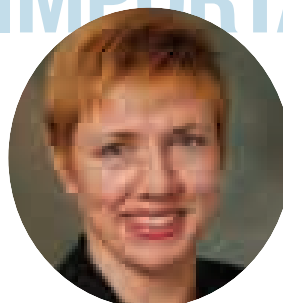


DISPARITY IS WHY INTERNATIONAL INSTITUTIONS PUSHING HARMONISATION ARE IMPORTANT.



Sandra Bilson

Aviation

Decisions for the next generation? by Sandra Bilson

Modern philosopher Alain de Botton loves flying. He describes it in his latest book, “The Art of Travel” as a “display of power [that] can inspire us to imagine analogous, decisive shifts in our own lives; to imagine that we too might one day surge above much that now looms over us”. Much looms over aviation security – not just the enduring threat of terrorism.

Geoff Askew, head of security at QANTAS told Aviation Security Magazine in October 2006, “The harmonisation of aviation security legislation, standards and practices throughout the world is more of a dream today than in 2001.” The dream is security people, processes, information, facilities and equipment seamlessly interacting locally, regionally and globally. So why so difficult – especially given developments in the six years since 9/11?

COMPLEXITY

One reason is complexity - constantly interacting people, processes, information, facilities and equipment. Airports expand into air-cities. Airbuses replace airplanes. Passenger identification progresses from photo verification to biometrics. Metal detectors, and X-ray passenger and luggage screening equipment, need computed tomography (CT). These changes are not synchronised. They are introduced at some airports and/or by some airlines at different points often with different technologies, creating disparity within and across countries.

Disparity is why international institutions pushing harmonisation are important. The United Nations (UN), International Air Transport Association (IATA), the International Civil Aviation Authority (ICAO)

and the European Aviation Safety Agency (EASA) all aim to provide clear and consistent aviation security frameworks through resolutions, conventions, Standards and Recommended Practices (SARPs) and training packages. ICAO, the lead international institution in aviation security, was the outcome of the 1944 Chicago Convention on International Civil Aviation. It was attended by 54 countries, including Australia, who took a lead role then and continues to do so today. Then security was not a priority. The first security arrangements were ratified thirty years later.

Today ICAO is a special agency of the UN with 189 contracting countries (out of 202). The centrepiece of ICAO's security arrangements is the Aviation Security (AVSEC) Panel that meets every two years to endorse Standards and



Security

Recommended Practices (SARPS). Given the speed and impact of large aviation incidents, the two-year time lag has attracted criticism. For example, implementation of the AVSEC Panel's "Plan of Action for Strengthening Aviation Security: a program of regular, mandatory, systematic and harmonised audits to evaluate aviation security" has been tedious. It was conceived in 2002, following adoption of UN Resolution A33-1, "Declaration on misuse of civil aircraft as weapons of destruction and other terrorist acts involving civil aviation" and is comprehensive aiming to:

- Enhance existing and/or concurrent ICAO initiatives (for example Annex 17: "Security – Safeguarding International Civil Aviation against Acts of Unlawful Interference");

- Reinforce related AVSEC activities, notably security audits;
- Expedite work on Machine Readable Travel Documents (MRTDs), biometric identification and travel document security;
- Review relevant Procedures for Air Navigation Services (PANS);
- Revise relevant ICAO manuals and other guidance material; and
- Develop Aviation Security Training Packages (ASTPs) and provide assistance to contracting Countries through a technical co-operation program.

Aside from the time taken to develop and endorse the Plan, implementation is problematic. Differential uptake (timeframes, technologies and applications) by countries prevents harmonisation. Contracting

countries can ignore SARPS, and ICAO's Recommended Practices are discretionary.

On-the-ground implementation within a country provides another differentiation point. The 2004 Wheeler Report into Australian aviation security, concluded "While principles should be consistent and based upon compliance with ICAO Annex 17, it is clear that 'one size does not fit all' in imposing security, regulations and standards across disparate airports". Francis Fukuyama in his 2006 book "After the Neo Cons: Where the right went wrong", points to the rise of multiple competing and often overlapping international institutions like ICAO and others – all developing in response to the limitations of the UN, globalisation, and the need for technical and financial cooperation.

