties and are appropriately trained according to the requirements of the NCASP and NCASTP. As part of this obligation, States should ensure that personnel responsible for responding to acts of unlawful interference receive regular training in the airport environment.

3.5.2.3 State aviation security oversight personnel represent the appropriate authority for aviation security and, as such, require the continuous development of their knowledge and skills related to their respective responsibilities. This development should be accomplished through periodic training and refresher courses in all the disciplines they are responsible for overseeing. States should take advantage of the Aviation Security Training Packages (ASTPs) developed by ICAO for the training of their security oversight personnel, as well as personnel performing aviation security functions. Participation in seminars and workshops organized by ICAO and international and regional aviation security-related organizations may enable State security oversight personnel to acquire knowledge and to share experience with experts from other Member States. Additional training, such as courses in report writing, supervisory training, etc., may also assist security oversight personnel in improving their effectiveness and efficiency.

3.5.2.4 Training of State aviation security oversight personnel should not be limited to strictly professional elements, such as the maintenance of competency and currency. In particular, it is essential that aviation security inspectors also be provided with training on subjects such as applicable aviation security regulations, inspector skills, duties and responsibilities, and appropriate authority procedures for the implementation and enforcement of requirements. Following initial training, State security oversight personnel should also satisfactorily complete on-the-job training, overseen by an experienced national aviation security inspector/auditor appointed as a supervising instructor by the appropriate authority. Such training should involve one or more extended monitoring activities during which the trainee should demonstrate an ability to perform the tasks. The candidate's performance should be under constant review and formally evaluated by the supervising instructor. It is also imperative that States maintain detailed training and qualification records of their security oversight personnel and personnel involved in the implementation of aviation security measures.

3.6 PROVISION OF TECHNICAL GUIDANCE, TOOLS AND SECURITY-CRITICAL INFORMATION (CE-5)

3.6.1 The effectiveness of a civil aviation security oversight system and the implementation of national and international standards need to be supported by guidance material to provide security oversight personnel with instruction on how to accomplish their specific functions. This element also includes the provision of technical guidance by the appropriate authority to entities responsible for the implementation of applicable regulations and programmes. Annex 17 requires each Member State to make available to its airport and aircraft operators and ATSPs operating in its territory and other entities concerned, a written version of the appropriate parts of its NCASP and/or relevant information or guidelines enabling them to meet the requirements of the NCASP. States should establish and implement a process for disseminating aviation security regulations, programmes procedures, guidance material and performance criteria to all relevant aviation security stakeholders to ensure awareness of the State aviation security policies and supporting requirements which have to be met to ensure compliance. ICAO has developed and published technical guidance material to assist States in implementing the provisions of Annex 17 and other relevant Annexes. Examples of ICAO guidance material include this manual, the *Aviation Security Manual* (Doc 8973 — Restricted), *Human Factors in Civil Aviation Security Operations* (Doc 9808) and the *Training Manual* (Doc 7192). The implementation of international and national aviation security regulations is enhanced through the availability of such guidance material.

3.6.2 States also need to develop and publish their own guidance material to assist their security oversight personnel in ensuring the implementation of national regulations, procedures and practices. For example, States should develop and utilize a risk assessment methodology in determining the level of threat to civil aviation and setting the priorities and frequency of national quality control activities. Guidance material should also be developed to assist staff working in aviation security-related activities throughout the civil aviation industry. ICAO material may be fruitfully utilized in the preparation of such national guidance. Examples of State technical guidance include:

- a) performance criteria for screening of passengers, their cabin and hold baggage, and for security controls for cargo, catering and mail;
- b) guidance for airport and aircraft operators, ATSPs and any other airport-level entities charged with the development of their security and training programmes (relevant portions of the NCASP and the NCASTP may be useful as guidance material for airport-level entities in the development of their own security and training programmes);
- c) guidance or instructions with regard to acceptable specifications, types and performance capabilities of security screening equipment, including minimum detection settings and specifications of performance test pieces for such equipment;
- d) technical guidance material with regard to the introduction of technology or other alternative non-technological means used for the protection of the integrity of SRAs, including guidance with regard to perimeter protection; and
- e) terms and conditions of certification of security screeners and aviation security instructors, including performance criteria and criteria for the revocation of certification.

