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INLAND TRANSPORT COMMITTEE

Working Party on Intermodal Transport and Logistics
Fiftieth session
Geneva, 6-7 October 2008
Item 6 of the provisional agenda

Working Party on Rail Transport
Sixty-second session
Geneva, 18-20 November 2008
Item 10 of the provisional agenda

Working Party on Inland Water Transport
Fifty-second session
Geneva, 13-15 October 2008
Item 5 of the provisional agenda

TRANSPORT AND SECURITY

Note by the secretariat

I. INTRODUCTION AND MANDATE

1. At its seventieth session (19-21 February 2008), the Inland Transport Committee (ITC) requested its subsidiary bodies to act expeditiously upon recommendations prepared by a Multidisciplinary Expert Group on Inland Transport Security that had been established by the Committee in 2007 (ECE/TRANS/200, paras. 36-38).

2. The expert group had been mandated to consider transport safety and security issues and establish inventories of regulatory initiatives at national and international level as well as standards, initiatives, guidelines and best practices by the private sector. These inventories (English only) can be accessed at <http://www.unece.org/trans/main/ac11/ac11_inf01.html>.

3. The expert group had also been mandated to prepare recommendations and/or proposals to UNECE Governments for improving inland transport security in areas such as infrastructure, personnel, goods, transport means, information exchange and borders with a view to minimizing the risk of terror attacks in the field of inland transport (ECE/TRANS/WP.24/2008/6). These recommendations have been published as an annex to Informal document No. 1 (2008) of the ITC Bureau in February 2008 <<http://www.unece.org/trans/doc/2008/itc/BITC-70-inf01e.pdf>>.

II. ACTIVITIES ON TRANSPORT SECURITY BY THE WORKING PARTIES

4. The ITC, in approving the recommendations of the expert group, recognized that several of its subsidiary bodies had already begun to address inland transport security-related issues and underlined that further work was to proceed in a differentiated way (ECE/TRANS/200, para. 36).

5. The Working Party on Intermodal Transport and Logistics (WP.24) had already considered transport security issues in March 2004 and September 2005 and had referred in particular to the 2004 ECMT study on container transport security across modes (TRANS/WP.24/103, para. 24; TRANS/WP.24/109, paras. 44-45).

6. Similarly, the Working Party on Rail Transport (SC.2) had noted in 2004 that, within its area of competence, it could contribute towards raising awareness of the importance of security in the rail sector. Based on a review of relevant international agreements and other legal instruments in the area of rail safety and security (TRANS/SC.2/2005/1), the Working Party decided in 2007 to organize, jointly with the International Union of Railways (UIC), a workshop on rail security as part of its 62. session to be held in November 2008 (ECE/TRANS/SC.2/202, paras. 7-8; ECE/TRANS/SC.2/204, paras. 7-8; ECE/TRANS/SC.2/206, paras. 18-19; ECE/TRANS/SC.2/208, paras. 15-17).

7. Also, the Working Party on Inland Water Transport (SC.3) had considered security issues during its sessions in 2006 and 2007 and, in particular, concrete security provisions of inland waterway infrastructure for possible insertion into the European Agreement on Main Inland Waterways of International Importance (AGN) (ECE/TRANS/SC.3/2006/7 and Add.1). The Working Party had however felt that it was premature to adopt such provisions as it would need to be ensured beforehand that such provisions coincided with other initiatives presently considered in other international organizations, such as the European Commission and the International Maritime Organization (IMO) (ECE/TRANS/SC.3/174, paras. 21-22; ECE/TRANS/SC.3/178, para. 12).

III. RECOMMENDATIONS OF THE EXPERT GROUP

8. As the recommendations of the expert group were only contained in an informal document (English only - see above) and in a report presented by its chairman to the ITC session in February 2008, the secretariat is reproducing below the main issues considered and the recommendations made by the expert group as approved by the ITC at its seventieth session.

9. The expert group discussed the definition of security in relation to safety. The group considered a broad approach to the security concept and defined security for its work as “the protection of human beings, transport means and transport infrastructure against unlawful acts of any kind, including crime, vandalism and terrorism”. This broad approach should facilitate decisions related to cost/effectiveness about investments to be made for combating terrorism. The focus of the Group’s work, however, was the threat of terrorist attacks, bearing in mind the priority of protecting human beings and political stability.

10. The expert group also considered the scope of its inquiry. The group kept in mind that, as the global policy in security matters is in most of the countries a competence of the Ministers of Home Affairs and/or Justice, the actions undertaken by the Ministers of Transport have to be in line with this global policy. First, whilst protection of goods is generally ensured by the transport sector, protection of passengers depends on a co-operation between transport sector and police. Second, “inland transport” was defined not to include maritime transport. However, in order not to ignore important maritime/ports linkages some critical issues that fall outside the scope of “inland transport” were taken into account. Finally, urban transport should be considered as a specific aspect of “inland transport”, but it is often run under control of local or national authorities, without international implications. However, as urban transport has been one of the main targets of terrorism during the last years, an effort should be made at the international level to tackle this aspect of transport security.