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POLITICS OF CRISIS MANAGEMENT

Another reason is the politics of crisis management (for example post 9/11, and the UK arrests on August 9, 2006). A crisis can expose poor preparation, prevention, planning and recovery. Such failures can also serve as a defining moments, resulting in exceptional international solidarity and national responses. Since 9/11, aviation security has been subjected to new laws, bigger budgets, and more recruitment all at unprecedented speeds.

In Australia, the Aviation Transport Security Act was enacted in 2004 with additional funds and increased staff for the Department of Transport and Regional Services (DOTARS), the Australian Federal Police (AFP) (\$55 million), Australian Customs Service (ACS), and others. Did this work? A review of Australian aviation security and policing (the Wheeler Report) was completed 12 months later. The Review Terms of Reference included the need for "recommendations... strengthening the integration of ground based aviation security and law enforcement arrangements, including through enhanced threat and risk assessments and whole-of-government response strategies". Clearly, national harmonisation remained a work in progress. Media coverage was often negative – the Sydney Morning Herald (November 23, 2005) editorialising: "When it comes to policing and security at airports, Sir John finds no one is in charge, no one sees the big picture. Policing is often inadequate and dysfunctional. Security is uncoordinated because the state and federal agencies supposed to protect airports do not share information. Instead of co-operation, there is competition, particularly between police and intelligence services." The Wheeler Report provided belated "checks and balances" for the Australian Government's

reactions to 9/11.

In his 2005 book, "The Politics of Crisis Management", Dr Arjen Boin observes that post crisis politics may have little to do with any lessons warning, "Crisis leadership, learning, and reform craft typically demands skills and strategies that are at odds with each other". Consider the allegation, by pilots, that the United States ban on all liquids following detection of the English August 9 in-flight bomb plot was "overkill". Five weeks later the ban was lifted replaced by minimum liquid guidelines. During the ban, Airlines reported a 20%-25% increase in baggage checks, adversely impacting on time and costs. It's now standard practice in some countries but not all.

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DISPARITY

At the 2006 AVSEC World Conference in Sydney one delegate noted the absurdity of issuing plastic knives in economy with silver service and wine glasses in first class. "Terrorists," he wryly noted, "do not fly first class." Disparate security practices are the global norm, reflecting sector-wide dysfunctionality. Each year, the United Kingdom's Transport Research Laboratory releases three reports on the sector, Airline Performance Indicators, Airport

Performance Indicators and a Review of Airport Charges. The lab's research processes alone demonstrate global dissimilarities in government and private ownership mixes, multiple investment sources, financial management, passenger service standards, route networks, traffic mix, staff ratio, and traffic control. Frustration at disparate security standards is evident. In September 2006, a Qantas flight was delayed when two of the pilots refused to remove their shoes at Ninoy Aquino Airports' security screen. The British Airline Pilots Association recently wrote to the Transport Minister expressing their frustration at different interpretations of security measures across airports.

There is no doubt that harmonisation of security laws, policies, practices and infrastructure optimises safe and cost effective travel. But is harmonisation possible? Not yet. Aviation security problems also unfold from broader struggles – transnational crime, terrorism, and globalisation. Countries remain bound by the traditional concepts of national sovereignty. Terrorism and transnational crime have no such construct – new asymmetrical foes. Governments struggle to respond using power for pre-emptive security strikes rather than evidence collection for prosecution. International law is still catching up. Australia's terrorist offences were a response to UN Resolution 1373, binding member nations to deny safe haven to those who finance, plan, support or commit serious terrorist acts. Not all countries are UN members. Not all respond to Resolutions. Not all care. As Fukuyama wrote "The world today does not have enough international institutions that can confer legitimacy on collective actions and creating new institutions that will better balance the requirements of legitimacy and effectiveness will be the prime task for the coming generation. It's one timeframe."