



**Asia-Pacific
Economic Cooperation**

Land International Security Commuters' and Advocacy Protocol



FINAL REPORT

Revised 1.0

04 February 2010



**Asia-Pacific
Economic Cooperation**

Project ID # TPT05-2007

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APEC Publication Number APEC#209-TR-01.3

ABBREVIATIONS

FINAL REPORT

AFS	Administrative and Finance Service
AIU	Area Intelligence Unit
AP	Airport Police
APEC	Asia Pacific Economic Conference
ARMM	Autonomous Region for Muslim Mindanao
ASOs	Airport Security Officers
ATO	Air Transportation Office
BASE	Baseline Assessment for Security Enhancement
BCDA	Bases Conversion Development Authority
CAB	Civil Aeronautics Board
CASS	Civil Aviation Security Service
CCTv	Closed Circuit Television
CP	Customs Police
CSO	Company Security Officer
CSU-ATO	Civil Security Unit-Air Transportation Office
DILG	Department of Interior and Local Government
DOTC	Department of Transportation and Communications
DVD	Digital Versatile Disc
ICAO	International Civil Aviation Organization
ICSS	Intelligence and Communications Security Service
IMO	International Maritime Organization
IOS	Intelligence and Operations Service
IRR	Implementing Rules and Regulations
ISPS	International Ship and Port Facility Security
IT	Information Technology
LARSS	Land and Rail Security Service
Land-ISCAP	Land International Security Commuters' Advocacy Protocol
LPRAS	Legal Policy Research and Adjudication Service
LRT	Light Rail Transport
LRTA	Light Rail Transit Authority
LTFRB	Land Transportation Franchising Regulatory Board
LTO	Land Transportation Office
MARSS	Maritime Security Service
MARINA	Maritime Industry Authority
MMDA	Metropolitan Manila Development Authority
MPSTSCA	Mass Passenger Surface Transport Security Conference Agenda
MRT	Metro Rail Transit
NCASC	National Civil Aviation Security Committee
NCASP	National Civil Aviation Security Programme
NSC	National Security Council
OSG	Office of the Solicitor General
OTS	Office for Transportation Security
PCG	Philippine Coast Guard
PFSOs	Port Facility Security Officers

PHIVIDEC	Philippine Veterans Investment & Development Corporation
PLT-CSIS	Public Land Transport Critical and Strategic Infrastructure and Services
PNP-ASG	Philippine National Police Aviation Security Group
PNP-MARIG	Philippine National Police Maritime Group
PNP-TMG	Philippine National Police Traffic Management Group
PNR	Philippine National Railways
PPA	Philippine Ports Authority
PTSA	Philippine Transportation Security Authority
RRC	Revised Rules of Court
SO	Security Officer
SOTC	Secretary of Transportation and Communication
SWOT	Strength Weaknesses Opportunities Threats
TOR	Terms of Reference
TOR/RE	Terms of Reference & Rules of Engagement
TPT-WG	Transport Technical Working Group
TPT-WG/LEG	Transport Technical Working Group Land Expert Group
TSA	Transportation Security Administration
TSGP	Transit Security Grant Program
TSTDI	Transportation Security Training and Development Institute
TTPI	Transport and Traffic Planners (TTPI) Inc.
TWG	Technical Working Group
USA	United States of America
VIPR	Visible Intermodal Prevention and Response
WMATA	Washington Metropolitan Areas Transit Authority

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MAIN REPORT

1.0 INTRODUCTION

1.1 Project Background

One basic feature of an efficient transportation system is the safety and security of people and goods that have to be moved from one place to another. Goods must not be lost or destroyed and passengers should not be harmed, injured or killed. Recent happenings however have shown that there are a lot of threats to security in transportation, especially to passengers. It is along this context that the Transport Technical Working Group (TPT-WG) of the Asia Pacific Economic Conference (APEC) has emphasized the need to enhance the safety and security of APEC transport systems to encourage economic development in the Asia-Pacific region.

The Transport Ministers of APEC economies, in their fourth meeting in Bali, Indonesia on 27 to 29 July 2004, recognized that transnational organized crimes are increasingly posing threats to transport security. In view of this and in order to implement the goals of the APEC Leaders' statement on counter-terrorism, the Ministers have given priority to the improvement of transport security and safety in the region. Likewise, during the Ministers' Meeting in Tokyo, Japan in January 2006, the need to address rail and mass transit security issues was upheld and it was agreed that the sharing of best practices and enhanced global cooperation in passenger land/rail transport security be facilitated.

It is noteworthy to say that there are transport security protocols in civil aviation and maritime transport. The former has Annex 17 to the International Civil Aviation Organization (ICAO) Convention on International Civil Aviation. The latter has the International Maritime Organization (IMO) International Ship and Port Facility Security (ISPS) Code. However, there is no such protocol in the land and rail transport sector.

Presently, there is no international organization for public land/rail transport that can act as either a regulatory body or a clearinghouse for internationally accepted standards and guidelines. Individual economies have striven to address new land/rail and mass transport threats, but have been constrained in their efforts to do so in a coordinated fashion. As well, individual economies have taken initial steps to identify vulnerabilities and mitigate resulting security gaps.. In conjunction with the G8 subway and rail project, a meeting of experts convened in Moscow in October 2005 to discuss vulnerabilities, mitigation strategies and protective programs in place among member states. Further international collaboration is needed to properly address threats and to identify the best mitigation strategies. Member economies would benefit from the sharing of ideas that would eventually lead to an agreed upon set of guidelines or principles when assessing threats posed to rail and mass transit systems.

To address the above issues, the Philippines has initiated the undertaking of this study which aims to prepare a draft protocol on land/rail transport security for the APEC region for consideration by APEC economies. Transport and Traffic Planners (TTPI) Inc., a Philippine consultancy firm, has been commissioned by APEC to undertake this study. It is officially called the "Land International Security Commuters' Advocacy Protocol (Land ISCAP) Study", with Project ID No. TPT05-2007. The project overseer is Undersecretary Cecilio R. Penilla, Administrator of the Office for Transportation Security (OTS) under the Department of Transportation and Communications (DOTC), Republic of the Philippines.

1.2 Objectives of the Study

The main objective of the study is to evaluate existing public land/rail transport security mitigation measures, draw up and design a set of Terms of Reference & Rules of Engagement (TOR/RE), establish an advocacy campaign to refocus the culture of public land transport commuters and enhance their vigilance & awareness on pro-active security program plan of actions against terrorism.

More specifically, the objectives of the study are:

1. To accelerate the formulation and publication of international land transportation security standards and commuter/stakeholders protocol and/or code;
2. To advocate and encourage human resource capacity-building for counter-terrorism initiatives relative to the protection of public land transportation sector and its constituency-beneficiaries; and
3. To provide inputs to the “Best Practices” under the core elements of counter-terrorism initiatives in order to downgrade security risk factors for the public land transport sector.

2.0 PROJECT METHODOLOGY

The project was undertaken in accordance with the methodology described as follows:

2.1 Environmental Scanning, SWOT Analysis and Identification of Public Land Transport-Critical Strategic Infrastructure and Services (PLT-CSIS)

These activities were done in two (2) stages, namely, for the Philippine situation and for APEC member economies. Consultations were made and surveys were undertaken. For the Philippines, a conference was held in February 2008. This was attended by representatives from land transport government agencies and stakeholders from the private sector. The conference was able to generate information on the land transport security situation in the Philippines, particularly on:

- Types of land/transport infrastructure facilities and services
- Basic operational characteristics of each type of service
- Current security measures
- Current security threats and problems
- Suggestions on improving security measures

A survey was likewise undertaken on APEC member economies based on prepared questionnaires. Questionnaires were disseminated to these economies through email communications. Data gathered from both the consultations in the Philippines and the survey among APEC economies were compiled. A summary is given.

(a) Public Land Transport Critical and Strategic Infrastructure and Services (PLT-CSIS)

1. Infrastructure
 - a. Roads and bridges
 - b. Railroad tracks and bridges
 - c. Rolling stocks
 - d. Vehicles
 - e. Terminals
 - f. Bus/Jeepney stops
 - g. Depot
2. Services
 - a. Passenger
 - b. Baggage/Cargoes
 - i. Carry-on
 - ii. Checked-in

(b) SWOT Analysis

- Strengths
 - a. Industry is regulated by government and standards can be issued and imposed.
 - b. Bus operations are in private hands and can respond quickly to address security concerns.
 - c. Urban rail is operated by government corporations with fiscal autonomy and can respond quickly to address security concerns.
 - d. A government authority with specific mandate on transport security is existing and operational.
- Weaknesses
 - a. Government bureaucracy is slow to respond to or to initiate change.
 - b. Legislation might be needed to implement changes in existing public transport system.
 - c. Weak enforcement.
 - d. Obsolete facilities.
- Opportunities
 - a. Growing awareness and individual responsibility on security.
 - b. Disenchantment with terrorists/radical groups.
- Threats
 - a. Terrorist access to latest technology
 - b. Extremism

(c) Proposed Land Transport Security Measures

i) At Terminals/Stations/Vehicles

Public land transport operators should have in place security measures, front-line and behind-the-scenes, to improve security of public land transport passengers. Some of these measures shall be conducted regularly, whilst others are done at random basis.

Some of the front-line security measures conducted at the station or on board the vehicle are:

1. Uniformed security guards, police officers and marshals
2. CCTV units
3. K9 units
4. Identification checks
5. Passenger and carry-on baggage screening (x-ray machines, metal detectors and manual screening)
6. Checked baggage screening
7. On-board security checks

Apart from the usual entry inspection, randomly selected passenger and their baggage, handbags, laptops, or other personal items may be

inspected. All measures shall be taken to complete the inspection as quickly as possible and in a manner that accords respect to the passenger's right as much as possible. Passengers failing to consent to security procedures shall be denied access to vehicles and refused carriage.

While in station, waiting area or on board the vehicles, remember:

1. Be aware of your surroundings
2. Report any suspicious activity or unattended luggage by notifying security personnel
3. Do not approach or pet police (K-9) dogs
4. Keep your personal items secure and in close proximity. Valuable personal items are usually the targets of pickpockets.

ii) Ticket Purchase (Long-Distance Express/Limited Stops Bus Service)

To be able to purchase a ticket/s from station ticket agents or on board the vehicle from the conductor, the customer must be at least 18 years of age (legal age to enter into a contract, contract of carriage) and must produce valid photo identification. To be valid the identification must be current and in-force. The following forms of identification are acceptable.

1. One piece of photo identification issued by a government authority
2. Two pieces of photo identification, if not issued by a government authority

iii) Baggage Restrictions

Baggage restriction is strictly enforced for safety, security and comfort of the passengers.

The following guidelines shall apply to carry-on baggage:

1. Each passenger may bring aboard one-piece of carry-on baggage only. Not included in this limit are personal items (one-piece per passenger) such as briefcase, laptop and infant gear, like stroller and diaper bag.
2. Each carry-on baggage may weigh no more than 10 kilos
3. each carry-on baggage may not exceed 70 cm x 55 cm x 35 cm
4. Each carry-on baggage must be visibly tagged with the name and address of the passenger.

The following guidelines shall apply to checked-in baggage:

1. Each passenger may bring aboard up to two pieces of checked-in baggage only. Additional checked in baggage upon payment of corresponding fee.
2. Each checked-in baggage may weigh no more than 20 kilos.
3. Each checked-in baggage may not exceed 90 cm x 90 cm x 90 cm.

4. Each checked-in baggage must visibly tag with the name and address of the passenger.
5. Each checked-in baggage must be packed using sturdy luggage or containers that are capable of withstanding expected handling.

The following kinds of items are prohibited (either carry-on or checked-in) baggage:

1. Any type of gun, firearm, ammunition, explosives or weapon.
2. Large, sharp objects such as ice picks, swords and axes.
3. Club-like items, such as Billy clubs and nightsticks.
4. Incendiaries, including flammable gases, liquids and fluids.
5. Corrosive or dangerous chemicals or materials, radioactive and harmful bacteriological materials.
6. Oversized and/or overweight items.

2.2 Draw-Up Initial TOR/Rules of Engagement (or Land Transport Security Protocol)

The Study Team considered both the International Ship and Port Facilities Security (ISPS) Code and Annex 17 to the Convention on International Civil Aviation Security - Safeguarding International Civil Aviation against Acts of Unlawful Interference (Annex 17) in drafting the Land-ISCAP protocol. Considering that the Annex 17 is more straightforward and the conditions are more or less identical to the security requirements of land transport, the initial drafts of the Land-ISCAP protocol were patterned from Annex 17. The basic principles that were borrowed from Annex 17 were: (1) States or Economies must ensure that the safety of passengers, crew, ground personnel and the general public is the primary concern; (2).that each State or Economy is required to establish its own security program with such additional security measures as may be proposed by other appropriate bodies; (3) there is a need to co-ordinate the activities of those involved in security program. It is recognized that transport operators themselves have a primary responsibility for protecting their passengers, assets and revenues, and therefore States or Economies must ensure that the carriers develop and implement effective complementary security programmes compatible with those of the transport facilities out of which they operate. Based on this, the Initial Draft Protocol on Land Transport Security was prepared in May 2008.