3.6.3 An inspector's handbook is a useful tool that should be developed and provided to national aviation security inspectors assigned to verify compliance with various aspects of applicable aviation security policies and requirements. The inspector's handbook should include, among others, the appropriate forms, checklists and protocols for the conduct and reporting of security audits, inspections, tests and surveys. Technical guidance and procedures should be available for the aviation security inspectors and individuals assigned with enforcing aviation security legislation and regulations, such as enforcement procedures. Such guidance should be provided to those assigned to perform the aforementioned tasks prior to carrying out any quality control functions to avoid inconsistent extremes of actions by authority personnel.

3.6.4 National aviation security inspectors should also be provided with adequate tools to enable the effective accomplishment of their tasks, such as adequate offices, telephones and other communication facilities, as well as transportation, as applicable. The appropriate authority should also prescribe appropriate items to be used for covert testing of security measures (e.g. only simulated explosives or firearms).

3.6.5 To foster security in the aviation environment, the supply and speedy dissemination of security-critical information, such as security directives and advisories, are essential. Sharing of information among concerned entities in a timely manner would enhance States' capability to minimize risk and mitigate threats. Sharing security-related incident investigation reports would also enhance the global knowledge of aviation security threats among national security organizations, contributing towards the strengthening of their respective aviation security systems.

3.6.6 In order to promote the consistent implementation by States of aviation security practices and procedures, States are encouraged to cooperate with other States in the development and exchange of information concerning NCASPs, NCASTPs and NQCPs, as necessary, and to establish and implement procedures to actively share threat information in accordance with Annex 17 SARPs. In addition, it is recommended that States exchange information on the research and development of new security systems and equipment or improvements in existing systems and equipment, and share intelligence with ICPO-INTERPOL and other law enforcement organizations and with States having common interests. States with common interests should collectively agree to enhance civil aviation airport security and impose penalties uniformly on offenders. It is also recommended that, if requested by another State, States share, as appropriate and consistent with their sovereignty, the results of the audits carried out by ICAO under the USAP and the corrective actions taken by the audited State. States should notify ICAO in the event that audit information is shared.

3.6.7 In order to give effect to some or all of the obligations and recommendations in 3.6.6, States may wish to include in their bilateral and regional agreements on air transport a clause dealing with cooperation and the coordination of civil aviation security issues, taking into account the model clause developed by ICAO and provided in the *Aviation Security Manual* (Doc 8973 — Restricted). International arrangements should also be reviewed to ensure, inter alia, that requests from other States for additional security measures with respect to a specific flight are met as far as may be practicable (for example, accommodating the travel of armed personnel, in-flight security officers, etc.), that relevant information is transmitted to States if there are reasons to believe that there is a possibility for an aviation security offence to be committed, and that legal assistance is afforded to other States in connection with criminal proceedings brought with respect to aviation security convention offences.

3.6.8 It is also recommended that States that are not yet parties to the aviation security conventions take into account the ICAO model agreement for bilateral or regional cooperation in the field of aviation security contained in the *Aviation Security Manual* (Doc 8973 — Restricted). The agreement provides a framework for cooperation by the parties in the prevention of, and management during and in the aftermath of, acts of unlawful interference with civil aviation, and establishes measures to alleviate the consequences of such acts. The model agreement may also serve to complement or reinforce existing obligations between States under multilateral conventions on aviation security.

3.7 CERTIFICATION AND APPROVAL OBLIGATIONS (CE-6)

3.7.1 Annex 17 requires each Member State to establish and implement a system to ensure that airport and aircraft operators and ATSPs establish, implement and maintain security programmes/provisions that meet the requirements of the NCASP. The essential function of this system involves the establishment and implementation of processes to ensure and formally acknowledge that such programmes meet the requirements of the NCASP, and authorize the relevant entities to commence and exercise aviation security activities.

