



Committee on Aviation Security– Topic 2

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Evolving threats to International Civil Aviation – is the existing regulatory framework fit for the future.

1. Threats to civil aviation.

The continuing security threat to the global aviation system, mainly but not only from terrorism, is most effectively managed by identifying, understanding and addressing the potential risks to civil aviation, including risks to passengers and goods (baggage, cargo, and mail). The identification of risks permits Member States to determine and implement proportionate measures and controls to mitigate appropriately against each risk type.

To assist Member States in this process, the Aviation Security Global Risk Context Statement (RCS) has been developed and is updated on a regular basis. The RCS aims to:

- a) offer States a methodology and a framework to conduct risk assessments at national level;
- b) provide an overview of the current global aviation security threat;
- c) present high-level global risk assessments to help inform States' national civil aviation security programmes; and
- d) assist ICAO in improving and updating Standards and Recommended Practices (SARPs) and guidance material to ensure that they address current threats and risks.

The development of the RCS is undertaken by the ICAO Aviation Security (AVSEC) Panel Working Group on Threat and Risk (WGTR). The work is done in recognition of the importance of a risk-based approach to aviation security and relies on the input of relevant experts, as well as the effective and timely reporting and sharing of information by ICAO Member States.

The WGTR regularly reviews previously completed risk assessments or conducts new risk assessments, updates the RCS on an annual basis, or as needed, and provides analysis and advice on risks to aviation to the AVSEC Panel. ICAO also draws on the advice of the WGTR with regard to evolving threats and incidents. Information is often available in the public domain about the specific nature of recent and current threats to aviation. However, there is also much that cannot be put into the public domain or discussed in documents such as this one, because of the sensitive

nature of the information itself or of its sources. This includes information about actual attacks, but also aspirational or planned attacks that may have been disrupted, not followed through, or not yet come to fruition. Such information may be sought from States' own security or intelligence services.

However, it is important to note that a lack of information does not equate to a lack of threat, as several high-profile attacks against aviation have occurred with no prior warning. A diversifying array of non-terrorist threats over recent years means that intelligence collection has been spread more thinly in some States, possibly resulting in a reduced collective insight into attack planning.

To address the specific issue of cyber attacks, ICAO established a cybersecurity panel of experts which created a Working Group on Cyber Threat and Risks (WGCTR), the WGCTR develops a Global Risk Consideration (equivalent of the RCS for cybersecurity).

2. Global aviation threat picture.

For many years, civil aviation has been an attractive target for criminals and terrorists, for a variety of reasons. That remains especially true in the case of terrorists who continue to seek to exploit real or perceived vulnerabilities in the international civil aviation system. Following successful and attempted terrorist attacks, security measures are developed and enhanced to prevent similar attacks from reoccurring. However, they continue to show an interest in how they can circumvent or defeat security measures. Previous successes or partial successes in doing so have motivated such perpetrators to continue to research and plan further attacks against civil aviation.

Whether as part of an organized group or acting alone, they generally aim to achieve one or more of the following objectives in selecting aviation as a target for attack: inflicting mass casualties, causing economic disruption, making a symbolic statement, increasing their notoriety, and generating public anxiety.

These objectives may lead to a variety of forms of attack on the aviation system. Criminals and terrorists have shown themselves to be innovative and may seek out a wide range of modus operandi and targets, influenced by the availability and vulnerability of such targets and dependent upon capability and the perceived opportunity for success.

3. Existing regulatory framework.

3.1 - Conventions and Protocols:

ICAO, through its Legal Committee, develops International Conventions and Protocols, which are International Air Law instruments providing States with the necessary tools to criminalize, prosecute and condemn acts of unlawful interference against international civil aviation, those instruments are listed here:

- **Tokyo Convention** (1963): offences and certain other acts committed onboard aircrafts;
- **The Hague Convention** (1970): suppression of unlawful seizure of aircraft;
- **Montreal Convention** (1971): suppression of unlawful acts against the safety of civil aviation;
- **Montreal Protocol** (1984): non-use of weapons against civil aircraft in flight;
- **Montreal Protocol** (1988) suppl. Montreal Convention (1971): acts of violence at airports;
- **Montreal Convention** (1991): marking of plastic explosives for purpose of detection;
- **Montreal Convention** (2009): unlawful interference compensation of damages;
- **Beijing Convention** (2010): suppression of unlawful acts relating to international civil aviation;
- **Beijing Protocol** (2010) suppl. The Hague Convention (1970): suppression of unlawful seizure of aircrafts;
- **Montreal Protocol** (2014) suppl. Tokyo Convention (1963): offences and other acts committed on board aircraft.

The development of such instruments is conducted by ICAO Legal Committee, they are then adopted in the framework of an international Legal Conference and have to be ratified by a minimum number of States to enter into force, this process takes many years.

3.2 - Standards and Recommended Practices (SARPs):

ICAO sets international Standards and Recommended Practices (SARPs), grouped by technical nature in Annexes to the Chicago Convention, that States have to integrate into their national regulatory framework and then effectively implement. In the area of aviation security, those SARPs are found in Annex 17 – *Aviation Security*, and are establishing preventive security measures to protect international civil aviation against acts of unlawful interference. In the area of border security, passenger data exchange and unruly passengers, the relevant SARPs are found in Annex 9 – *Facilitation*.

ICAO SARPs are developed by Panels of experts, the Aviation Security Panel (AVSECP), the Facilitation Panel (FALP) and the Cybersecurity Panel (CYSECP), it takes at the very least one year, but more commonly 2 to 3 years to develop and adopt a new standard or amend an existing one.

4. Analysis and proposal for improvement.

The events witnessed over the passed few years show a concerning trend in the threat picture, with new threats to civil aviation, like cyber attacks, and a large increase in occurrences of existing threats that were not significantly impacting aviation before, such as: Attacks from a distance, particularly near conflict zones, use of Unmanned Aircrafts (drones), insider threats, violent extremism, social unrest disrupting air traffic, unruly passengers, airport intrusions, false bomb threats.

Considering this trend, the question of the relevance and appropriateness of the existing regulatory framework may be raised, and taking into account the time necessary to develop and adopt international air law instruments or SARPs, there is a critical need to start the reflection.

You will make recommendations to the Council, through the Aviation Security Committee, in the perspective of the 42nd ICAO Assembly to encourage ICAO and its Member States review the existing regulatory framework and, if deemed necessary, propose to develop relevant new instruments to better address the new and increasing threats to international civil aviation.