The Initial Draft Protocol's general outline is as follows:

- a) Chapter 1 - General Principles
 - Objectives
 - Security and Facilitation
 - International Cooperation
 - Equipment, Research and Development
- b) Chapter 2 - Definitions
- c) Chapter 3 - Organization
 - Economy Organization and appropriate Authority
 - Land Transport Facility Operations
 - Land Transport Vehicle Operators
 - Quality Control
- d) Chapter 4 - Preventive Security Measures
 - Objectives

- Measures Relating to Land Transport Vehicle
 - Measures Relating to Passengers and their Cabin Baggage
 - Measures Relating to Compartment Baggage
 - Measures Relating to Cargoes, Mail and Other Goods
 - Measures Relating to Access Control
- e) Chapter 5 - Management and Measures to Secure and Protect Land Transport System
 - Preventive
 - Response
 - Exchange of Information and Reporting
- f) Chapter 6 - Commuters' Awareness and Advocacy Programme
 - Objective
 - Program

The Initial Draft Protocol is shown in **Appendix A**.

The Initial Draft Protocol was presented to the Technical Working Group (TWG) of the Philippines on Land Transport Security. The main comments of the group focused on the use of terms such as unlawful interface as regards the definition of the word security.

The Study Team prepared a questionnaire regarding current land transport services, current security measures and institutional structures. This was sent to APEC economies in May 2008. The questionnaire is shown in **Appendix B**. Unfortunately, only two (2) economies sent replies to the questionnaire.

Based on comments of the Initial Draft Protocol the initial draft was revised in June 2008. The first revision of the Initial Draft Protocol is shown in **Appendix C**. The Project Overseer also gave some comments which led to second and third revisions of the initial draft (see **Appendix D** for the second revision and **Appendix E** for the third revision). The third revision of the initial draft (in August 18, 2008) was disseminated to APEC economies for comments. At the same time, questionnaires were also sent to the said economies to check whether the initial draft protocol is applicable to them. The questionnaire is shown in **Appendix F**.

A total of seven (7) economies have responded to the questionnaire and the responses are shown in **Appendix G**. Not all items were replied. Some of the general information that can be tapped from the responses are:

- a) an economy agency in transport security is in place
- b) agency control to local level exists in from out of seven respondents
- c) public transport franchising exists in three respondents
- d) the most common from of security measure is CCTV (in five respondents)
- e) infomercials on land transport security are not quite common; however, posters and slogans are used in all respondents;
- f) other measures to improve land transport security are shared by five respondents (see best practices Appendix N1 to N5).

When the initial draft was circulated among the Economies, Japan, Australia and New Zealand recommended to the Study Team that the protocol should focus more on sharing best practices rather than requiring the Economies to meet certain obligations. Moreover, it was reminded that working principle within APEC is that

agreements are voluntary and not obligatory. It was recommended that the draft be revised following this framework.

The Study Team, in recognition of the APEC philosophy of respect for the authority of each member Economy, drafted a new draft protocol wherein obligatory words and clauses were deleted and were replaced by statements of guiding principles.

Taking into consideration the information gathered and the comments of some economies on the Initial Draft Protocol (third revision), a fourth revision was prepared by the Study Team in November 2008. This is shown in **Appendix H**. The Philippines convened stakeholders in the economy and some comments were raised, after which a fifth revision was prepared by the Study Team in June 2009 (see **Appendix I**). This fifth revision of the Initial Draft Protocol was the one presented during the Plenary Conference of APEC economies in Manila on July 15-16, 2009.

2.3 Design Advocacy Campaign for Commuters' Awareness on Land Transport Security

Talking points garnered from the APEC Conference on April 10-11, 2008, "Mass Passenger Surface Transport Security Conference Agenda (MPSTSCA), Dusit Thani Manila to help in the crafting of the advocacy campaign in the form of slogans and infomercials are, as follows:

1. The Project aims to submit as final a draft protocol on Land Transport Security for all APEC to follow which is absent in Land transportation i.e., road and rail. Unlike in air/aviation and maritime, there are existing protocols. Coupled with this draft protocol is an awareness campaign, and this is where slogans and infomercials come in.
2. The Philippines is project proponent through USEC Len Bautista of the Department of Transportation and Communications (DOTC), an offshoot of terrorist attacks/bombings on the Light Rail Transit (LRT) and public buses. Awareness campaigns, therefore, focus on the riding public as targets.
3. According to the keynote speaker on Day 2 of the MPSTSCA, indicators for attack planning on mass transport are low, thus, the public should increase ability to indicate for themselves potential attacks/threats.
 - Keep in mind to look at the whole environment and all members of security in that environment. Campaigns are part of preventive planning and not just the physical infrastructure.
 - Separate the terrorists from the tourist.
 - As campaign, frontline indicators and warning approach may be used. Use of CCTV and IT systems placed on high profile which people now appreciate more have been stressed.
 - Keep refreshing messages. Japan reported that the Japanese are averse to security checks despite the fact that culturally the Japanese people are more accepting. They stressed how important campaigns are. The balance between security and efficiency is raising public awareness.
 - Canada suggests report to a "hotline" any suspicious behavior. Security is the cost of doing business; businesses have to own "security". An example of this

would be an infomercial say on “Safe ang anak ko sa mall” (My child is safe at the mall”).

- Participants were one in saying different public security environments have different levels of tolerance. Campaigns should take this into account especially the differing cultures which means campaigns should not be overwhelming.
- Focus on what is positive and the benefits of awareness.

2.3.1 Slogans

Slogans are "Short, memorable advertising phrase: Examples include "Coke Is It," "Just Do It," and "Don't Leave Home Without It."

A slogan is a memorable one-liner that accompanies a campaign, would make a great print ad and is visual, similar to samples below:

AWARENESS is PREPAREDNESS

SECURITY should be our PRIORITY

NO NEED TO BE SCARED IF YOU'RE PREPARED

Security starts with **ME**

Be your own hero

BE SOUND. LOOK AROUND.

What is lacking to make this complete?

S E C _ _ R I T Y

U R.

SECURITY - Everyone's concerned for everyone's concerns.

Security is
Everybody's
Concern
U
R
Important
Teach and Train
Yourself

**Make Sure
That You're
Secure**

Who is the focal point of
SECURITY?
You are.

2.3.2 Infomercial

The infomercial script is presented in **Table 2.4-1**.

Table 2.4-1: Infomercial Script

SEQ	AUDIO	VISUALS
	LRT STATION	
1	Buboy: Mom, I'm so excited to ride the train! Mother: come on son! Move along...	LOC 1: LRT ENTRANCE Frame 1: Mother and Son Entering the LRT Station, camera on side of the entrance
2	Buboy: Mom, Why are the guards checking our bags? We might not catch our train Mother: Don't worry, they're just screening for dangerous things to ensure our safety	Frame 2: Focus shot on mother's bag being inspected and refocus on son's face at the background staring at the inspection. Frame 3: Mother looking down at the son, Son's eye view Frame 4: Mother pointing a poster specifying illegal items inside the station
3	Buboy: Look mom! I think someone left his bag! Mother: I see it. My you sure are observant!	LOC 2: TRAIN PLATFORM Frame 5: Mother's eye view holding his son, son pointing a bag at the corner Frame 6: Mother bent over to tap son's shoulders, side view shot showing mother and son
4	Bboy: Let's get it mom, so we can return it to its owner Mother : That's a great idea but I think it's even better to just report it to the authorities!	Frame 7: Son's eye view, focus on mother's face then refocus on guard on duty at the background Frame 8: Mother and Son walking away from the camera towards the guard Frame 9: Camera moves sideways and reveals Mother and son walking towards a station guard
5	Buboy : Why Mom? For security reasons? Mother: oh you are so bright my Buboy! Just like me! Buboy: I thought im like daddy?!	Frame 10: Side profile view Mother taps son's head With guard facing them

	BUS TERMINAL	
6	Buboy: Whoa! So many people! Mother: It seems like a lot of people are leaving for the province. In a crowd such as this, you should really be observant.	LOC 3: BUS TERMINAL Frame 10: Busy crowd passing left and right in front of the camera, revealing the boy "son" Frame 11: Frame 11: Busy crowd passing left and right in front of the camera, revealing buboy Frame 13 - 15: Shot of faces of different kinds of crowd at the station
7	Buboy : What should I do if I see people acting strangely? Mom : Just report it to a police officer!	Frame 16: Son salutes police and Police salutes back side view shot, after son and mom pass by the police officer
8	Buboy: Look mom! There are dogs ...sniffing the people's bags! Mother: They are police dogs that can detect dangerous things that people might carry inside the station or inside the bus.	Frame 17: Mother and son side view, son pulling mother's arms, son pointing at something Frame 18: Shot of K-9 unit sniffing bags, Camera slides and reveals son staring delightfully
9	Buboy: That is so great! Even the dogs are helping us to ensure our safety! Mother: That's why we should help one another in keeping our safety and security Buboy! Right mom! Now, let's go! The bus might leave us! Grampa! Granma! Her I come!	Frame 19: Son reached for mother's hand Frame 20: camera side of the entrance, Mother and Son boarding the Bus Frame 21: Bus leaving the terminal

Video copy of the above infomercial is presented **DVD Format** as attached at the back cover.

2.4 Plenary Conference

A plenary conference was held in Metro Manila, Philippines on July 25-16, 2009 for the following purposes:

- a) Draw up further comments and suggestions on the Draft Protocol (Fifth Revision) from member economies;
- b) Prepare a Final Draft Protocol based on the comments and suggestions of member economies.

Listed below are the attendees of the said conference.

Eight (8) economies attended the Plenary Conference. These are:

1. The United States of America (USA) - represented by Mr. Scottie Laird, TSA Attaché, USA Embassy, Manila
2. Australia - represented by Mr. Alan Gascoyne, OTS, DITRDLG & Mr. Graeme Nicholas, First Sec (Transport), Australian Embassy in Manila
3. Japan – represented by Mr. Masaoki Shirai & local staff, Embassy of Japan in Manila
4. Chinese Taipei – represented by Ms. I-Chun Chen, Ministry of Transport
5. Thailand – represented by Ms. Tusanee Sinlapabutra, Ministry of Transport
6. Mexico – represented by local staff from Embassy of Mexico in Manila
7. Canada – represented by local staff from Embassy of Canada
8. The Philippines – represented by Office for Transportation Security – Head of Delegation, Department of Transportation and Communications attached agencies such as the Office for Transportation Cooperative, Land Transportation Office, Land Transportation Franchising and Regulatory Board, Philippine National Railways, Metro Rail Transit, Philippine National Police-Highway Patrol Group, Department of Foreign Affairs.

Five (5) economies formally expressed regrets for not being able to send any delegate:

1. Singapore - Mr. Yam Song Goh, LTA & Ms. Seet Shu Ling, IRS, Ministry of Transport
2. Hong Kong, China - Ms. Queenie Wong, Transport & Housing Bureau, HKSARG
3. Malaysia - Indra Sumantri Eddie Mat Senal, Ministry of Transport
4. New Zealand - Ms. Jacinda Harrison, Ministry of Transport
5. Viet Nam - Mr. Tran Trong Doan, Embassy of Viet Nam, Manila

Seven (7) economies acknowledged receipt (through email and phone call) but did not respond to the invitation sent to their respective Ministries of Transport & Embassies in Manila: These are:

1. Brunei Darussalam (Embassy in Manila)
2. China (Ministry of Transport)
3. Chile (Ministry of Transport)
4. Indonesia (Ministry of Transport & Embassy in Manila)
5. Korea (Ministry of Transport & Embassy in Manila)
6. Papua New Guinea (Embassy in Manila)
7. Russian Federation (Ministry of Transport & Embassy in Manila)

Peru did not acknowledge receipt and did not respond to the invitation sent.

2.4.1 Main Activities of the Conference

The welcome address of the address of the conference was delivered by the Project Overseer, Undersecretary Cecilio R. Penilla, Administrator, of the Office for Transportation Security, Department of Transportation and Communications, Republic of the Philippines. An excerpt of the address is shown below:

“In behalf of the Philippine Government, I welcome you all to this Plenary Conference for the Land International Security and Commuters’ Advocacy Protocol (Land ISCAP) Project of the APEC. As Project Overseer, I am pleased to inform you that this Conference is one important milestone of

this Project because you, as delegates, will have the opportunity to participate in the drafting of a Protocol for Land Transport Security in the APEC region.

It is worthwhile to note that the Philippines initiated the Project in response to the concerns raised during the APEC Transport Ministers Meetings in Bali, Indonesia in July 2004 and in Tokyo in January 2006 on the need to enhance security in land/rail transport services. There are transport security protocols in Civil Aviation and Maritime Transport but there is none in the land/rail transport sector. This Project therefore seeks to fill this gap.

APEC has commissioned a local consultant to undertake a study on land/rail transport security needs and prepare a draft protocol for consideration by APEC. Several revisions of the Draft Protocol have been made the past several months through consultations with APEC member economies. In this conference, a new version of the Draft Protocol will be produced based on your comments and suggestions. This new version will be elevated to proper APEC authorities for consideration.

I therefore wish that we will have a fruitful conference. Good Day to All."

Two speakers shared valuable concepts on land transport security which can be adapted in other APEC Economies. One speaker was Mr. PAUL MURPHY of GHD Pty Ltd (Australia) who spoke on the "Development of Uniform Guidelines for Land Transport (Mass Transit) in a Non-Uniform Environment" (see **Appendix J**). The other speaker was Mr. PAUL LENNON, General Manager of the Mass Transit Division, Transportation Security Administration of the USA. His topic was, "Elevating Transit Security-Multi-Faceted Strategy" (see **Appendix K**).

