Sharing Responsibility for Security - Changes for Annex 17

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Summary

Much has changed in aviation security since September 2001, and more advancements are on the horizon. New provisions are being proposed for amendments to ICAO's Standards and Recommended Practices and many nations are still reacting and refining new security regulations and security equipment.

Effective system-wide security demands a total system approach, using all participants in the air transport industry working as a team. Air transport participants who do not feel a sense of commitment and responsibility will be a weak link in the chain. Given that security provisions for airport areas away from the major air terminals have not been adequately addressed, this Paper presents proposals to provide realistic and effective security measures for air taxi and general aviation operations and facilities.

Since the cost of providing security to the level of a Security Restricted Area at every airport, and for all areas of all airports, would be prohibitively expensive, proposals are made to delegate responsibility to the industry where security risks warrant. Changes are proposed for the International Civil Aviation Organization Annex 17(Security) to promote commitment of all air transport participants to good Security.

Introduction

"The world will never be the same again". How many times have we heard that statement since the tragic day in September 2001 when air transport was used to make a statement of hatred, with the loss of so many innocent lives? In the aftermath, essentially all of us in the air transportation business can attest to the accuracy of the forecasts. Our focus has changed. Our priorities have changed. We are now continuously looking for ways to protect our industry from the

fanatics. We have traditionally done a good job in safeguarding against individuals with personal issues. However, the great challenge we now face is the protection of the industry and the traveling public against organized terrorism.

Arguably, we have done remarkably well. Since 9/11, tens of thousands of flights have operated daily safely and securely around the world. Although there have been security incidents, the situations were defused by alert security staff, aircraft crews, police and the traveling public. The system is generally operating as it should – through a team approach.

However, it is clear that we must continue to strive for improved sharing of responsibility. I recently gave a draft Paper to a security official in a well-recognized State to seek critical comment. In the Paper I pointed out a number of problems and I argued for a better delegation of security responsibility to the industry. The response I received from a relatively junior officer stated that the work of security is too important to trust to the industry. I would argue the opposite. Everyone in the air transportation system must feel some responsibility. We need a network of transport workers functioning efficiently and effectively if we are to continue to be successful in protecting against acts of terrorism. Any sector of the air transport community that feels it has no role in security will be the weak link in the chain and weak links will be the target of the terrorists.

This morning I would like to address the need to institutionalize a framework for involving the whole industry, thus providing for an even more effective system. We must build the institutions to ensure everyone in the aviation community considers him or herself part of the team. Rule changes are needed to foster a network or team approach to aviation security. I will point out proposals made by the International Business Aviation Council to strengthen the security infrastructure, particularly as it applies to amendments required in Annex 17 of the International Civil Aviation Organization (ICAO) applicable to general aviation and smaller airports. I will point out the need for increased role of the industry within the security framework.

ICAO Security Standards

Understandably, following the tragedy of 9/11 there was a flurry of activity at ICAO. The Aviation Security Panel was recalled and a number of changes were recommended and were rapidly approved by the ICAO Council. A Ministerial Conference was quickly organized and transportation Ministers from around the world met to show resolve to combat terrorism.

Changes were made to Annex 17 on Security calling for tighter national programmes. New requirements were introduced for screening of passengers and hold cargo, and for screeners to be certified. Changes were made to prevent

unauthorized access to the cockpit. Related rules provided for the hardening of cockpit doors.

Although many effective changes were made to the security Standards and Recommended Practices (SARPs), there were, unfortunately, some flaws. The focus was entirely on the large commercial air transport industry. There was no understanding or attention to general aviation security – neither for the general aviation operator, nor for the general aviation airport. These sections of the security standards need improvement - not because the actual security is weak, but because the rules are generally non-effective, inconsistent and fail to institutionalize best practices.

Recently I read a statement from a security authority that there was no security in general aviation. This is not true but the perception is certainly true. My emphasis this morning will be on what we feel is needed to better establish common rules for that part of the aviation system that does not involve large commercial air terminals.

You may ask, as one of the general aviation sectors, why should the International Business Aviation Council be concerned? Well – there are two very significant reasons.

First, although the intent of Annex 17 was to focus on large air transport operations, no distinction was made for the size of the aircraft, nor type of operation. The resulting rules apply to an operator, defined as anyone who flies in aircraft, hence they are applicable to the individual with a small Cessna four seat aircraft to the same extent as for a large Airbus 380. He or she is required to have a certified screener screen his passengers – probably his wife and children – even if on a distant lake in a remote part of the world. We know this was not the intent, but that is what the international standards now require. No State with any degree of aviation community could implement these standards – and hasn't. The costs are not affordable.

Secondly, the business aviation community is a responsible industry. Good security has always been a defining requirement of the industry. It is part of the 'raison d'ētre' for the industry. Given that the industry has strong security, it wants the network of which it is part to be secure and with no broken links. Effective rules will help.