3.7.2 The formal acknowledgement that airport-level aviation security programmes meet the requirements of the NCASP may be in the form of an approval or acceptance of such programmes. An approval is an active response by the State to a matter submitted for its review. An approval constitutes a determination of compliance of the airport-level programme with the applicable national requirements. An approval is evidenced by the signature of the approving official, the issuance of a document, or some other formal action taken by the State. An acceptance does not necessarily require an active response by the State to a matter submitted for its review. A State may accept an airport-level programme submitted to it for review as being in compliance with the applicable national requirements if the State does not specifically reject all or a portion of the programme under review, usually after some defined period of time after submission.

3.7.3 According to Annex 17, each Member State shall require each airport serving civil aviation to establish, implement and maintain a written ASP appropriate to meet the requirements of the NCASP. To fulfil this obligation, the State may, for example, require all its airports serving civil aviation to submit their ASPs to the appropriate authority for aviation security for review and approval/acceptance. Alternatively, the State may develop a template of mandatory components to be included in the ASPs. Whatever the process used, it should lead to the same outcome, that is, assuring that ASPs are appropriate to meet the relevant requirements of the NCASP. The State must ensure that its NCASP explains in detail how the State intends to ensure that ASPs comply with national requirements.

3.7.4 Annex 17 requires each Member State to ensure that aircraft operators providing service from that State have established, implemented and maintained a written AOSP that meets the requirements of the NCASP of that State. This requirement is equally applicable to both national and foreign aircraft operators providing service from the State. From the aircraft operators' perspective, all aircraft operators are subject to the laws of the State of Registry, the State of the Operator and all States into which they operate. As part of its obligation to regulate and supervise aircraft operations, the State of the Operator shall require its aircraft operators to establish, implement and maintain a written AOSP appropriate to meet the requirements of the NCASP of the State of the Operator. To fulfil this obligation, the State of the Operator may, for example, require all its aircraft operators to submit their AOSPs to the appropriate authority for aviation security for review and approval/acceptance. Alternatively, the State of the Operator may develop a template of mandatory components to be included in such AOSPs. Whatever the process used, it should lead to the same outcome, that is, assuring that AOSPs are appropriate to meet the relevant requirements of the NCASP.

3.7.5 Each Member State also has the obligation to ensure that foreign aircraft operators providing service from that State have established, implemented and maintained a written AOSP that meets the requirements of the NCASP of that State. To fulfil this obligation, the State may, for example, require all foreign aircraft operators, prior to the commencement of their operations from that State, to submit their AOSPs to the appropriate authority for aviation security for review and approval/acceptance. Alternatively, the State may:

- a) require foreign aircraft operators to incorporate in their AOSPs and implement such mandatory procedures as the appropriate authority of that State may require as applicable to operations in that State (a so called supplementary station procedures programme that may be appended to the AOSP of a foreign aircraft operator); or
- b) grant acceptance to the AOSP of the foreign aircraft operator by virtue of approval/acceptance of the foreign aircraft operator's AOSP by the appropriate authority of another Member State with whom the State has formally established common aviation security rules or a bilateral mechanism for the mutual recognition of aviation security standards.

3.7.6 Whatever the process used, it should lead to the same outcome, that is, assuring that AOSPs of all aircraft operators (both national and foreign) providing service from that State are appropriate to meet the relevant requirements of the NCASP of that State. The State must ensure that its NCASP explains in detail how the State intends to ensure that AOSPs of aircraft operators (both national and foreign) providing service from that State comply with its national requirements.

3.7.7 Annex 17 requires each Member State to ensure the development and implementation of training programmes to ensure that the persons implementing security controls possess all the competencies required to perform their duties and are appropriately trained according to the requirements of the NCASP and NCASTP. The appropriate authority for aviation security should therefore establish and implement a system to ensure that such training programmes set out relevant standards of performance in accordance with national requirements, as well as introduce initial and periodic assessments to maintain those standards.