The presentation of Mr. Paul Murphy of Australia spoke on the following issues:

- a) Economy Centre for Security Standards
- b) World Standards Cooperation
- c) International Working Group on Land Transport Security
- d) Development of Standards and Guidelines
- e) Non-Uniform Environment

On the other hand, Mr. Paul J. Lennon of the USA spoke on the following:

- a) Multi-Faceted Strategy on Transit Security
- b) Risk Profile of Transit Services
- c) Strategy to focus on:
 - elevating security baseline
 - building security force multiplier
 - leading information assurance
 - mitigating high consequence risk
 - expanding partnerships for security enhancement

The initial draft of the Land Transport Security Protocol (Fifth Revision) was presented to the conference delegates by the Project Consultant as shown in **Appendix I**.

2.4.1.1 Comments of the Draft Protocol (Fifth Revision)

Comments on the Draft Protocol (Fifth Revision) were raised during the conference. Two main comments were made by the delegates from the USA and Japan. These are shown in **Appendix L** and **Appendix M**. These comments were presented by the Project Consultant to the conference delegates upon which further comments and suggestions were made by the other delegates through verbal discussions. The main issues raised in the discussions regarding the said Protocol are summarized below. Items in the Draft Protocol not discussed below were adapted by the delegates.

A) *Title:*

USA suggested that this be called a Joint Statement. Japan opted for “The Final Report for Land International Security and Commuters’ Advocacy Protocol”. Australia further suggested that this be called the “2009 Land International Security and Commuters’ Advocacy Protocol” as an identifying mark in as much as the document is expected to undergo several revisions in the future. The delegates agreed to adapt the title as suggested by Australia.

B) *“PREAMBLE”*

- i) Japan proposed to change “Preamble” to “Background”. After discussions, the delegates agreed to maintain the word “Preamble”.
- ii) USA asked that the sentence “APEC mitigates direct threat from terrorism to its vision of secure, open and prosperous economies” be clarified. After discussions, the delegates agreed to reword the sentence to “APEC Economies strive to mitigate direct threat from terrorism to its vision of secure, open and prosperous economies.
- iii) “The Transport Ministers of APEC economies, in their fourth meeting in Bali, Indonesia on 27 to 29 July 2004, recognized that transnational organized crimes are increasingly posing threats to transport security, and have given priority to the improvement of transport security and safety in the region.” After discussions, this sentence was revised to:

“The Transport Ministers of APEC economies, in their fourth meeting in Bali, Indonesia on 27 to 29 July 2004, recognized that transnational organized crimes are increasingly posing threats to transport security, and have therefore placed a priority on the improvement of transport security and safety in the region.”
- iv) No. 5 in the initial draft read as follows:

“The Ministers’ Meeting in Tokyo, Japan in January 2006 upheld the need to address rail and mass transit security issues and agreed that the sharing of best practices and enhanced global cooperation in passenger land/rail transport security be facilitated.” This was revised to:

“A meeting of transport ministers from like-minded economies held in Tokyo, Japan in January 2006 recognized the need to address rail and mass transit security issues and agreed that the sharing of best

practices and enhanced global cooperation in passenger land/rail transport security be facilitated.”

C) *The Draft Protocol (Fifth Revision) was structured as follows:*

Preamble

1. GENERAL

- 1.1 Introduction
- 1.2 Objectives
- 1.3 Functional Principles

2. DEFINITIONS

3. ORGANIZATIONS

- 3.1 Appropriate Authority
- 3.2 Land Transport Facility Operations
- 3.3 Land Transport Vehicle Operations

4. PREVENTIVE SECURITY MEASURES

5. MANAGEMENT OF MEASURES TO SECURE AND PROTECT LAND TRANSPORT SYSTEM

- 5.1 Deterrence and Prevention
- 5.2 Response

6. COMMUTERS' AWARENESS AND ADVOCACY PROGRAMME

- 6.1 Rationale
- 6.2 Programme
- 6.3 Intra- and International Cooperation

The delegates of the Conference agreed to re-structure this into the following format:

Preamble

1. GENERAL

- 1.1 Introduction
- 1.2 Objectives
- 1.3 Functional Principles

2. DEFINITIONS

3. BEST PRACTICE CHARACTERISTICS

- 3.1 Organization
- 3.2 Preventative Security Measures
- 3.3 Management of Measures to Secure and Protect Land Transport System
- 3.4 Commuters' Awareness and Advocacy Programme

COMPENDIUM OF BEST PRACTICES

It is noted that both formats have the same contents. In the revised format, all items under organization, preventative security measures, management of measures to secure and protect land transport system and commuters' awareness and advocacy programme are lumped together under "Best Practice Characteristics."

D) Under "GENERAL"

In the Introduction, it was agreed that the following sentence be included:

"Each Participating Economy has as its primary objective the safety, security and protection of the whole land transport system, viz. passengers, staff, the general public, goods, vehicles, infrastructure, technology, communication and information."

Under Objectives, the delegates agreed to on the following:

- i) "To establish an international framework involving cooperation..." was changed to "To promote cooperation...."
- ii) "To establish the network for sharing of best practices..." was changed to "To promote sharing of best practices...."
- iii) Words such as determining, providing, developing, etc. were reworded into:
determination of, provision of, development of, etc.
- iv) The statement, "ensuring that measures are implemented through a third-party audit" was rephrased to "development of systems to ensure that measures are implemented."

Under Functional Principles, the following was agreed by the delegates:

- i) The first statement about "each participating economy has as its primary objective the safety, security, etc....." has been transferred to the Introduction, as mentioned above.

E) Under "DEFINITIONS"

The following items were subjected to discussions after which agreements were made:

- i) Cargo: Any property carried on a vehicle other than mail.

This was changed to : Any property carried on a land transport vehicle other than mail.
- ii) Human Factors Principles: Principles by which apply to design etc.

This was changed to: Principles that apply to designetc.

- iii) Land Transport: Refers to the use of road and rail vehicles etc.
This was changed to: The use of road and rail vehicles ... etc.
- iv) Land Transport Vehicle Operator: A person(s)/company(ies) who assume responsibility.... etc.

This was changed to: A person/company who assumes responsibility etc.
- v) Rail Transport : Refers to transport of passenger and goods etc.
This was changed to : The transport of passengers and cargo.... etc.
- vi) Road Transport: Refers to transport of passengers and cargo... etc.
This was change to: The transport of passengers and cargo....etc.
- vii) Screening: The application of technical systems or other means which are intended to identify etc.

This was changed to: The procedures and measures to identifyetc.
- viii) Security Control: A means by which the introduction of weapons, explosives or other dangerous devices that may be utilized to commit an act of unlawful interference can be prevented.

This was revised to: A means to prevent the introduction of weapons, explosives or other dangerous items or devices that may be used to commit an act of interference.
- ix) Unauthorized Weapons: The following guidelines are furnished in making a reasonable determination of what personal property of a person should be considered as a weapon or a dangerous article:

This was revised to: The following guidelines are provided to assist in making a reasonable determination of what personal property of a person may be considered as a weapon or a dangerous article, but should not be considered an exclusive list:
- x) Unattended Baggage: Baggage at a land transport facility, with or without a baggage tag, which is not picked up by or identified with a passenger.

This was revised to: Baggage at a land transport facility, with or without a baggage tag, which is not under the control of or identified as belonging to a passenger.
- xi) Unlawful Interference:

This was revised to Interference instead of Unlawful Interference.

F) Under ORGANIZATION

- i) Appropriate Authority/Administration

1. To effectively implement the functional principles stated herein, a written Land Transport Security Programme is essential to secure and protect land transport operations, through regulations, practices and procedures that take into account the safety, security, reliability and efficiency of trips.

This was revised to:

To effectively implement the functional principles stated herein, the Participating Economies understand that a written land transport security programme is essential to secure and protect land transport operations, through regulations, practices and procedures that take into account the safety, security, reliability and efficiency of land transport.

2. In support of the foregoing programme, an appropriate authority/administration that shall develop shall develop and implement regulations, practices and procedures to provide the security and protection necessary for the operation of land transport vehicle in normal operating conditions and shall be capable of responding expeditiously to meet any security threat shall be duly established by legislative action, executive order or by whatever legal instrument, taking into account the distinct political, social and economic situation in the Participating Economy.

This was revised to:

In support of this programme, an appropriate authority/administration that is responsible for developing and implementing regulations, practices and procedures to provide the security and protection necessary for the operation of a land transport vehicle/facility in normal operating conditions and that is capable of responding expeditiously to meet any security threat should be duly established by legislative action, executive order or by whatever legal instrument, taking into account the distinct political, social and economic situation in the Participating Economy.

3. The land transport security programme shall be reviewed and updated regularly in response to the level of threat to land transport operations within its jurisdiction and adjust relevant elements thereof accordingly.

This was revised to:

The land transport security programme should be reviewed and updated regularly in response to the level of threat to land transport operations within its relevant jurisdiction.

4. To ensure proper coordination between and among all land transport stakeholders, a written version of the appropriate parts of its land transport security programme shall be made available to said stakeholders.

This was revised to:

To ensure proper coordination between and among all land transport stakeholders, a written version of the appropriate parts of the land transport security programme should be made available to its stakeholders, as necessary and appropriate.

5. To ensure the effectiveness of its Land Transport Security Programme, the development and implementation of capacity building and training programmes, including training of land transport security personnel in human performance, shall be continuously pursued.

This was revised to:

To ensure effectiveness of its land transport security programme, the development and implementation of capacity building and training programmes, including training of land transport security personnel in human performance, should be continuously pursued.

ii) Land Transport Facility Operations

1. Cognizant of its role in the total security of land transport operations, the land transport facility operator prepares a written land transport security programme appropriate to meet the requirements of the Land Transport Security Programme.

This was revised to:

Cognizant of its role in the overall security of land transport operations, the land transport facility operator is expected to develop a written land transport facility security programme appropriate to meet the requirements of the land transport security programme.

2. The land transport facility operator shall review its existing or proposed facilities

This was revised to:

The land transport facility operator should review its existing or proposed facilities.....

iii) Land Transport Vehicle Operations

1. Cognizant of its role in the total security of land transport operations, the land transport vehicle operator prepares a written land transport security programme appropriate to meet the requirements of the Land Transport Security Programme.

This was revised to:

Cognizant of its role in the overall security of land transport operations, the land transport vehicle operator is expected to develop a written land transport facility security programme appropriate to meet the requirements of the land transport security programme.

2. The land transport facility operator shall review its systems and procedures

This was revised to:

The land transport vehicle operator should review its systems and procedures.....

G) Under PREVENTATIVE SECURITY MEASURES

- i) Preventative security measures in line with the Land Transport Security Programme shall be implemented with respect to

This was revised to:

Preventative security measures inline with the land transport security programme should be implemented with respect to

H) Under MANAGEMENT OF MEASURES TO SECURE AND PROTECT LAND TRANSPORT SYSTEM

- i) Deterrence and Prevention

1. Intelligence data gathering and risk assessment form the very vanguard of security. Based on these intelligence information and risk assessments.....

This was revised to:

Land transport security programmes should be based on intelligence-led and risk-based decision processes. Based on intelligence information and risk assessments.....

2. Based on intelligence-led assessment of the threat, vulnerabilities are identified and prioritized and land transport facility and vehicle operators are given assistance to develop measures and programmes to respond to and mitigate identified security risks in land transport.

This was revised to:

Based on intelligence-led assessment of the threat, vulnerabilities may be identified and prioritized and the Participating Economies are expected to provide land transport facility and vehicle operators necessary guidance to develop measures and programmes

3. Arrangements are also made for investigation and disposal.....

This was revised to:

Arrangements should also be made for the investigation and disposal.....

ii) Response

1. The safety of the general public, passengers, crew and personnel of a land transport vehicle or facility, which is subjected to a security threat, is the primary concern and objective. Adequate measures are taken to achieve this objective and concern.

This was revised to:

The safety of the general public, passengers, staff and personnel of a land transport vehicle or facility that is the target of a security threat is the primary concern and objective of any response effort. Adequate measures are expected to be taken to achieve this objective and concern.

2. All pertinent information on the land transport vehicle or facility that is the subject of a security threat must be collected.

This was revised to:

All pertinent information on the land transport vehicle or facility that is the subject of a security threat should be collected.

l) Under COMMUTERS' AWARENESS AND ADVOCACY PROGRAMME

i) Rationale

1. There is a continuing need to re-orient the culture of commuters and inculcate the importance of

This was revised to:

There is a continuing need to re-orient the culture of commuters in order to inculcate the importance of

2. A lower risk factor in trade and investment climate due to active stakeholder participation will facilitate and promote

This was revised to:

A lower risk to factor in trade and investment climate due to active stakeholder participation is expected to facilitate and promote

ii) Programme

1. To pursue the objectives of this Protocol, commuters' advocacy programmes are to be developed; slogans to be displayed in conspicuous places of land transport facilities and vehicles, and aired in radio programs; television infomercials highlighting various aspects of Land Transport Security Programme and designed to heighten security awareness of commuters are broadcasted regularly; and inter-active websites, are to be developed, maintained and regularly updated to keep the general public well-informed and updated on the on-going programs and services, like speakers bureau, of the government on transport security.

This was revised to:

To pursue the objectives of this Protocol, the Participating Economies should explore the development of commuters' advocacy programmes that would include: the display of slogans in conspicuous places throughout land transport facilities and vehicles, and airing of such slogans in radio programs; using television infomercials to highlight various aspects of the land transport security programme in order to heighten the security awareness of commuters; and developing regularly updated inter-active websites maintained and regularly updated to keep the general public well-informed and updated on the on-going programs and services of the Participating Economy in respect of transport security.

iii) Intra-and International Cooperation

1. Guidelines on best practices on public awareness and advocacy programmes shall be developed by Participating Economies. the objectives of the Land Transport Security Programme.

