



**EUROPEAN CONFERENCE OF MINISTERS OF TRANSPORT
COUNCIL OF MINISTERS**

Council of Ministers

SECURITY IN TRANSPORT

Security and Terrorism in the Transport Sector

Policy Note and Declaration

This document was examined under item 3 "Main discussion blocks: Security in Transport" of the draft Agenda for the Ljubljana Council of Ministers.

Ministers expressed their agreement with the contents of the Policy Note and adopted the Declaration.

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SECURITY AND TERRORISM IN THE TRANSPORT SECTOR

POLICY NOTE

1. CONTEXT

Transport has long been a preferred means of terrorists for exacting maximum damage to targeted infrastructure, vehicles and human lives. Following the tragic events of 11 September 2001, transport decision-makers moved quickly to re-assess and take stock of the implications for the transport sector brought about by the unprecedented use of transport vehicles for terrorist purposes. Measures taken to enhance transport security since that time have built on an existing counter-terrorism policy framework, established over many years in response to previous traumatic events involving transport such as the explosion of Pan Am flight 103 over Lockerbie, Scotland in 1988 and the numerous terrorist acts to notably public transport infrastructure and vehicles in Europe and elsewhere in the latter decades of the last century.

Recent events have served to reinforce fear of terrorist action in transport: two terrorist truck-bombs exploded near the British consulate and a British bank in Istanbul in November 2003, killing at least 27 people and injuring 450. In February 2004, a terrorist bomb exploded in the Moscow metro, which carries upwards of 8 million passengers per day, killing 40 and injuring more than 100. Later the same month a terrorist entity threatened to explode bombs throughout the French railway system unless several million euros were paid by the French government. Shortly thereafter in March, ten deadly bombs exploded in commuter trains and in three of Madrid's rail stations, killing 200 people and injuring more than 1000.

These events have called Transport Ministries to the frontline to respond, requiring them to co-ordinate emergency response plans with other government agencies -- notably ministries of the Interior -- and to re-assure a traumatised public that all necessary measures are being taken to address the crisis and restore calm. The attacks have also served as reminders of how vulnerable the transport system remains to terrorism -- in spite of heightened security since 9-11 -- and how the system persists, in effect, as an attractive target for terrorist activity due to, among others, its relative accessibility and the large numbers of people using the system.

The two years since Ministers first addressed the subject at the Bucharest Council have seen some progress in the development and implementation of policies to respond to the new transport security climate. They have also seen the emergence of a number of fundamental questions concerning the balance between tighter security measures -- for example, those now in place in the aviation and maritime sectors -- and their costs, (e.g., delays in travel time of air travellers as a result of tighter security procedures in airports and hold-ups in freight movements caused by more stringent port security requirements). Where tighter security measures can on the contrary provide benefits in terms of trade facilitation is also a question under debate at this time.

Ministers recognised in Bucharest the need to reach a balance between enhanced security measures and their costs, while also acknowledging the need to respond to the unprecedented level of perceived terrorist threat that has characterized the transport policy climate since September 2001.

At the same time, methodologies enabling comprehensive assessment of the actual risks of terrorist action as well as the costs and benefits of measures to mitigate the threat of terrorist attack are not yet fully developed. Consequently, transport-sector measures are in many cases being defined and implemented without the refinement that comes from solid ex-ante assessment.

And whereas transport authorities are called to the forefront in cases of crisis, they do not have all of the legal and regulatory tools at their disposal to take action to mitigate threat or respond to attack. Ministers in Bucharest recognised this, agreeing that a co-ordinated approach to security was essential, both within governments and among countries in a multilateral framework. This multilateral forum exists for both maritime transport and aviation, but has yet to be fully established for inland transport modes and more generally, for the transport chain as a whole.

2. KEY POLICY DEVELOPMENTS IN TRANSPORT SECURITY SINCE 2002

Progress in adjusting to the new security environment

In examining developments in transport security over the last two years since the Bucharest Ministerial, there appears to have been some progress overall within the transport sector in coming to terms with a new transport policy environment in which security is close to – if not at – the top of the policy priority list in many countries.

Individual transport sector modes have since 2002 made efforts to facilitate multilateral exchange on security issues, though an inter-modal framework for inland transport security remains for the moment an objective, despite several initiatives underway.

Whilst the maritime and aviation sectors have continued to enhance measures employed in the immediate aftermath of September 11, 2001, inland transport has begun to define ways to build on existing regulations governing, for example, transport of dangerous goods, to meet the more stringent requirements of the current security policy context.¹

But many challenges remain

Many complex challenges concerning how to deal with transport terrorism remain to transport policy-makers, however. And the recent terrorist attacks in Moscow and Madrid – horrifically costly both to human lives and to transport vehicles and infrastructure -- have added heightened urgency to the need to find ways to better protect the clients of the transport system as well as the system itself from terrorism. These attacks highlight the vulnerability of passenger rail and public transport to terrorist action even when security measures have been put in place.

Recognising and doing something about the vulnerabilities in the transport system before terrorists very effectively point to those vulnerabilities with their destructive actions is, it would seem, the biggest security challenge to decision-makers at this time.