3.7.8 According to Annex 17, each Member State shall ensure the development and implementation of certification systems for persons carrying out screening operations and staff providing aviation security instruction. The appropriate authority for aviation security is responsible for the establishment and implementation of formal certification programmes to ensure that persons carrying out screening operations and aviation security instructors are certified. Certification constitutes a formal evaluation and confirmation by or on behalf of the appropriate authority for aviation security that a person possesses the necessary competencies to perform assigned functions to an acceptable level as defined by the appropriate authority. Certification should be conferred by or on behalf of the appropriate authority for aviation security to trained/qualified persons who have successfully completed initial and on-the-job training, and should be validated for a specific duration.

3.7.9 The continued validity of security screener and aviation security instructor certificates, as well as continued compliance of airport-level aviation security and training programmes with relevant national requirements, depends on the regular implementation of the systems described above to ensure that the required standards, as amended from time to time, and competencies of operation and performance are consistently and reliably maintained.

3.8 QUALITY CONTROL OBLIGATIONS (CE-7)

3.8.1 An ICAO Member State's obligation and responsibility for a safe and orderly international civil aviation system does not end with the issuance of certificates or other oversight activities outlined under CE-6. Maintenance of continued safe operations, particularly during significant change, demands that a State also establish a system of ensuring continuing organizational, as well as individual competency, and continuing capacity to maintain a safe and regular operation by airport and aircraft operators and service providers. A key component in the successful application of aviation security measures in a State is ensuring that controls are regularly applied in a manner that provides effective security.

3.8.2 One of the fundamental components of an effective civil aviation security system is the implementation of quality control measures, which may be defined as the surveillance techniques and activities used to assess a State's civil aviation security system and, whenever required, to resolve identified deficiencies. The appropriate authority for aviation security should therefore develop and implement an NQCP and a system of quality control measures consisting of audits, inspections, surveys and tests to maintain the continuing effectiveness of the NCASP. The objectives of the NQCP are outlined under CE-2.

3.8.3 The appropriate authority should also establish and implement a formal schedule of different types of quality control activities, covering all security measures and applicable to all relevant entities with aviation security responsibilities. The priorities and frequency of national quality control activities should be determined on the basis of risk assessment.

3.8.4 Since there is a wide disparity in the size and complexity of civil aviation operations in different States, quality control measures should be tailored to fit each State's particular aviation environment. Quality control activities should cover all aspects of an NCASP, including the organization of the national security system and the security measures in place for aircraft and airport operators. All entities with aviation security responsibilities should be subjected to monitoring activities, including foreign aircraft operators operating from airports within the regulated State, to ensure their compliance with the national regulations and the NCASP.

3.8.5 The organization and methodology of various types of monitoring activities should follow a standardized and consistent approach to build credibility and win the respect of all parties. Standardization should apply to the definition of tasks and the planning, preparation and performance of monitoring activities. Data gathered in a systematic and standardized way should be collated, analysed and disseminated promptly for follow-up action. Information on the level of compliance by aircraft operators and other relevant entities should be used in defining priorities and identifying trends. Given the sensitivity of aviation security-related information, reports and findings should be assigned a security classification in accordance with each State's regulations.

3.8.6 Any monitoring activity should verify regulatory compliance with one or more aspects of the NCASP, such as:

- a) overall organization of the entity being assessed;
- b) status of ASPs and AOSPs and those of other relevant entities;
- c) implementation of an internal quality control programme and measures related to internal quality control, if applicable;
- d) training of staff (initial, on-the-job and recurrent), including training programme, training records, training equipment and facilities;
- e) measures related to:
 - 1) access control;
 - 2) aircraft security;
 - 3) passengers and cabin baggage screening;
 - 4) carriage of certain categories of passengers;
 - 5) hold baggage screening and protection;
 - 6) hold baggage reconciliation and authorization;
 - 7) aircraft operator catering stores and supplies;
 - 8) aircraft operator cleaning stores and supplies;
 - 9) aircraft operator mail and materials;
 - 10) cargo and mail;
 - 11) general aviation; and
 - 12) airport design and infrastructure;
- f) specific security measures for elevated threat and high-risk flights;
- g) responsiveness to acts of unlawful interference;

- h) performance of persons implementing security controls; and
- i) maintenance and performance testing arrangements for security screening equipment.