This was revised to:

Guidelines on best practices for developing and implementing public awareness and advocacy programmes should be developed by Participating Economies the objectives of the land transport security programme.

2. There will be an exchange of information on best practices

This was revised to:

The Participating Economies intend to exchange information on best practices....

The Conference was closed by Undersecretary for Road Transport Annelie R. Lontoc of the Department of Transportation and Communications, Republic of the Philippines. The excerpt of her closing remarks is as follows:

“Thank you for your valuable comments and suggestions for the Draft Protocol on Land Transport Security for APEC region. What you have accomplished in this Conference is truly memorable because it marks the first time that a Land Transport Security Protocol has been produced for consideration by APEC. The significance of this accomplishment lies on the fact that you have contributed something worthwhile for the land/rail transport sector, both for the service providers and the commuters, by enhancing security measures for the benefit of all concerned. The Protocol also includes the sharing of best practices on land transport security in the region.

The output of this Conference is just one of the initial steps to adapt the Protocol APEC-wide. This version of the Protocol will still be elevated to APEC authorities for consideration and possible adaption in the future. However, your participation in this Conference will long be remembered as a major contribution in the establishment of the Land Transport Security Protocol in the APEC Region.

Thank you and good day!”

3.0 FINAL DRAFT OF THE LAND INTERNATIONAL SECURITY AND COMMUTERS' ADVOCACY PROTOCOL

Taking into consideration the comments and suggestions of the delegates from APEC economies during the July 15-16, 2009 Plenary Conference as discussed in the previous chapter of this report, the final draft of the Land International Security and Commuters' Advocacy Protocol (LAND-ISCAP) has been made. This final draft shall be submitted to the APEC TPT-TWG Conference in Singapore in July 27-30, 2009 for further discussion. See **Appendix N**.

In the said Final Draft Protocol, best land transport practices are presented as **Appendices N1 to N5**.

Appendix A

Initial Draft Protocol

DRAFT ONLY

LAND INTERNATIONAL SECURITY AND COMMUTERS ADVOCACY PROTOCOL

Version 1.0, May 19, 2008

CHAPTER 1. GENERAL PRINCIPLES

1.1. Objectives

- 1.1.1. Each Contracting Economy shall have as its primary objective the safety and security of passengers, crew, ground personnel and the general public in all matters related to securing and protecting the land transport system.
- 1.1.2. Each Contracting Economy shall establish an organization and develop and implement regulations, practices and procedures that are capable of responding expeditiously to meet any security threat taking into account the safety, security, reliability and efficiency of trips.
- 1.1.3. Each Contracting Economy shall ensure that, although this protocol applies to international public land transport, principles governing measures designed to secure and protect people, goods and infrastructure are also applied to domestic public land transport operations to the extent practicable.
- 1.1.4. Each Contracting Economy should ensure appropriate protection of land transport security information.

1.2. Security and Facilitation

- 1.2.1. Each Contracting Economy should whenever possible arrange for the security controls and procedures to cause a minimum of intervention with, or delay to the activities of, land transport provided the effectiveness of these controls and procedures is not compromised.

1.3. International Cooperation

- 1.3.1. Each Contracting Economy shall ensure that requests from other Economies for special security controls in respect of a specific trip or specified trips by operators of such other Economies are met, as far as may be practicable.
- 1.3.2. Each Contracting Economy shall cooperate with other Economies in relation to their respective economy land transport security programmes as necessary.
- 1.3.3. Each Contracting Economy shall cooperate with other Economies in the development and exchange of information concerning training programmes and commuters' advocacy programmes, as necessary.
- 1.3.4. Each Contracting Economy shall share with other Contracting Economies threat information that applies to the land transport security interests of those Economies, to the extent practicable.
- 1.3.5. Each Contracting Economy shall provide suitable protection and handling procedures for sensitive security information shared by other Contracting Economies, or sensitive security information that affects the security interests of other Contracting Economies, in order to ensure that inappropriate use or disclosure of such information is avoided.
- 1.3.6. Each Contracting Economy should cooperate with other Economies in the field of research and development of new security equipment which will better achieve land transport security objectives.
- 1.3.7. Each Contracting Economy should include in its bilateral agreements on land transport a clause related to land transport security.

- 1.3.8. Each Contracting Economy should make available to other Economies on request a written version of the appropriate parts of its economy land transport security programme.

1.4. Equipment, Research and Development

- 1.4.1. Each Contracting Economy should promote research and development of new security equipment which will better achieve land transport security objectives.
- 1.4.2. Each Contracting Economy should ensure that the development of new security equipment takes into consideration Human Factors principles.

CHAPTER 2. DEFINITIONS

For the purpose of implementation of this Protocol, the following terms have their meanings, as given:

Background Check. A check of a person's identity and previous experience, including any criminal history, where appropriate, as part of the assessment of an individual's suitability for unescorted access to a security restricted area.

Cargo. Any property carried on a vehicle other than mail and accompanied or mishandled baggage.

Human Factors Principles. Principles which apply to design, certification, training, operations and maintenance and which seek safe interface between the human and other system components by proper consideration to human performance.

Human Performance. Human capabilities and limitations which have an impact on the safety, security and efficiency of land transport operations.

Land Transport – refers to the use of road and rail vehicles in moving people or goods over land.

Land Transport Facility – a location where the vehicle – passenger interface takes place.

Land Transport Facility Operator - an entity which operates a land transport facility.

Land Transport Vehicle - refers to any conveyance designed to be used or capable of being used as a means of land transportation utilizing its own power or that of others.

Land Transport Vehicle Operator – a person(s)/company who assumes responsibility for the operation of the land transport vehicle.

Regulated Agent. An agent, freight forwarder or any other entity who conducts business with an operator and provides security controls that are accepted or required by the appropriate authority in respect of cargo, courier and express parcels or mail.

Screening. The application of technical or other means which are intended to identify and/or detect weapons, explosives or other dangerous devices which may be used to commit an act of unlawful interference.

Security. A combination of measures and human and material resources intended to safeguard land transport against acts of unlawful interference.

Security Control. A means by which the introduction of weapons, explosives or other dangerous devices which may be utilized to commit an act of unlawful interference can be prevented.

Security Restricted Area. Areas of a land transport facility into which access is controlled to ensure security of land transport operations. Such areas will normally include, *inter alia*, all passenger departure areas between the screening checkpoint and the vehicle, the ramp, baggage make-up areas, cargo sheds, depots and vehicle cleaning premises.

Unidentified Baggage. Baggage at a land transport facility, with or without a baggage tag, which is not picked up by or identified with a passenger.

Vehicle Security Check. An inspection of the interior of a vehicle to which passengers may have had access and an inspection of the cargo compartment for the purposes of discovering suspicious objects, weapons, explosives or other dangerous devices.

CHAPTER 3. ORGANIZATION

3.1. National Organization and Appropriate Authority

- 3.1.1. Each Contracting Economy shall establish and implement a written economy land transport security programme to secure and protect land transport operations, through regulations, practices and procedures which take into account the safety, security, reliability and efficiency of trips.
- 3.1.2. Each Contracting Economy shall establish an organization and develop and implement regulations, practices and procedures, which together provide the security necessary for the operation of land transport vehicle in normal operating conditions and capable of responding expeditiously to meet any security threat.
- 3.1.3. Each Contracting Economy shall designate and specify to APEC TPT/WG an appropriate authority within its administration to be responsible for the development, implementation and maintenance of the economy land transport security programme.
- 3.1.4. Each Contracting Economy shall keep under constant review the level of threat to land transport operations within its territory and adjust relevant elements of its national land transport security programme accordingly.
- 3.1.5. Each Contracting Economy shall require the appropriate authority to define and allocate tasks and coordinate activities between the departments, agencies and other organizations of the Economy, land transport facility operators and land transport vehicle operators and other entities concerned with or responsible for the implementation of various aspects of the economy land transport security programme.
- 3.1.6. Each Contracting Economy shall establish an national land transport security committee or similar arrangements for the purpose of coordinating security activities between the departments, agencies and other organizations of the Economy, land transport facility and land transport vehicle operators and other entities concerned with or responsible for the implementation of various aspects of the economy land transport security programme.
- 3.1.7. Each Contracting Economy shall require the appropriate authority to ensure the development and implementation of training programmes to ensure the effectiveness of its economy land transport security programme. These training programmes shall include training of land transport security personnel in human performance.
- 3.1.8. Each Contracting Economy shall ensure that the appropriate authority arranges for the supporting resources and facilities required by the land transport security services to be available at each land transport facility serving international land transport.
- 3.1.9. Each Contracting Economy should make available to its land transport facility and land transport vehicle operators operating in its territory and other entities concerned, a written version of the appropriate parts of its economy land transport security programme.

3.2. Land Transport Facility Operations

- 3.2.1. Each Contracting Economy shall require each land transport facility operator serving international land transport to establish and implement a written land

transport facility security programme appropriate to meet the requirements of the economy land transport security programme.

- 3.2.2. Each Contracting Economy shall arrange for an authority at each land transport facility serving international land transport to be responsible for coordinating the implementation of security controls.
- 3.2.3. Each Contracting Economy shall arrange for the establishment of a land transport facility security committee at each land transport facility serving international land transport to assist the authority mentioned under 3.2.2 in its role of coordinating the implementation of security controls and procedures as specified in the land transport facility security programme.
- 3.2.4. Each Contracting Economy shall ensure that contingency plans are developed and resources made available to secure and protect land transport. The contingency plans shall be practiced and exercised on a regular basis.
- 3.2.5. Each Contracting Economy shall ensure that authorized and suitably trained personnel are readily available for deployment at its land transport facilities serving international land transport to assist in securing and protecting people, goods and infrastructure of land transport.
- 3.2.6. Each Contracting Economy shall ensure that the architectural and infrastructure-related requirements necessary for the optimum implementation of land transport security measures are integrated into the design and construction of new facilities and alterations to existing facilities at land transport facilities.

3.3. Land Transport Vehicle Operators

- 3.3.1. Each Contracting Economy shall require operators providing service from that Economy to establish and implement a written operator security programme appropriate to meet the requirements of the economy land transport security programme of that Economy.

3.4. Quality Control

- 3.4.1. Each Contracting Economy shall ensure that the persons implementing security controls are subject to background checks and selection procedures.
- 3.4.2. Each Contracting Economy shall ensure that the persons implementing security controls are appropriately trained and possess all competencies required to perform their duties and that appropriate records are maintained. Relevant standards of performance shall be established and initial and periodic assessments shall be introduced to maintain those standards.
- 3.4.3. Each Contracting Economy shall ensure that the persons carrying out screening operations are certified according to the requirements of the economy land transport security programme.
- 3.4.4. Each Contracting Economy shall require the appropriate authority to ensure the development, implementation and maintenance of an economy land transport security quality control programme to ensure the effectiveness of its economy land transport security programme.
- 3.4.5. Each Contracting Economy shall arrange for surveys to identify security needs, arrange for inspections of the implementation of security controls and arrange tests of security controls to assess their effectiveness.
- 3.4.6. Each Contracting Economy concerned with the security and protection of land transport shall require its appropriate authority to re-evaluate security controls and procedures and take action necessary to remedy weaknesses so as to prevent recurrence. These actions shall be notified to APEC TPT/WG.

- 3.4.7. Each Contracting Economy should require that the effectiveness of individual land transport security measures be assessed by considering their role in the overall system performance of land transport security systems.

CHAPTER 4. PREVENTIVE SECURITY MEASURES

4.1. Objective

Each Contracting Economy shall establish measures to prevent weapons, explosives or any other dangerous devices, the carriage or bearing of which is not authorized, from being introduced, by any means whatsoever, on board a land transport vehicle engaged in international land transport.

4.2. Measures Relating to Land Transport Vehicle

- 4.2.1. Each Contracting Economy shall ensure that land transport vehicle security checks of originating land transport vehicle assigned to international trips are performed.
- 4.2.2. Each Contracting Economy shall require measures to be taken with respect to trips to ensure that disembarking passengers do not leave items on board the land transport vehicle at transit stops on its land transport facilities.
- 4.2.3. Each Contracting Economy shall require its operators to take adequate measures to ensure that during a trip unauthorized persons are prevented from entering the crew compartment.

4.3. Measures Relating to Passengers and Their Cabin Baggage

- 4.3.1. Each Contracting Economy shall establish measures to ensure that originating passengers and their cabin baggage are screened prior to boarding a land transport vehicle engaged in international land transport operations.
- 4.3.2. Each Contracting Economy shall ensure that transfer and transit passengers and their cabin baggage are subjected to adequate security controls to prevent unauthorized articles from being taken on board land transport vehicle engaged in international land transport operations.
- 4.3.3. Each Contracting Economy shall ensure that there is no possibility of mixing or contact between passengers subjected to security control and other persons not subjected to such control after the security screening points at land transport facilities serving international land transport have been passed; if mixing or contact does take place, the passengers concerned and their cabin baggage shall be re-screened before boarding a land transport vehicle.

4.4. Measures Relating to Compartment Baggage

- 4.4.1. Each Contracting Economy shall establish measures to ensure that compartment baggage is subjected to appropriate security controls prior to being loaded into a land transport vehicle engaged in international land transport operations.
- 4.4.2. Each Contracting Economy shall establish measures to ensure that compartment baggage intended for carriage on passenger trips is secured and protected from the point it is checked in, whether at a land transport facility or elsewhere, until it is placed on board a land transport vehicle.