11. In terms of recommendations, the expert group focused on perceived deficiencies in the area of inland transport security. First, as security of passengers, more specifically on urban transport users, appeared to be neglected at the international level as compared to efforts undertaken to enhance security in the area of transport of goods, there might be a need for re-balancing. Second, while many protective measures already existed in ports and airports, inland transport seemed to be relatively under-protected due to its “open environment”. For example, security of containers is well ensured within ports, but it effectively disappears outside of them. Inland transport appeared to be the weakest security link in today’s supply chain.

12. Vulnerable points such as rail stations, railways, roadways, tunnels and bridges are difficult to protect, due to their public access, compared to others transport modes. Therefore, a support to research in new infrastructure protection technologies (such as control and detection systems) is of high importance. Screening and vetting of the personnel working in the inland transport sector, particularly in or close to critical infrastructures, could be a relevant means to reduce the risks.

13. Third, there is no international body for land transport security, of both goods and passengers, equivalent to IMO and ICAO (which have been instrumental in increasing worldwide maritime and air security). The existence of these two organizations made it possible to have international standards and rules adopted and applied worldwide in the maritime and aviation sectors, including security aspects. However, international co-operation takes place in certain mode-specific professional organizations and in an “International Working Group on Land Transport Security” created by interested governments.

14. Finally, the expert group believed that recommendations in the final report should focus on the UNECE international legal instruments. In this context, all UNECE transport subsidiary bodies should begin, as appropriate, work towards incorporating security provisions in the relevant legal instruments. They should also examine the implementation of existing security provisions and to evaluate if they are sufficient. In particular, in the area of transport of dangerous goods, WP.15 with other relevant international organizations could evaluate the implementation of Chapter 1.10. In general, subsidiary bodies should explore cost effectiveness of the existing and/or future security provisions.

15. The expert group’s terms of reference stipulate that the group is “to prepare in a coordinated manner recommendations and/or proposals to the UNECE Governments for consideration by the ITC for improving inland transport security in *inter alia* the following areas of activity: infrastructure, personnel, goods, transport means, information exchange and borders.” Moreover, the Terms of Reference state that “the above recommendations and/or amendments to existing legal instruments should, *inter alia*, be aimed at minimizing the risk of terror attacks in the field of inland transport...”.

16. In line with this mandate the expert group agreed on the following recommendations:

(a) The expert group invites all UNECE member States and other interested parties to provide the secretariat with up-to-date information about inland transport security regulations and initiatives in order to complete and maintain the inventories of national legislation and regulations, international regulatory initiatives and private sector standards and best practices.

(b) The expert group recommends that all subsidiary bodies of the ITC review international legal instruments under their respective areas of responsibility. As a first necessary step, each subsidiary body will place “transport security” on the agenda of its first session after 20 February 2008.

(c) The reviews – by each subsidiary body - will necessarily include the following elements and be undertaken in order to:

- (i) create an inventory of the existing security measures;
- (ii) provide a clear rationale/justification why there exist no security measures, if appropriate;
- (iii) provide a preliminary evaluation concerning the appropriateness/sufficiency of the existing security measures;

- (iv) examine the effectiveness of the implementation of the existing security provisions;
- (v) create a list of potentially desirable additional security measures;
- (vi) explore the cost effectiveness of future security provisions.

(d) The expert group recommends that chairmen of all UNECE subsidiary bodies provide preliminary written reports on their findings not later than two months prior to the 2009 ITC session. The reports should be sent to the Director of the UNECE Transport Division.

(e) In addition to work on recommendations (b), (c) and (d), as appropriate, subsidiary bodies of the ITC should begin and/or continue work towards incorporating security provisions in the relevant international legal instruments under their responsibility.

(f) All subsidiary bodies should explore the relevance/applicability of the draft annex IV to the AGN agreement to be used as a possible approach.

(g) In the area of transport of dangerous goods, WP.15 with assistance of other relevant international organizations should assess the implementation of Chapter 1.10 of ADR, ADN and RID.

(h) The expert group recommends that ITC delegates take note that Russia, with assistance of the UNECE, may convene an international conference to address issues of future co-operation in inland transport security.

(i) Other areas of possible future security work by UNECE subsidiary bodies could include the following inland transport areas: container security beyond maritime/ports; public urban transport security, critical transport infrastructure protection and research in the area of transport security technology.

(j) In order to take stock of the above work, the expert group should be re-activated for a two-day session prior to the 2009 session of the ITC.

IV. ACTION TO BE TAKEN BY THE WORKING PARTIES

17. As requested by the ITC, the Working Parties may wish to review the above recommendations in light of their earlier considerations on transport security in order to allow their chairmen, as requested, to inform the multidisciplinary expert group and the ITC on the position of the Working Party.