3.8.7 The monitoring of civil aviation security systems should take the form of security audits, inspections, tests or surveys, as defined below:

- a) *security audit*. A security audit is an in-depth compliance examination of all aspects of the implementation of the NCASP. Security audits should always be announced in advance and should not include overt or covert security tests. An audit should be as exhaustive as possible and should be conducted over an extended period of time, ranging from a number of days to one month, to determine whether the security organization is appropriate and the required measures and procedures are in effect both:
 - 1) on a continuous basis, through the review of documents, such as training records; and
 - 2) to a constant standard, through observations and interviews at different times and locations;
- b) *security inspection*. A security inspection is an examination of the implementation of relevant NCASP requirements by an airline, airport, or other entity involved in security. The scope of an inspection is narrower than that of an audit and focuses on a specific activity or part of an airport or aircraft operator, or other entity involved in implementing security measures. Security inspections may be announced in advance and may include overt or covert security tests. The objectives of both audits and inspections are to:
 - 1) ensure that NCASP requirements are being implemented;
 - 2) ascertain the standard of security achieved and the effectiveness of aviation security measures;
 - 3) identify any deficiencies in security standards and procedures and ensure they are rectified; and
 - 4) identify any area that could be improved and suggest how to effect this;
- c) *security test*. A security test is a covert or overt trial of an aviation security measure which simulates an attempt to commit an unlawful act. A security test should only demonstrate whether a security measure or control proved effective at a specific place and time. Security tests should focus on access controls to SRAs, protection of aircraft and the implementation of screening with the assistance of standardized test pieces, etc.; and
- d) *security survey*. A security survey is an evaluation of security needs, including the identification of vulnerabilities which could be exploited to carry out an act of unlawful interference, and the recommendation of corrective actions. Such a survey should be carried out whenever a threat necessitates an increased level of security to address various risks which may affect a specific airport or aircraft operator. If a vulnerability is identified despite the implementation of security measures and procedures in accordance with the NCASP, compensatory protective measures commensurate with the threat should be recommended. The scope of a security survey may range from a targeted assessment that focuses on a specific airport operation or aircraft operator to an overall evaluation of security measures. The duration of a survey may vary from a few hours to several weeks and should include overt or covert security tests.

3.8.8 Audits, inspections, tests and surveys should conform to a standardized approach for consistency and for consolidation and comparison of findings and recommendations that allow statistical analysis and review of the NCASP and its amendments. Methodology and guidelines should be developed to ensure that persons carrying out monitoring activities perform their missions in a well-organized and uniform manner. Any monitoring activity should include the following phases:

- a) preparation and review of documents;
- b) briefings and interviews with relevant representatives, except for tests;
- c) the monitoring activity itself, i.e. observations, review of documents and interviews;
- d) debriefings; and
- e) completion of the report, including recommendations when warranted.

3.8.9 To test and evaluate the preparedness of response mechanisms to acts of unlawful interference, States should ensure that airport contingency plans are practised and exercised on a regular basis to identify weaknesses and introduce modifications necessary for the safe conclusion of an actual emergency situation. Particular emphasis should be placed on ensuring the operational reliability and compatibility of all communication equipment designated for use during an incident. In addition to major full-scale exercises, which should be conducted at least every two years, smaller scale exercises of the different portions of a contingency plan should be conducted regularly, at least yearly or as required by the NCASP, such as tabletop exercises.

3.8.10 As part of oversight activities, the appropriate authority should also conduct oversight of its tasks that have been delegated or transferred to other entities within the State, such as the conduct of specific quality control activities and the certification of security screeners and/or aviation security instructors, to ensure the proper implementation of such tasks.

3.8.11 Aviation security stakeholders throughout the civil aviation industry should be required to develop, implement and maintain their own internal quality control measures, including the promulgation of quality control programmes and the performance of associated functions. A key skill of those performing quality control measures should be a good working knowledge of the security processes and associated regulations. Such measures should be monitored by the appropriate authority for aviation security, and the results of such measures should be accessed by the appropriate authority, including corrective actions taken.