- 4.4.3. Each Contracting Economy shall establish measures to ensure that operators when providing service from that Economy do not transport the baggage of passengers who are not on board the land transport vehicle unless that baggage is subjected to appropriate security controls which may include screening.
- 4.4.4. Each Contracting Economy shall require the establishment of secure storage areas at land transport facilities serving international land transport, where mishandled baggage may be held until forwarded, claimed or disposed of in accordance with local laws.
- 4.4.5. Each Contracting Economy shall establish measures to ensure that consignments checked in as baggage by courier services for carriage on passenger land transport vehicle engaged in international land transport operations are screened.
- 4.4.6. Each Contracting Economy shall ensure that transfer compartment baggage is subjected to appropriate security controls to prevent unauthorized articles from being taken on board land transport vehicle engaged in international land transport operations.
- 4.4.7. Each Contracting Economy shall establish measures to ensure that land transport vehicle operators when providing a passenger service from that Economy transport only compartment baggage which is authorized for carriage in accordance with the requirements specified in the economy land transport security programme.
- 4.4.8. Each Contracting Economy shall establish measures to ensure that originating compartment baggage intended to be carried in a land transport vehicle engaged in international land transport operations is screened prior to being loaded into the land transport vehicle.
- 4.4.9. Each Contracting Economy should take the necessary measures to ensure that unidentified baggage is placed in a protected and isolated area until such time as it is ascertained that it does not contain any explosives or other dangerous device.

4.5. Measures Relating to Cargo, Mail and Other Goods

- 4.5.1. Each Contracting Economy shall ensure the implementation of measures at land transport facilities serving international land transport to protect cargo, baggage, mail and operators' supplies being moved within a land transport facility and intended for carriage on a land transport vehicle to secure and protect such land transport vehicle.
- 4.5.2. Each Contracting Economy shall establish measures to ensure that cargo, courier and express parcels and mail intended for carriage on passenger trips are subjected to appropriate security controls.
- 4.5.3. Each Contracting Economy shall establish measures to ensure that operators do not accept consignments of cargo, courier and express parcels or mail for carriage on passenger trips unless the security of such consignments is accounted for by a regulated agent or such consignments are subjected to other security controls to meet the requirements of 4.5.2.
- 4.5.4. Each Contracting Economy shall establish measures to ensure that catering supplies and operators' stores and supplies intended for carriage on passenger trips are subjected to appropriate security controls.

4.6. Measures Relating to Access Control

- 4.6.1. Each Contracting Economy shall ensure that security restricted areas are established at each land transport facility serving international land transport

- and that procedures and identification systems are implemented with respect to persons and vehicles.
- 4.6.2. Each Contracting Economy shall ensure that appropriate security controls, including background checks on persons other than passengers granted unescorted access to security restricted areas of the land transport facility, are implemented.
 - 4.6.3. Each Contracting Economy shall require that measures are implemented to ensure adequate supervision over the movement of persons and other vehicles to and from the land transport vehicle in order to prevent unauthorized access to the land transport vehicle.
 - 4.6.4. Each Contracting Economy should ensure that identity documents issued to land transport vehicle crewmembers conform to the relevant specifications set forth in bilateral or international agreements
 - 4.6.5. Each Contracting Economy should ensure that persons other than passengers being granted access to security restricted areas, together with items carried, are screened at random in accordance with risk assessment carried out by the relevant national authorities.
 - 4.6.6. Each Contracting Economy should ensure that checks specified in 4.6.2 be reapplied on a regular basis to all persons granted unescorted access to security restricted areas.

CHAPTER 5. MANAGEMENT OF MEASURES TO SECURE AND PROTECT LAND TRANSPORT SYSTEM

5.1. Prevention

- 5.1.1. Each Contracting Economy shall establish measures to secure and protect land transport vehicle when a well-founded suspicion exists that the security of the land transport vehicle may be threatened and to provide as much prior notification as possible of the arrival of such land transport vehicle to land transport facility authorities.
- 5.1.2. Each Contracting Economy shall establish procedures, which include notification to the operator, for inspecting land transport vehicle, when a well-founded suspicion exists that the security of the land transport vehicle may be threatened, for concealed weapons, explosives or other dangerous devices.
- 5.1.3. Each Contracting Economy shall ensure that arrangements are made for the investigation and disposal, if necessary, of suspected devices or other potential hazards posing security risks at land transport facilities serving international land transport.

5.2. Response

- 5.2.1. Each Contracting Economy shall take adequate measures for the safety of passengers and crew of a land transport vehicle which is subjected to security threat until their journey can be continued.
- 5.2.2. Each Contracting Economy responsible for providing land traffic services for a land transport vehicle which is the subject of a security threat shall collect all pertinent information on the trip of that land transport vehicle and transmit that information to all other Economies responsible for the Land Traffic Services units concerned, including those at the land transport facility of known or presumed destination, so that timely and appropriate security and protective actions may be taken en route and at the land transport vehicle's known, likely or possible destination.

- 5.2.3. Each Contracting Economy shall provide such assistance to a land transport vehicle subjected to security threat, including the provision of land traffic services and other services as may be necessitated by the circumstances.
- 5.2.4. Each Contracting Economy shall take measures, as it may find practicable, to ensure that a land transport vehicle subjected to a security threat which has entered its territory is detained on the ground unless its departure is necessitated by the overriding duty to protect human life. However, these measures need to recognize the grave hazard attending further trip. Economies shall also recognize the importance of consultations, wherever practicable, between the Economy where that land transport vehicle has entered and the Economy of the Operator of the land transport vehicle, and notification by the Economy where the land transport vehicle has entered to the Economies of assumed or stated destination.
- 5.2.5. Each Contracting Economy in which a land transport vehicle subjected to a security threat has entered shall notify by the most expeditious means the Economy of Registry of the land transport vehicle and the Economy of the Operator of the entry and shall similarly transmit by the most expeditious means all other relevant information to:
 - a. the two above-mentioned Economies;
 - b. each Economy whose citizens suffered fatalities or injuries;
 - c. each Economy whose citizens were detained as hostages;
 - d. each Contracting Economy whose citizens are known to be on board the land transport vehicle; and
 - e. the APEC TPT/WG.
- 5.2.6. Each Contracting Economy should ensure that information received as a consequence of action taken in accordance with 5.2.2 is distributed locally to the Land Traffic Services units concerned, the appropriate land transport facility administrations, the operator and others concerned as soon as practicable.
- 5.2.7. Each Contracting Economy should cooperate with other Economies for the purpose of providing a joint response in connection with a security threat. When taking measures in their territory to free passengers and crew members of a land transport vehicle subjected to a security threat, each Contracting Economy should use, as necessary, the experience and capability of the Economy of the Operator, the Economy of manufacture and the Economy of Registry of that land transport vehicle.

5.3. Exchange of Information and Reporting

- 5.3.1. Each Contracting Economy concerned with a security threat shall provide APEC TPT/WG with all pertinent information concerning the security aspects of the security threat as soon as practicable after the threat is resolved.
- 5.3.2. Each Contracting Economy should exchange information with other Economies as considered appropriate, at the same time supplying such information to APEC TPT/WG, related to plans, designs, equipment, methods and procedures for safeguarding land transport against security threats.

CHAPTER 6. COMMUTERS' AWARENESS AND ADVOCACY PROGRAMME

6.1. Objective

- 6.1.1. Each Contracting Economy acknowledges that the success of any security programme depends on the awareness and acceptance of the general public of such a programme.

6.2. Programme

- 6.2.1. Each Contracting Economy, through the designated appropriate authority, shall develop slogans to be displayed in conspicuous places of land transport facilities and vehicles and aired in radio programs, and television spots highlighting various aspects of the economy land transport security programme and designed to heighten security awareness of commuters.
- 6.2.2. Each Contracting Economy shall regularly provide funds for the publication or broadcasting of the advocacy programme mentioned in 6.2.1.

Appendix B

Questionnaire on Current Land Transport Services and Security Measures

SURVEY QUESTIONNAIRE

1.0 Road Transport Services with International Connections

Vehicle Type ^{1/}	Road Type ^{2/}	Passenger Capacity ^{3/}	Route Length (km) ^{4/}	Stopping Schedule ^{5/}	Time of Operation ^{6/}	Number of Units ^{7/}	Average Headway per day ^{8/}

a) Which of the above services have international connections?

b) If **Yes**, with what economy/economies?

c) Is there a bilateral agreement with each of the above economies? Yes No

If **Yes**, please provide copies of the said agreements

1.4 Current Security Measures in Road Transport

1.4.1 Presence of Security Checking Area

- Terminal
- Station
- Stop

1.4.2 With Security Checker

- Terminal
- Station
- Stop

1.4.3. Passenger Entry/Exit Point Enclosure:

a) Terminal

- Open
- Fenced with open entry/exit
- Fenced with designated entry/exit
- Others: (Pls. Specify) _____

b) Station

- Open
- Fenced with open entry/exit
- Fenced with designated entry/exit
- Others: (Pls. Specify) _____

c) Stop

- Open
- Fenced with open entry/exit
- Fenced with designated entry/exit
- Others: (Pls. Specify) _____

1.4.4 Passenger Entry Requirements (Ex: type & size of bags not allowed, bag contents not allowed, etc.)

- a. _____
- b. _____
- c. _____
- d. _____ (Additional data at

the back)

1.4.5. Devices Used in Security Checking

- a. _____
- b. _____
- c. _____
- d. _____ (Additional data at

the back)

1.4.6. Security Awareness Measures

- a. _____
- b. _____
- c. _____
- d. _____ (Additional data at

the back)

1.4.7. Government Security Regulations

- a. _____
- b. _____
- c. _____
- d. _____ (Additional data at

the back)

1.4.8 Security Threats and Problems

- a. _____
- b. _____
- c. _____
- d. _____ (Additional data at

the back)

1.5 Suggestions to Enhance Security in Operation

Explanation for Road Transport:

^{1/} Vehicle Type : Describe the make of the vehicle, (e.g. body type and the number and location of doors entry/exit points). Provide a picture, if necessary. Indicate the local name of the service, e .g., jeepney (in the Philippines)

^{2/} Road Type : Describe the type of road where vehicle is operating:

- 1 - Primary or main road
- 2 - Secondary or collector road
- 3 - Tertiary road

- ^{3/} Passenger Capacity: The number of passengers that can be accommodated in the vehicle: seating and standing.
- ^{4/} Route Length : Give a range of route length for this vehicle type, in km..
- ^{5/} Stopping Schedule: Describe where the vehicle stops to load/unload passengers:
- 1 - No fixed stopping area, as desired by passengers
 - 2 - Designated stops only
 - 3 - Skips several stops (accelerated)
 - 4 - Express (very widely-spaced stops)
- ^{6/} Time of Operation : Indicate from what time up to what time in a day does the vehicle operate
- ^{7/} Indicative Number of Units : Give an indicative number of units in operation per day.
- ^{7/} Number of Routes : Indicate the total number of routes in this category.
- ^{8/} Average Headway per day : Indicate the average time interval of vehicle dispatch in a day.

2.0 Railway Transport Services with International Connections

Rolling Stock Type ^{1/}	Type of Service ^{2/}	Railroad Infrastructure ^{3/}	Passenger Capacity (km) ^{4/}	Number of Cars per Train ^{5/}	Time of Operation ^{6/}	Number of Trains ^{7/}	Average Headway per day ^{8/}

a) Which of the above services have international connections?

b) If Yes, with what economy/economies?

c) Is there a bilateral agreement with each of the above economies? Yes No

If Yes, please provide copies of the said agreements

2.4 Current Security Measures in Railway Transport

2.4.1 Presence of Security Checking Area

- Terminal
- Station
- Stop

2.4.2 With Security Checker

- Terminal
- Station
- Stop

2.4.3. Passenger Entry/Exit Point Enclosure:

a) Terminal

- Open
- Fenced with open entry/exit
- Fenced with designated entry/exit
- Others: (Pls. Specify) _____

b) Station

- Open
- Fenced with open entry/exit
- Fenced with designated entry/exit
- Others: (Pls. Specify) _____

c) Stop

- Open
- Fenced with open entry/exit
- Fenced with designated entry/exit
- Others: (Pls. Specify) _____

2.4.4 Passenger Entry Requirements (Example: type & size of bag not allowed, bag contents not allowed, etc.)

a. _____

b. _____

c. _____

d. _____ (Additional data at

the back)

2.4.5. Devices Used in Security Checking

a. _____

b. _____

c. _____

d. _____ (Additional data at the back)

2.4.6. Security Awareness Measures

a. _____
b. _____
c. _____
d. _____ (Additional data at the back)

2.4.7. Government Security Regulations

a. _____
b. _____
c. _____
d. _____ (Additional data at the back)

2.4.8 Security Threats and Problems

a. _____
b. _____
c. _____
d. _____ (Additional data at the back)

2.5 Suggestions to Enhance Security in Operation

Explanation for Railway Transport:

^{1/} Rolling Stock Type : 1 - Light Rail
2- Heavy Rail

^{2/} Type of Service : 1 - Intra-Urban

- 2 - Inter-Urban
- 3- Inter-Regional

^{3/} Railroad Infrastructure: 1 - Ground Level
2 - Elevated
3 - Underground
4 - Others: _____
(Specify)

^{4/} Passenger Capacity: Number of passengers that can be accommodated per railway vehicle or car.

^{5/} Number of Cars/Train : Indicate the number of railway vehicles per train

^{6/} Time of Operation : From what time up to what time in a day of operation

^{7/} Indicative Number of Units : Indicative number of trains per line of operation.