¹ Policy initiatives within and among modes are described in more detail in the reference document accompanying this report: *Note on Security and Terrorism in the Transport Sector: Key Issues and Actions* CEMT/CM(2004)21.

But policy-making is carried out within a framework that carries with it constraints – be they economic, financial, regulatory, legislative or others. Assessing and addressing the security threat, translating that threat into effective and efficient policy measures to mitigate the threat, while considering costs -- who will pay for the measures, how these costs weigh against their benefits, and how tighter security can be reconciled with safe and efficient transport of persons and goods throughout the economy – these are just some of the emerging transport security policy challenges to transport decision-makers in this post-September 11 transport security policy environment.

3. QUESTIONS EMERGING FROM THE CURRENT POLICY CONTEXT

The magnitude of human and physical loss brought about by the use of transport vehicles as bombs in the New York and Washington attacks have caused governments to make avoidance of a repeat scenario a necessity at almost any cost.

Clearly, in the immediate aftermath of crises such as the 2001 attacks in New York and Washington and the recent public transport and commuter rail bombings in Moscow and Madrid, costs of measures are not the principal priority for decision-makers. First and foremost is the need to address the crisis -- reassure the public that everything possible is being done to respond to the attacks and to ensure their safety as they continue to travel on the transport system. Times of crisis are without a doubt not the appropriate moments to bring forth – publicly at least -- questions of proportionality.

But over time, in a medium-to-long term perspective, the public needs to be helped to understand that a 100% secure transport system is not possible to achieve. And questions do arise as to how to assess the risk of tragic terrorist scenarios such as these. To what extent are existing policies able to respond – even with some adjustment -- to heightened risk of terrorist action? Where are additional measures needed? And how to accurately evaluate their benefits in terms of threat mitigation against the costs that will be incurred? This is particularly important given the need for measures that are proportional to resource availability and perceived risk. What institutional adjustments are necessary to respond to security needs as efficiently and effectively across transport modes as possible?

Weighing the costs of tighter transport security against their benefits

Ministers pointed in Bucharest to the need for a balancing of security measures with efficiency considerations. However questions remain as to nature of these costs (e.g., investments, costs from the negative impact of security arrangements on transport operations or due to an absence of security measures, time delay costs, running and operating costs) and who (e.g., government, industry, users, taxpayers) will bear the cost burden over time.

Whereas the costs of transport security measures have been shown to be significant in certain cases, the possible benefits for trade facilitation of enhanced security measures should not be ignored; indeed security and trade facilitation may go hand in hand, particularly in as much as certain measures can facilitate information flow and increase transparency and integrity – all of which can facilitate trade.

Assessing where that optimal balance lies between tighter security measures, their impact on efficiency in transport sector operations in the short and medium term, and the benefits that they accrue for a more secure transport system and for trade facilitation in general may, however, be easier in some cases than others.

Balancing security v. other transport policy priorities

Another factor in the efficiency equation involves balancing enhanced security prerogatives with other priorities for transport policy. The need to mitigate terrorist threat in urban public transport -- a prime target for terrorist action because of the opportunity to inflict mass casualties and economic damage -- is one illustration of this, whereby competition for limited resources can lead to a funnelling of funding away from initiatives to improve the service quality of public transport and into enhanced security measures. Such measures --while necessary -- can also compromise ongoing efforts to provide quality public transport service by limiting access, engendering delays, and possibly leading to increases in fares. For this reason, security questions might best be addressed over time as one aspect of an integrated quality approach to public transport provision.

Assessing and managing the risk

Limited resources in transport sector budgets require that resources be linked with the highest priority budgetary needs. In the transport security context, evaluation of risk is essential in order to efficiently allocate limited resources to actions of the highest importance.

Transport-sector measures to enhance security are, in many cases, being defined and implemented without ex-ante assessment of threat and vulnerability. A more comprehensive approach to risk management that takes into consideration differentiation of threat levels, geographic and modal contexts in addition to institutional arrangements and funding streams is indispensable in order to more efficiently align risk of terrorist action with policies to mitigate the threat.

The question arises: what are the acceptable levels of risk in a given terrorism scenario involving transport? In some transport sectors and in some countries, it would appear that the fear of another cataclysmic event such as that of 11 September 2001 has been so great that efficiency considerations have been considered only after costly policy responses -- considered adequate for perceived threat levels -- have been defined.

The principles behind risk management hold that while risk most likely cannot be entirely eliminated, it can be assessed so that properly aligned policy responses can help mitigate the threat. In this way, use of this type of risk analysis-based approach could provide the proper underpinning for more efficient decision-making on transport security issues.

With this in mind, distinctions have to be made between different levels of risk. For example, risk is no doubt higher for transport of dangerous goods than of other kinds of goods. It follows that security measures needed to combat terrorism may be distinct from those needed against other forms of transport crime (though this does not preclude the need to capitalise on existing anti-crime measures in transport terrorism policy planning).