3.9 RESOLUTION OF SECURITY CONCERNS (CE-8)

3.9.1 The resolution of identified aviation security concerns is at the core of all aviation security quality control activities. A good aviation security quality control system will provide for the identification of deficiencies and for the rapid and effective implementation of appropriate corrective actions to resolve any identified deficiency.

3.9.2 Should the implementation of the NQCP and related inspection and/or audit reports reveal that the entity responsible for the implementation of security controls is unable to meet or maintain the required security standards, the inspector, on behalf of the appropriate authority for aviation security, should promptly advise the entity of the deficiency observed. Once the cause of the deficiency has been determined, the appropriate authority for aviation security should provide deadlines for corrective actions to be taken and initiate appropriate follow-up activities to determine the effectiveness of the corrective actions. If the deficiency is not corrected within the deadline, the authority may choose to

take positive enforcement actions, such as temporarily imposing fines, suspending or withdrawing the certificate, approval and/or authorization for the entity to conduct the aviation security activity, etc. If deficiencies or concerns are identified in the appropriate authority's tasks that are delegated or transferred to other entities within the State, the appropriate authority should also establish and implement a process for their resolution.

3.9.3 States should maintain a record management system which registers and monitors quality control measures performed, deficiencies identified, directives for corrective actions required, up to and including enforcement measures, and follow-up actions taken.

3.9.4 In a well-established and managed national quality control system, analysis of the various inspection and/or audit reports will indicate a pattern of weaknesses or deficiencies and will often also identify causes and possible remedies. A process to analyse the results of quality control activities should be established to contribute to identifying the causes and patterns of non-compliance, providing the results of such analyses to those with a need-to-know for corrective action and possible adjustments to the programmes, and verifying that corrective actions have been implemented and sustained. An annual summary report should be issued by the appropriate authority summarizing the number and type of quality control activities undertaken in the reporting year, overall state of any deficiencies identified, including deficiencies related to the NCASP, current status of corrective actions, improvements made to the NQCP, if any, and the status of NQCP finances and human resources.

3.9.5 The NQCP should be supplemented by the establishment of a confidential reporting system for analysing security information provided by sources such as passengers, crew and ground personnel. States should establish such a process for analysing information on aviation security gathered from sources outside the quality control system, thereby supplementing the entire quality control process and obtaining a more accurate picture of the implementation of aviation security measures. Such sources should include reports on a voluntary basis from passengers, crew members and staff employed by airport and aircraft operators. A process should be established for gathering such information, whereby all data are collected and relayed in confidence to a designated person within the relevant entity of the appropriate authority. The address, telephone number or e-mail address of the designated person should be provided to anyone involved in this process.

3.9.6 In view of the new and emerging threats to civil aviation, there is a continuing need to review the scope of inspections and/or audits and related techniques and procedures, to better evaluate specific areas of potential threat and to ensure the effective use of the inspectorate's resources under the appropriate authority for aviation security.

3.9.7 The investigation of acts of unlawful interference, or threats thereof, plays a crucial role in the identification of security-related deficiencies. Procedures should be in place to evaluate such an incident, should one take place, and security measures should be revised as appropriate. As soon as possible after each occurrence of an act of unlawful interference or threat thereof, a review and analysis should be conducted by the appropriate authority for aviation security. Results should be made available to all aviation security participants, along with the recommendations of the appropriate authority for improvements and the correction of identified aviation security deficiencies, which should be implemented in a timely fashion in order to remedy weaknesses so as to prevent recurrence of an act of unlawful interference. This also includes the conduct of evaluations following a security exercise to identify deficiencies and remedy weaknesses in response mechanisms to acts of unlawful interference. States should issue a report to ICAO on all acts of unlawful interference and, whenever appropriate, copies of the report should be provided to other States that may have an interest.

3.9.8 As mentioned under CE-1, the effective resolution of security issues is highly dependent on the empowerment of the appropriate authority for aviation security. As such, the resolution of security concerns may only be successful in situations clearly supported by and linked to primary aviation security legislation and regulations.