^{8/} Average Headway : Indicate the average time interval of vehicle dispatch in a day.

3.0 Current Institutional Structure

3.1 Public Road Transport Service Regulation

<u>Function</u>	<u>Name of Government Agencies</u>
a. Franchising	:
b. Fare Setting	:
c. Vehicle Registration	:
d. Driver Licensing	:
e. Traffic Management	:
f. Others:	:

3.2 Public Road Transport Service Operation

- Government
- Private Entities/Companies
- Others: (Pls. Specify) _____

3.3 Railway Transport Service Regulation

Name of Government Agency:

Main Functions:

3.4 Railway Transport Service Operation

a) If Government, Name of Government Agency/ (ies):

1. _____
2. _____

b) If Private, Name of Company/(ies):

1. _____
2. _____

4.0 Current Transport Security Supervision and Regulation

4.1 Government Agencies Responsible in Transport Security Supervision and Regulation:

(a) Name of Agency:

(b) Name of Ministry/Department where Agency above is under:

4.2 Is there an Economy Transport Security Plan or Program?

Road Transport Yes No

Rail Transport Yes No

Water Transport Yes No

Air Transport Yes No

4.3 Additional Comments on Transport Security:

Appendix C

Initial Draft Protocol: First Revision

DRAFT ONLY

LAND INTERNATIONAL SECURITY AND COMMUTERS ADVOCACY PROTOCOL

Version 1.1, June 27, 2008

CHAPTER 1. GENERAL PRINCIPLES

1.1. Objectives

- 1.1.1. Each Participating Economy shall have as its primary objective the safety, security and protection of the whole land transport system, viz., passengers, crew, ground personnel, the general public, goods, vehicle, infrastructure and information.
- 1.1.2. Each Participating Economy shall establish an organization and develop and implement regulations, practices and procedures that are capable of responding expeditiously to meet any security threat taking into account the safety, security, reliability and efficiency of land transport services.
- 1.1.3. Each Participating Economy shall ensure that, although this protocol applies to international public land transport, principles governing measures designed to secure and protect people, goods, vehicles, infrastructure and information are also applied to domestic public land transport operations to the extent practicable.
- 1.1.4. Each Participating Economy should ensure appropriate protection of sensitive land transport security information.

1.2. Security and Facilitation

- 1.2.1. Each Participating Economy should whenever possible arrange for the security controls and procedures to cause a minimum of intervention with, or delay to the activities of, land transport provided the effectiveness of these controls and procedures is not compromised.

1.3. International Cooperation

- 1.3.1. Each Participating Economy shall ensure that requests from other Economies for special security controls with respect to a specific trip or specified trips by operators of such other Economies are met, as far as may be practicable.
- 1.3.2. Each Participating Economy shall cooperate with other Economies in relation to their respective economy land transport security programmes as necessary.
- 1.3.3. Each Participating Economy shall cooperate with other Economies in the development and exchange of information concerning capacity building, training programmes and commuters' advocacy programmes, as necessary.
- 1.3.4. Each Participating Economy shall share with other Participating Economies threat information that applies to the land transport security interests of those Economies, to the extent practicable.
- 1.3.5. Each Participating Economy shall provide suitable protection and handling procedures for sensitive security information shared by other Participating Economies, or sensitive security information that affects the security interests of other Participating Economies, in order to ensure that inappropriate use or disclosure of such information is avoided.
- 1.3.6. Each Participating Economy should cooperate with other Economies in the field of research and development of new security equipment that will better achieve land transport security objectives.

- 1.3.7. Each Participating Economy should include in its bilateral agreements on land transport a clause related to land transport security.
- 1.3.8. Each Participating Economy should make available to other Economies on request a written version of the appropriate parts of its economy land transport security programme.

1.4. Equipment, Research and Development

- 1.4.1. Each Participating Economy should promote research and development of new security equipment that will better achieve land transport security objectives.
- 1.4.2. Each Participating Economy should ensure that the development of new security equipment takes into consideration Human Factors principles, such as respect of privacy and personal dignity.

CHAPTER 2. DEFINITIONS

For the purpose of implementation of this Protocol, the following terms have their meanings, as given:

Background Check. A check of a person's identity and previous experience, including any criminal history, where appropriate, as part of the assessment of an individual's suitability for unescorted access to a security restricted area.

Cargo. Any property carried on a vehicle other than mail and accompanied or mishandled baggage.

Human Factors Principles. Principles which apply to design, certification, training, operations and maintenance and which seek safe interface between the human and other system components by proper consideration to human needs and performance.

Human Performance. Human capabilities and limitations which have an impact on the safety, security, reliability and efficiency of land transport operations.

Land Transport – refers to the use of road and rail vehicles in moving people or goods over land.

Land Transport Facility – a location where the vehicle – passenger interface takes place.

Land Transport Facility Operator - an entity which operates a land transport facility.

Land Transport Vehicle - refers to any conveyance designed to be used or capable of being used as a means of land transport utilizing its own power or that of others.

Land Transport Vehicle Operator – a person(s)/company who assumes responsibility for the operation of the land transport vehicle.

Regulated Agent. An agent, freight forwarder or any other entity who conducts business with an operator and provides security controls that are accepted or required by the appropriate authority in respect of cargo, courier and express parcels or mail.

Screening. The application of technical or other means which are intended to identify and/or detect weapons, explosives or other dangerous devices which may be used to commit an act of unlawful interference.

Security. A combination of measures and human and material resources intended to safeguard land transport against acts of unlawful interference.

Security Control. A means by which the introduction of weapons, explosives or other dangerous devices which may be utilized to commit an act of unlawful interference can be prevented.

Security Restricted Area. Areas of a land transport facility into which access is controlled to ensure security of land transport operations. Such areas will normally include, *inter alia*, all passenger departure areas between the screening checkpoint and the vehicle, the ramp, baggage make-up areas, cargo sheds, depots and vehicle cleaning premises.

Unidentified Baggage. Baggage at a land transport facility, with or without a baggage tag, which is not picked up by or identified with a passenger.

Vehicle Security Check. An inspection of the interior of a vehicle to which passengers may have had access and an inspection of the cargo compartment for the purposes of discovering suspicious objects, weapons, explosives or other dangerous devices.

CHAPTER 3. ORGANIZATION

3.1. Economy Organization and Appropriate Authority

- 3.1.1. Each Participating Economy shall establish and implement a written economy land transport security programme to secure and protect land transport operations, through regulations, practices and procedures which take into account the safety, security, reliability and efficiency of trips.
- 3.1.2. Each Participating Economy shall establish an organization that shall develop and implement regulations, practices and procedures to provide the security and protection necessary for the operation of land transport vehicle in normal operating conditions and shall be capable of responding expeditiously to meet any security threat.
- 3.1.3. Each Participating Economy shall designate and specify to APEC TPT/WG/LEG an appropriate authority within its administration to be responsible for the development, implementation and maintenance of the economy land transport security programme.
- 3.1.4. Each Participating Economy shall keep under constant review the level of threat to land transport operations within its territory and adjust relevant elements of its economy land transport security programme accordingly.
- 3.1.5. Each Participating Economy shall require the appropriate authority to define and allocate tasks and coordinate activities between the departments, agencies and other organizations of the Economy, land transport facility operators and land transport vehicle operators and other entities concerned with or responsible for the implementation of various aspects of the economy land transport security programme.
- 3.1.6. Each Participating Economy shall establish a economy land transport security committee or similar arrangements for the purpose of coordinating security activities between the departments, agencies and other organizations of the Economy, land transport facility and land transport vehicle operators and other entities concerned with or responsible for the implementation of various aspects of the economy land transport security programme.
- 3.1.7. Each Participating Economy shall require the appropriate authority to ensure the development and implementation of capacity building and training programmes to ensure the effectiveness of its economy land transport security programme. These training programmes shall include training of land transport security personnel in human performance.
- 3.1.8. Each Participating Economy shall ensure that the appropriate authority arranges for the supporting resources and facilities required by the land transport security services to be available at each land transport facility serving international land transport.
- 3.1.9. Each Participating Economy should make available to its land transport facility and land transport vehicle operators operating in its territory and other entities concerned, a written version of the appropriate parts of its economy land transport security programme.

3.2. Land Transport Facility Operations

- 3.2.1. Each Participating Economy shall require each land transport facility operator serving international land transport to establish and implement a written land transport facility security programme appropriate to meet the requirements of the economy land transport security programme.
- 3.2.2. Each Participating Economy shall arrange for an authority at each land transport facility serving international land transport to be responsible for coordinating the implementation of security controls.
- 3.2.3. Each Participating Economy shall arrange for the establishment of a land transport facility security committee at each land transport facility serving international land transport to assist the authority mentioned under 3.2.2 in its role of coordinating the implementation of security controls and procedures as specified in the land transport facility security programme.
- 3.2.4. Each Participating Economy shall ensure that contingency plans are developed and resources made available to secure and protect land transport. The contingency plans shall be practiced and exercised on a regular basis.
- 3.2.5. Each Participating Economy shall ensure that authorized and suitably trained personnel are readily available for deployment at its land transport facilities serving international land transport to assist in securing and protecting people, goods, information and infrastructure of land transport.
- 3.2.6. Each Participating Economy shall ensure that the architectural and infrastructure-related requirements necessary for the optimum implementation of land transport security measures are integrated into the design and construction of new facilities and alterations to existing facilities at land transport facilities.

3.3. Land Transport Vehicle Operators

- 3.3.1. Each Participating Economy shall require operators providing service from that Economy to establish and implement a written operator security programme appropriate to meet the requirements of the economy land transport security programme of that Economy.

3.4. Quality Control

- 3.4.1. Each Participating Economy shall ensure that the persons implementing security controls are subject to background checks and selection procedures.
- 3.4.2. Each Participating Economy shall ensure that the persons implementing security controls are appropriately trained and possess all competencies required to perform their duties and that appropriate records are maintained. Relevant standards of performance shall be established and initial and periodic assessments shall be introduced to maintain those standards.
- 3.4.3. Each Participating Economy shall ensure that the persons carrying out screening operations are certified according to the requirements of the economy land transport security programme.
- 3.4.4. Each Participating Economy shall require the appropriate authority to ensure the development, implementation and maintenance of a economy land transport security quality control programme to ensure the effectiveness of its economy land transport security programme.
- 3.4.5. Each Participating Economy shall arrange for surveys to identify security needs, arrange for inspections of the implementation of security controls and arrange tests of security controls to assess their effectiveness.
- 3.4.6. Each Participating Economy concerned with the security and protection of land transport shall require its appropriate authority to re-evaluate security controls and procedures and take action necessary to remedy weaknesses so

as to prevent recurrence. These actions shall be notified to APEC TPT/WG/LEG.

- 3.4.7. Each Participating Economy should require that the effectiveness of individual land transport security measures be assessed by considering their role in the overall system performance of land transport security systems.

CHAPTER 4. PREVENTIVE SECURITY MEASURES

4.1. Objective

Each Participating Economy shall establish measures to deter and prevent weapons, explosives or any other dangerous materials, the carriage or bearing of which is not authorized, from being introduced, by any means whatsoever, onto the land transport system engaged in international land transport or its immediate environs.

4.2. Measures Relating to Land Transport Vehicle

- 4.2.1. Each Participating Economy shall ensure that land transport vehicle security checks of originating land transport vehicle assigned to international trips are performed.
- 4.2.2. Each Participating Economy shall require measures to be taken with respect to trips to ensure that disembarking passengers do not leave items on board the land transport vehicle at transit stops on its land transport facilities.
- 4.2.3. Each Participating Economy shall require its operators to take adequate measures to ensure that during a trip unauthorized persons are prevented from entering the crew compartment.

4.3. Measures Relating to Passengers and Their Cabin Baggage

- 4.3.1. Each Participating Economy shall establish measures to ensure that originating passengers and their cabin baggage are screened prior to boarding a land transport vehicle engaged in international land transport operations.
- 4.3.2. Each Participating Economy shall ensure that transfer and transit passengers and their cabin baggage are subjected to adequate security controls to prevent unauthorized articles from being taken on board land transport vehicle engaged in international land transport operations.
- 4.3.3. Each Participating Economy shall ensure that there is no possibility of mixing or contact between passengers subjected to security control and other persons not subjected to such control after the security screening points at land transport facilities serving international land transport have been passed; if mixing or contact does take place, the passengers concerned and their cabin baggage shall be re-screened before boarding a land transport vehicle.

4.4. Measures Relating to Compartment Baggage

- 4.4.1. Each Participating Economy shall establish measures to ensure that compartment baggage is subjected to appropriate security controls prior to being loaded into a land transport vehicle engaged in international land transport operations.
- 4.4.2. Each Participating Economy shall establish measures to ensure that compartment baggage intended for carriage on passenger trips is secured and protected from the point it is checked in, whether at a land transport facility or elsewhere, until it is placed on board a land transport vehicle.

- 4.4.3. Each Participating Economy shall establish measures to ensure that operators when providing service from that Economy do not transport the baggage of passengers who are not on board the land transport vehicle unless that baggage is subjected to appropriate security controls which may include screening.
- 4.4.4. Each Participating Economy shall require the establishment of secure storage areas at land transport facilities serving international land transport, where mishandled baggage may be held until forwarded, claimed or disposed of in accordance with local laws.
- 4.4.5. Each Participating Economy shall establish measures to ensure that consignments checked in as baggage by courier services for carriage on passenger land transport vehicle engaged in international land transport operations are screened.
- 4.4.6. Each Participating Economy shall ensure that transfer compartment baggage is subjected to appropriate security controls to prevent unauthorized articles from being taken on board land transport vehicle engaged in international land transport operations.
- 4.4.7. Each Participating Economy shall establish measures to ensure that land transport vehicle operators when providing a passenger service from that Economy transport only compartment baggage which is authorized for carriage in accordance with the requirements specified in the economy land transport security programme.
- 4.4.8. Each Participating Economy shall establish measures to ensure that originating compartment baggage intended to be carried in a land transport vehicle engaged in international land transport operations is screened prior to being loaded into the land transport vehicle.
- 4.4.9. Each Participating Economy should take the necessary measures to ensure that unidentified baggage is placed in a protected and isolated area until such time as it is ascertained that it does not contain any explosives or other dangerous device.