Further, threats may vary between different countries, Europe-wide or world-wide; measures handed down in one country or within one geographical context may not be appropriate in all cases. Whereas measures for counter-terrorist security need to be aligned with and proportionate to the threat level -- which may vary from country to country and from time to time -- measures to combat transport crime (e.g. for transport of dangerous goods) will most likely remain constant across countries and time.

Differentiating risk among modes is also necessary. The very significant measures for aviation security may not be necessary or appropriate for all modes, and unless the threat level justifies it, there is no reason why one mode of transport should pay for costly security measures because of the threat to another mode. This being said, there may be a risk that mode-specific security measures -- sometimes

carrying considerable cost -- create some level of competitive distortion among modes. This may need to be explored further.

Assessing and managing risk does entail its own funding however. This is a particular problem for local authorities and transport operators, who must shoulder the burden in many cases for immediate response to crisis in cases of terrorist attack. Transport Ministers agreed in 2002 that they had a role in providing support for risk and vulnerability assessments for local and regional public transit as well as for training of personnel on emergency procedures within and between modes.

4. RESPONDING TO THE QUESTIONS: ROLE OF TRANSPORT AUTHORITIES

Part of managing the risk of terrorist action to transport involves carefully planned institutional co-operation. The realignment of the transport security priority has carried with it necessary adjustments at different levels of government, among them institutional, budgetary, and organisational.

Whereas national government holds responsibility for the overall strategy for transport security, regional and local levels often own significant portions of transport infrastructure (airports, public transport systems, motorways and ports) and are called first to react in times of crisis; therefore clear delineation of the roles and responsibilities of all levels of government is essential in order to respond effectively and efficiently to crisis situations brought about by terrorist action in transport.

Ministers of Transport in Bucharest recognised the need for an inter-modal framework for transport security co-ordinated among Ministries and agencies handling national security and terrorist issues -- in particular ministries of the Interior and Defence – and among levels of government.

Within this context, Ministries of Transport can continue to work towards better reconciling transport security and efficiency questions as summarised in this note by:

- defining a transport security policy framework in co-ordination with other relevant governmental bodies, intelligence services and police, assigning specific transport security responsibilities to appropriate levels of government and relevant agencies.
- supporting the development and refinement of assessment methodologies to better ascertain the costs and benefits of enhanced security measures for the transport sector.
- working together with other national Ministries and agencies to establish an overall inter-modal framework for risk management. Within this context, regional and local authorities as well as modal associations and industry may be better equipped to carry out specific vulnerability and risk assessment.
- sharing experience and good practice in these areas with other governments in order to further understanding and co-operation.

SECURITY AND TERRORISM IN THE TRANSPORT SECTOR

DRAFT DECLARATION

We the Ministers of ECMT Member countries meeting in Ljubljana on 26 and 27 May 2004:

CONDEMN the recent terrorist attacks involving transport in Istanbul, Moscow and Madrid;

REAFFIRM our determination to work at national and international levels to ensure that transport is able to exercise its vital role in society and the economy, unhindered by the threat of terrorist action;

RECOGNISE that whereas progress has been made in recent months to enhance security across the transport sector, vulnerabilities within and among modes remain – particularly in inland transport and most notably in commuter rail and public transport, as most painfully highlighted by two of the above-mentioned recent attacks.

REITERATE our commitments set forth in the 2002 ECMT Ministerial Declaration on Security and Terrorism in Transport in particular to,

- Promote a co-ordinated inter-modal approach to security in the transport sector in co-ordination with other government bodies;
- Provide support as needed for risk and vulnerability assessments as well as training for personnel on emergency procedures within and between modes and on regional and local levels;
- Seek measures that create complementarity among security, safety and counter-terrorism measures;
- Share to the extent possible our experience and best practice on transport security and counter-terrorism with other governments in order to further understanding and co-operation in this area; and

ACKNOWLEDGE progress toward these commitments as highlighted in the *Note on Security and Terrorism in the Transport Sector: Key Issues and Actions* CEMT/CM(2004)21 and as summarised in the present Policy Note;

RECALL our commitment articulated in the 2001 Ministerial Conclusions on Combating Crime in Transport to set up specific contact points within Ministries to handle all crime and security questions;

AGREE the recommendations for Inland Transport and Maritime Authorities as set out in the *Report on Container Transport Security Across Modes* CEMT/CM(2004)22;

SUPPORT the findings of the *Note on Security and Terrorism in the Transport Sector: Key Issues and Actions* CEMT/CM(2004)21 particularly those pertaining to balancing enhanced security with efficiency as summarised in the present Policy Note,

AGREE to:

- Clearly delineate and communicate the roles and responsibilities for transport security at all levels of government in order to respond effectively and efficiently to crisis situations brought about by terrorist action in transport;
- Support efforts – particularly as concerns the refinement of assessment methodologies -- to better ascertain the costs and benefits of enhanced security measures;
- Define and develop an inter-modal framework for risk management, allocating responsibility as appropriate for detailed risk and vulnerability assessment to regional and local transport authorities and industry;
- Share experience and good practice in these areas to the extent possible with other governments in order to further understanding and co-operation;
- Ask Deputies to continue to monitor progress toward implementation of the 2002 Ministerial Declaration and of these recommendations.