Importance of International Harmonization

Teamwork in security is more than just aircrew working with airport security, State security authorities working with police agencies, and so on through the industry. It also requires countries to work together. Efficient and effective global security can best be provided if States combine their efforts and use common standards as the basis for their regulations.

One of ICAO's primary purposes is to develop Standards and Recommended Practices as the basis for national regulations. SARPs are the foundation for the worldwide harmonization of regulations. However, unfortunately, we are seeing many differences in how national regulations are established, and security is definitely no exception. As an example, compare the ICAO Annex 17 SARPs with the US security regulations and the European Commission EC 2320 security regulations. The fundamental basis of the rules is different. The US TSA regulations focus on the operator, the EC regulation on the airport and the ICAO SARPs on both, but are incomplete in doing so.

We are working with ICAO towards fostering a team approach by building the framework into the SARPs. However, this is not going to be an effective solution without States applying the SARPs in a more uniform way.

In the next few minutes I will outline the proposals made to amend Annex 17 to provide for both operator and airport security in the world of aviation beyond the heavy aircraft at the large terminals.

Operator Security

Aviation is a relatively complex business. There is a vast range of different types of operations, and it is very difficult to put all types into neat packages for regulatory purposes. ICAO separates the industry into two primary sectors – commercial (air transport) and non-commercial (general aviation). Each of these two sectors has a basic rule base and within each there are additional requirements that are generally based on the weight of the aircraft. It is recognized that one rule does not fit all.

The rational of different rules depending on the type and size of the operation should also apply to security rules. It does not make sense to require the same level of security for a small Cessna flying from a remote area as for a Boeing 747 departing from Heathrow.

Security for the smaller commercial operations and for general aviation cannot be ignored. Security is needed, but it must be practical and it must be effective.

The International Business Aviation Council, with support from the International Owners and Pilots Association, has made recommendations to the ICAO Aviation Security Panel to provide for security to match the risk. In the case of air taxis, operators would be required to develop a security programme. Also, if air taxi operators enplane or deplane passengers at large terminals where Security Restricted Areas exist, passengers must be screened. However, in remote areas where there is little security risk, the framework would allow security officials the option of not requiring expensive screening. Greater flexibility is needed so that valuable security resources are applied to the areas of greatest risk.

For general aviation, the recommendations to ICAO follow a hierarchical framework with the objective of matching security requirements to the risk. The basic level, for a light private aircraft, the owner pilot would assume responsibility for security of the aircraft as he/she now does for safety. Additional provisions require the operator to guard against theft of the aircraft.

Requirements for corporate aircraft increase with weight; a security programme developed to industry standards would be needed for aircraft weighing more than 5,700 kilograms. Again, any aircraft operating from a terminal where a Security Restricted Area exists would require passengers and baggage to be screened.

Airport Security

Recommendations have also been made to better rationalize airport security and to promote improved teamwork. Existing ICAO standards and many State regulations are clear when it comes to Security Restricted Areas. In general, it means positive control of the area in every respect, with all passengers and baggage screened, all workers requiring a security background check and random screening for workers. However, no nation can afford to implement an SRA at every airport regardless of the size and purpose. The price would be astronomical. There is need to better define where Security Restricted Areas are necessary; and when they are required, to implement quality security in accordance with ICAO security standards.

However, there must be a better definition of what airport security to apply outside Security Restricted Areas. Again, there are a vast number of possible locations where aircraft can depart or land. It may be a large or small airport, or it may be a lake or farmers field. One security system does not fit all possible scenarios. Standards, and matching national regulations, are needed such that airport and security officials can set the security programme to fit the risk. The level of security at an airport in Australia's outback or floatplane operating from a lake in northern Canada does not have to be the same as a satellite airport near London.

Our proposal calls for delegation of responsibility to facility operators in the general aviation area of airports. Security should be developed to a programme based on quality industry standards.

It is our feeling that there are three primary layers of responsibility for security at an airport. State security authorities, or their delegated agencies, should be responsible for security in SRAs, the airport authority should have responsibility for the perimeter of the airport and facility operators should have responsibility for their assigned security zone, which could be a general aviation facility, training school or maintenance faciity.

Shared Responsibility

In summary, system wide security is best achieved through involvement by all personnel in our air transport industry. The industry is responsible and is prepared to be part of the system, working to prevent another tragic event. Effective rules are required but better use of effective industry standards are advisable as part of the overall security system. As an example, the International Business Aviation Council promotes adherence to an industry developed safety and security standard, the International Standard for Business Aircraft Operations (IS-BAO). It contains a security standard that requires that registered companies have a security programme.

Furthermore, the business aviation community is recommending to the European Joint Aviation Authorities that the new requirements for corporate aviation contain a requirement for security established to an industry standard.

Good security can best be provided by focusing resources towards the highest risks. To do otherwise weakens our network as valuable resources are spread too thin to be effective. The business aviation community is prepared to be part of the team, part of a system wide security programme.

Thank you.