4.5. Measures Relating to Cargo, Mail and Other Goods

- 4.5.1. Each Participating Economy shall ensure the implementation of measures at land transport facilities serving international land transport to protect cargo, baggage, mail and operators' supplies being moved within a land transport facility and intended for carriage on a land transport vehicle to secure and protect such land transport vehicle.
- 4.5.2. Each Participating Economy shall establish measures to ensure that cargo, courier and express parcels and mail intended for carriage on passenger trips are subjected to appropriate security controls.
- 4.5.3. Each Participating Economy shall establish measures to ensure that operators do not accept consignments of cargo, courier and express parcels or mail for carriage on passenger trips unless the security of such consignments is accounted for by a regulated agent or such consignments are subjected to other security controls to meet the requirements of 4.5.2.
- 4.5.4. Each Participating Economy shall establish measures to ensure that catering supplies and operators' stores and supplies intended for carriage on passenger trips are subjected to appropriate security controls.

4.6. Measures Relating to Access Control

- 4.6.1. Each Participating Economy shall ensure that security restricted areas are established at each land transport facility serving international land transport

- and that procedures and identification systems are implemented with respect to persons and vehicles.
- 4.6.2. Each Participating Economy shall ensure that appropriate security controls, including background checks on persons other than passengers granted unescorted access to security restricted areas of the land transport facility, are implemented.
 - 4.6.3. Each Participating Economy shall require that measures are implemented to ensure adequate supervision and control over the movement of persons and other vehicles to and from the land transport vehicle and other sensitive areas of the land transport system in order to prevent unauthorized access thereto.
 - 4.6.4. Each Participating Economy should ensure that identity documents issued to land transport vehicle crewmembers conform to the relevant specifications set forth in bilateral or international agreements
 - 4.6.5. Each Participating Economy should ensure that persons other than passengers being granted access to security restricted areas, together with items carried, are screened at random in accordance with risk assessment carried out by the relevant economy authorities.
 - 4.6.6. Each Participating Economy should ensure that checks specified in 4.6.2 be reapplied on a regular basis to all persons granted unescorted access to security restricted areas.

CHAPTER 5. MANAGEMENT OF MEASURES TO SECURE AND PROTECT LAND TRANSPORT SYSTEM

5.1. Deterrence and Prevention

- 5.1.1. Each Participating Economy shall establish measures to secure and protect land transport vehicle when a well-founded suspicion exists that the security of the land transport vehicle may be threatened and to provide as much prior notification as possible of the arrival of such land transport vehicle to land transport facility authorities.
- 5.1.2. Each Participating Economy shall establish procedures, which include notification to the operator, for inspecting land transport vehicle, when a well-founded suspicion exists that the security of the land transport vehicle may be threatened, for concealed weapons, explosives or other dangerous devices.
- 5.1.3. Each Participating Economy shall ensure that arrangements are made for the investigation and disposal, if necessary, of suspected devices or other potential hazards posing security risks at land transport facilities serving international land transport.

5.2. Response

- 5.2.1. Each Participating Economy shall take adequate measures for the safety of passengers and crew of a land transport vehicle which is subjected to security threat until their journey can be continued.
- 5.2.2. Each Participating Economy responsible for providing land traffic services for a land transport vehicle which is the subject of a security threat shall collect all pertinent information on the trip of that land transport vehicle and transmit that information to all other Economies responsible for the Land Traffic Services units concerned, including those at the land transport facility of known or presumed destination, so that timely and appropriate security and protective actions may be taken en route and at the land transport vehicle's known, likely or possible destination.

- 5.2.3. Each Participating Economy shall provide such assistance to a land transport vehicle subjected to security threat, including the provision of land traffic services and other services as may be necessitated by the circumstances.
- 5.2.4. Each Participating Economy shall take measures, as it may find practicable, to ensure that a land transport vehicle subjected to a security threat which has entered its territory is detained on the ground unless its departure is necessitated by the overriding duty to protect human life. However, these measures need to recognize the grave hazard attending further trip. Economies shall also recognize the importance of consultations, wherever practicable, between the Economy where that land transport vehicle has entered and the Economy of the Operator of the land transport vehicle, and notification by the Economy where the land transport vehicle has entered to the Economies of assumed or stated destination.
- 5.2.5. Each Participating Economy in which a land transport vehicle subjected to a security threat has entered shall notify by the most expeditious means the Economy of Registry of the land transport vehicle and the Economy of the Operator of the entry and shall similarly transmit by the most expeditious means all other relevant information to:
 - a. the two above-mentioned Economies;
 - b. each Economy whose citizens suffered fatalities or injuries;
 - c. each Economy whose citizens were detained as hostages;
 - d. each Participating Economy whose citizens are known to be on board the land transport vehicle; and
 - e. the APEC TPT/WG/LEG.
- 5.2.6. Each Participating Economy should ensure that information received as a consequence of action taken in accordance with 5.2.2 is distributed locally to the Land Traffic Services units concerned, the appropriate land transport facility administrations, the operator and others concerned as soon as practicable.
- 5.2.7. Each Participating Economy should cooperate with other Economies for the purpose of providing a joint response in connection with a security threat. When taking measures in their territory to free passengers and crew members of a land transport vehicle subjected to a security threat, each Participating Economy should use, as necessary, the experience and capability of the Economy of the Operator, the Economy of manufacture and the Economy of Registry of that land transport vehicle.

5.3. Exchange of Information and Reporting

- 5.3.1. Each Participating Economy concerned with a security threat shall provide APEC TPT/WG/LEG with all pertinent information concerning the security aspects of the security threat as soon as practicable after the threat is resolved.
- 5.3.2. Each Participating Economy should exchange information with other Economies as considered appropriate, at the same time supplying such information to APEC TPT/WG/LEG, related to plans, designs, equipment, methods and procedures for safeguarding land transport against security threats.

CHAPTER 6. COMMUTERS' AWARENESS AND ADVOCACY PROGRAMME

6.1. Objective

- 6.1.1. Each Participating Economy acknowledges that the success of any security programme depends on the awareness and acceptance of the general public of such a programme.

6.2. Programme

- 6.2.1. Each Participating Economy, through the designated appropriate authority, shall develop slogans to be displayed in conspicuous places of land transport facilities and vehicles and aired in radio programs, and television infomercials highlighting various aspects of the economy land transport security programme and designed to heighten security awareness of commuters.
- 6.2.2. Each Participating Economy shall ensure that funds are regularly provided for the publication or broadcasting of the advocacy programme mentioned in 6.2.1.

Appendix D

Initial Draft Protocol: Second Revision

DRAFT and FOR DISCUSSION PURPOSES ONLY

LAND INTERNATIONAL SECURITY AND COMMUTERS ADVOCACY PROTOCOL

(Version 2.0, Aug. 15, 2008)

CHAPTER 1. GENERAL PRINCIPLES

1.1. Objectives

- 1.1.1. Each Participating Economy shall have as its primary objective the safety, security and protection of the whole land transport system, viz., passengers, crew, ground personnel, the general public, goods, vehicle, infrastructure and information.
- 1.1.2. Each Participating Economy shall establish an organization and develop and implement regulations, practices and procedures that are capable of responding expeditiously to meet any security threat taking into account the safety, security, reliability and efficiency of land transport services.
- 1.1.3. Each Participating Economy shall ensure that principles governing measures designed to secure and protect people, goods, vehicles, infrastructure and information are applied to both international and domestic public land transport operations to the extent practicable.
- 1.1.4. Each Participating Economy should ensure appropriate protection of sensitive land transport security information.

1.2. Security and Facilitation

- 1.2.1. Each Participating Economy should whenever possible arrange for the security controls and procedures to cause a minimum of intervention with, or delay to the activities of, land transport provided the effectiveness of these controls and procedures is not compromised.

1.3. International Cooperation

- 1.3.1. Each Participating Economy shall cooperate with other Economies in relation to the development and improvement of their respective economy land transport security programmes as necessary.
- 1.3.2. Each Participating Economy shall cooperate with other Economies in the development and exchange of information concerning capacity building, training programmes and commuters' advocacy programmes, as necessary.
- 1.3.3. Each Participating Economy shall share with other Participating Economies threat information that applies to the land transport security interests of those Economies, to the extent practicable.
- 1.3.4. Each Participating Economy shall provide suitable protection and handling procedures for sensitive security information shared by other Participating Economies, or sensitive security information that affects the security interests of other Participating Economies, in order to ensure that inappropriate use or disclosure of such information is avoided.
- 1.3.5. Each Participating Economy should cooperate with other Economies in the field of research and development of new security equipment that will better achieve land transport security objectives.
- 1.3.6. Each Participating Economy should include in its bilateral agreements on land transport a clause related to land transport security.

- 1.3.7. Each Participating Economy should make available to other Economies on request a written version of the appropriate parts of its economy land transport security programme.

1.4. Equipment, Research and Development

- 1.4.1. Each Participating Economy should promote research and development of new security equipment that will better achieve land transport security objectives.
- 1.4.2. Each Participating Economy should ensure that the development of new security equipment takes into consideration Human Factors principles, such as respect of privacy and personal dignity.

CHAPTER 2. DEFINITIONS

For the purpose of implementation of this Protocol, the following terms have their meanings, as given:

Background Check. A check of a person's identity and previous experience, including any criminal history, where appropriate, as part of the assessment of an individual's suitability for unescorted access to a security restricted area.

Cargo. Any property carried on a vehicle other than mail and accompanied or mishandled baggage.

Human Factors Principles. Principles which apply to design, certification, training, operations and maintenance and which seek safe interface between the human and other system components by proper consideration to human needs and performance.

Human Performance. Human capabilities and limitations which have an impact on the safety, security, reliability and efficiency of land transport operations.

Land Transport – refers to the use of road and rail vehicles in moving people or goods over land.

Land Transport Facility – a location where the vehicle – passenger interface takes place.

Land Transport Facility Operator - an entity which operates a land transport facility.

Land Transport Vehicle - refers to any conveyance designed to be used or capable of being used as a means of land transport utilizing its own power or that of others.

Land Transport Vehicle Operator – a person(s)/company who assumes responsibility for the operation of the land transport vehicle.

Regulated Agent. An agent, freight forwarder or any other entity who conducts business with an operator and provides security controls that are accepted or required by the appropriate authority in respect of cargo, courier and express parcels or mail.

Screening. The application of technical or other means which are intended to identify and/or detect weapons, explosives or other dangerous devices which may be used to commit an act of unlawful interference.

Security. A combination of measures and human and material resources intended to safeguard land transport against acts of unlawful interference.

Security Control. A means by which the introduction of weapons, explosives or other dangerous devices which may be utilized to commit an act of unlawful interference can be prevented.

Security Restricted Area. Areas of a land transport facility into which access is controlled to ensure security of land transport operations. Such areas will normally include, *inter alia*, all passenger departure areas between the screening checkpoint and the vehicle, the ramp, baggage make-up areas, cargo sheds, depots and vehicle cleaning premises.

Unidentified Baggage. Baggage at a land transport facility, with or without a baggage tag, which is not picked up by or identified with a passenger.

Vehicle Security Check. An inspection of the interior of a vehicle to which passengers may have had access and an inspection of the cargo compartment for the purposes of discovering suspicious objects, weapons, explosives or other dangerous devices.

CHAPTER 3. ORGANIZATION

3.1. Economy Organization and Appropriate Authority

- 3.1.1. Each Participating Economy shall establish and implement a written economy land transport security programme to secure and protect land transport operations, through regulations, practices and procedures which take into account the safety, security, reliability and efficiency of trips.
- 3.1.2. Each Participating Economy shall establish an organization that shall develop and implement regulations, practices and procedures to provide the security and protection necessary for the operation of land transport vehicle in normal operating conditions and shall be capable of responding expeditiously to meet any security threat.
- 3.1.3. Each Participating Economy shall designate and specify to APEC TPT/WG/LEG an appropriate authority within its administration to be responsible for the development, implementation and maintenance of the economy land transport security programme.
- 3.1.4. Each Participating Economy shall keep under constant review the level of threat to land transport operations within its territory and adjust relevant elements of its economy land transport security programme accordingly.
- 3.1.5. Each Participating Economy shall require the appropriate authority to define and allocate tasks and coordinate activities between the departments, agencies and other organizations of the Economy, land transport facility operators and land transport vehicle operators and other entities concerned with or responsible for the implementation of various aspects of the economy land transport security programme.
- 3.1.6. Each Participating Economy shall establish a economy land transport security committee or similar arrangements for the purpose of coordinating security activities between the departments, agencies and other organizations of the Economy, land transport facility and land transport vehicle operators and other entities concerned with or responsible for the implementation of various aspects of the economy land transport security programme.
- 3.1.7. Each Participating Economy shall require the appropriate authority to ensure the development and implementation of capacity building and training programmes to ensure the effectiveness of its economy land transport security programme. These training programmes shall include training of land transport security personnel in human performance.
- 3.1.8. Each Participating Economy shall ensure that the appropriate authority arranges for the supporting resources and facilities required by the land transport security services to be available at each land transport facility.
- 3.1.9. Each Participating Economy should make available to its land transport facility and land transport vehicle operators operating in its territory and other entities concerned, a written version of the appropriate parts of its economy land transport security programme.

3.2. Land Transport Facility Operations

- 3.2.1. Each Participating Economy shall require each land transport facility operator to establish and implement a written land transport facility security programme appropriate to meet the requirements of the economy land transport security programme.

- 3.2.2. Each Participating Economy shall arrange for an authority at each land transport facility to be responsible for coordinating the implementation of security controls.
- 3.2.3. Each Participating Economy shall arrange for the establishment of a land transport facility security committee at each land transport facility to assist the authority mentioned under 3.2.2 in its role of coordinating the implementation of security controls and procedures as specified in the land transport facility security programme.
- 3.2.4. Each Participating Economy shall ensure that contingency plans are developed and resources made available to secure and protect land transport. The contingency plans shall be practiced and exercised on a regular basis.
- 3.2.5. Each Participating Economy shall ensure that authorized and suitably trained personnel are readily available for deployment at its land transport facilities to assist in securing and protecting people, goods, information and infrastructure of land transport.
- 3.2.6. Each Participating Economy shall ensure that the architectural and infrastructure-related requirements necessary for the optimum implementation of land transport security measures are integrated into the design and construction of new facilities and alterations to existing facilities at land transport facilities.

3.3. Land Transport Vehicle Operators

- 3.3.1. Each Participating Economy shall require operators providing transport service/s to establish and implement a written operator security programme appropriate to meet the requirements of the economy land transport security programme of that Economy.

3.4. Quality Control

- 3.4.1. Each Participating Economy shall ensure that the persons implementing security controls are subject to background checks and selection procedures.
- 3.4.2. Each Participating Economy shall ensure that the persons implementing security controls are appropriately trained and possess all competencies required to perform their duties and that appropriate records are maintained. Relevant standards of performance shall be established and initial and periodic assessments shall be introduced to maintain those standards.
- 3.4.3. Each Participating Economy shall ensure that the persons carrying out screening operations are certified according to the requirements of the economy land transport security programme.
- 3.4.4. Each Participating Economy shall require the appropriate authority to ensure the development, implementation and maintenance of a economy land transport security quality control programme to ensure the effectiveness of its economy land transport security programme.
- 3.4.5. Each Participating Economy shall arrange for surveys to identify security needs, arrange for inspections of the implementation of security controls and arrange tests of security controls to assess their effectiveness.
- 3.4.6. Each Participating Economy concerned with the security and protection of land transport shall require its appropriate authority to re-evaluate security controls and procedures and take action necessary to remedy weaknesses so as to prevent recurrence. These actions shall be notified to APEC TPT/WG/LEG.

- 3.4.7. Each Participating Economy should require that the effectiveness of individual land transport security measures be assessed by considering their role in the overall system performance of land transport security systems.

CHAPTER 4. PREVENTIVE SECURITY MEASURES

4.1. Objective

- 4.1.1. Each Participating Economy shall establish measures to deter and prevent weapons, explosives or any other dangerous materials, the carriage or bearing of which is not authorized, from being introduced, by any means whatsoever, onto the land transport system or its immediate environs.

4.2. Measures Relating to Land Transport Vehicle

- 4.2.1. Each Participating Economy shall ensure that land transport vehicle security checks of land transport vehicle are performed.
- 4.2.2. Each Participating Economy shall require measures to be taken with respect to trips to ensure that disembarking passengers do not leave items on board the land transport vehicle at transit stops on its land transport facilities.
- 4.2.3. Each Participating Economy shall require its operators to take adequate measures to ensure that during a trip unauthorized persons are prevented from entering the crew compartment.

4.3. Measures Relating to Passengers and Their Cabin Baggage

- 4.3.1. Each Participating Economy shall establish measures to ensure that originating passengers and their cabin baggage are screened prior to boarding a land transport vehicle.
- 4.3.2. Each Participating Economy shall ensure that transfer and transit passengers and their cabin baggage are subjected to adequate security controls to prevent unauthorized articles from being taken on board land transport vehicle.
- 4.3.3. Each Participating Economy shall ensure that there is no possibility of mixing or contact between passengers subjected to security control and other persons not subjected to such control after the security screening points at land transport facilities have been passed; if mixing or contact does take place, the passengers concerned and their cabin baggage shall be re-screened before boarding a land transport vehicle.

4.4. Measures Relating to Compartment Baggage

- 4.4.1. Each Participating Economy shall establish measures to ensure that compartment baggage is subjected to appropriate security controls prior to being loaded into a land transport vehicle.
- 4.4.2. Each Participating Economy shall establish measures to ensure that compartment baggage intended for carriage on passenger trips is secured and protected from the point it is checked in, whether at a land transport facility or elsewhere, until it is placed on board a land transport vehicle.
- 4.4.3. Each Participating Economy shall establish measures to ensure that operators do not transport the baggage of passengers who are not on board the land transport vehicle unless that baggage is subjected to appropriate security controls which may include screening.

- 4.4.4. Each Participating Economy shall require the establishment of secure storage areas at land transport facilities, where mishandled baggage may be held until forwarded, claimed or disposed of in accordance with local laws.
- 4.4.5. Each Participating Economy shall establish measures to ensure that consignments checked in as baggage by courier services for carriage on passenger land transport vehicle are screened.
- 4.4.6. Each Participating Economy shall ensure that transfer compartment baggage is subjected to appropriate security controls to prevent unauthorized articles from being taken on board land transport vehicle.
- 4.4.7. Each Participating Economy shall establish measures to ensure that land transport vehicle operators transport only compartment baggage which is authorized for carriage in accordance with the requirements specified in the economy land transport security programme.
- 4.4.8. Each Participating Economy shall establish measures to ensure that originating compartment baggage intended to be carried in a land transport vehicle is screened prior to being loaded into the land transport vehicle.
- 4.4.9. Each Participating Economy should take the necessary measures to ensure that unidentified baggage is placed in a protected and isolated area until such time as it is ascertained that it does not contain any explosives or other dangerous device.

4.5. Measures Relating to Cargo, Mail and Other Goods

- 4.5.1. Each Participating Economy shall ensure the implementation of measures at land transport facilities to protect cargo, baggage, mail and operators' supplies being moved within a land transport facility and intended for carriage on a land transport vehicle to secure and protect such land transport vehicle.
- 4.5.2. Each Participating Economy shall establish measures to ensure that cargo, courier and express parcels and mail intended for carriage on passenger trips are subjected to appropriate security controls.
- 4.5.3. Each Participating Economy shall establish measures to ensure that operators do not accept consignments of cargo, courier and express parcels or mail for carriage on passenger trips unless the security of such consignments is accounted for by a regulated agent or such consignments are subjected to other security controls to meet the requirements of 4.5.2.
- 4.5.4. Each Participating Economy shall establish measures to ensure that catering supplies and operators' stores and supplies intended for carriage on passenger trips are subjected to appropriate security controls.

4.6. Measures Relating to Access Control

- 4.6.1. Each Participating Economy shall ensure that security restricted areas are established at each land transport facility and that procedures and identification systems are implemented with respect to persons and vehicles.
- 4.6.2. Each Participating Economy shall ensure that appropriate security controls, including background checks on persons other than passengers granted unescorted access to security restricted areas of the land transport facility, are implemented.
- 4.6.3. Each Participating Economy shall require that measures are implemented to ensure adequate supervision and control over the movement of persons and other vehicles to and from the land transport vehicle and other sensitive areas of the land transport system in order to prevent unauthorized access thereto.
- 4.6.4. Each Participating Economy should ensure that persons other than passengers being granted access to security restricted areas, together with

items carried, are screened at random in accordance with risk assessment carried out by the relevant economy authorities.

- 4.6.5. Each Participating Economy should ensure that checks specified in 4.6.2 be reapplied on a regular basis to all persons granted unescorted access to security restricted areas.

CHAPTER 5. MANAGEMENT OF MEASURES TO SECURE AND PROTECT LAND TRANSPORT SYSTEM

5.1. Deterrence and Prevention

- 5.1.1. Each Participating Economy shall establish measures to secure and protect land transport vehicle when a well-founded suspicion exists that the security of the land transport vehicle may be threatened.
- 5.1.2. Each Participating Economy shall establish procedures, which include notification to the operator, for inspecting land transport vehicle, when a well-founded suspicion exists that the security of the land transport vehicle may be threatened, for concealed weapons, explosives or other dangerous devices.
- 5.1.3. Each Participating Economy shall ensure that arrangements are made for the investigation and disposal, if necessary, of suspected devices or other potential hazards posing security risks at land transport facilities.

5.2. Response

- 5.2.1. Each Participating Economy shall take adequate measures for the safety of passengers and crew of a land transport vehicle which is subjected to security threat until their journey can be continued.
- 5.2.2. Each Participating Economy shall provide such assistance to a land transport vehicle subjected to security threat, including the provision of land traffic services and other services as may be necessitated by the circumstances.
- 5.2.3. Each Participating Economy shall take measures, as it may find practicable, to ensure that a land transport vehicle subjected to a security threat is detained on the ground unless its departure is necessitated by the overriding duty to protect human life. However, these measures need to recognize the grave hazard attending further trip.
- 5.2.4. Each Participating Economy should ensure that information received as a consequence of action taken in accordance with 5.2.2 is distributed locally to the Land Traffic Services units concerned, the appropriate land transport facility administrations, the operator and others concerned as soon as practicable.
- 5.2.5. Each Participating Economy should cooperate with other Economies for the purpose of providing a joint response in connection with a security threat

5.3. Exchange of Information and Reporting

- 5.3.1. Each Participating Economy concerned with a security threat shall provide APEC TPT/WG/LEG with all pertinent information concerning the security aspects of the security threat as soon as practicable after the threat is resolved.
- 5.3.2. Each Participating Economy should exchange information with other Economies as considered appropriate, at the same time supplying such information to APEC TPT/WG/LEG, related to plans, designs, equipment, methods and procedures for safeguarding land transport against security threats.

CHAPTER 6. COMMUTERS' AWARENESS AND ADVOCACY PROGRAMME

6.1. Objective

- 6.1.1. Each Participating Economy acknowledges that the success of any security programme depends on the awareness and acceptance of the general public of such a programme.

6.2. Programme

- 6.2.1. Each Participating Economy, through the designated appropriate authority, shall develop slogans to be displayed in conspicuous places of land transport facilities and vehicles and aired in radio programs, and television infomercials highlighting various aspects of the economy land transport security programme and designed to heighten security awareness of commuters.
- 6.2.2. Each Participating Economy shall ensure that funds are regularly provided for the publication or broadcasting of the advocacy programme mentioned in 6.2.1.

Appendix E

Initial Draft Protocol: Third Revision

DRAFT and FOR DISCUSSION PURPOSES ONLY

LAND INTERNATIONAL SECURITY AND COMMUTERS ADVOCACY PROTOCOL

(Version 3.0) Aug 18, 2008

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1.1. Objectives

- 1.1.1. Each Participating Economy shall have as its primary objective the safety, security and protection of the whole land transport system, viz., passengers, crew, ground personnel, the general public, goods, vehicle, infrastructure and information.
- 1.1.2. Each Participating Economy shall establish an organization and develop and implement regulations, practices and procedures that are capable of responding expeditiously to meet any security threat taking into account the safety, security, reliability and efficiency of land transport services.
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1.2. Security and Facilitation

- 1.2.1. Each Participating Economy should whenever possible arrange for the security controls and procedures to cause a minimum of intervention with, or delay to the activities of, land transport provided the effectiveness of these controls and procedures is not compromised.

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- 1.3.7. Each Participating Economy should make available to other Economies on request a written version of the appropriate parts of its economy land transport security programme.

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CHAPTER 2. DEFINITIONS

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Security Control. A means by which the introduction of weapons, explosives or other dangerous devices can be prevented or deterred.

Security Programme. A combination of measures and human and material resources intended to safeguard land transport security.

Security Restricted Area. Areas of a land transport facility into which access is controlled to ensure security of land transport operations. Such areas will normally include, *inter alia*, all passenger departure areas between the screening checkpoint and the vehicle, the ramp, baggage make-up areas, cargo sheds, depots and vehicle cleaning premises.

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Vehicle Security Check. An inspection of the interior of a vehicle to which passengers may have had access and an inspection of the cargo compartment for the purposes of discovering suspicious objects, weapons, explosives or other dangerous devices.

CHAPTER 3. ORGANIZATION

3.1. National Organization and Appropriate Authority

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- 3.1.3. Each Participating Economy shall designate and specify to APEC TPT/WG/LEG an appropriate authority within its administration to be responsible for the development, implementation and maintenance of the economy land transport security programme.
- 3.1.4. Each Participating Economy shall keep under constant review the level of threat to land transport operations within its territory and adjust relevant elements of its economy land transport security programme accordingly.
- 3.1.5. Each Participating Economy shall require the appropriate authority to define and allocate tasks and coordinate activities between the departments, agencies and other organizations of the Economy, land transport facility operators and land transport vehicle operators and other entities concerned with or responsible for the implementation of various aspects of the economy land transport security programme.
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- 3.1.7. Each Participating Economy shall require the appropriate authority to ensure the development and implementation of capacity building and training programmes to ensure the effectiveness of its economy land transport security programme. These training programmes shall include training of land transport security personnel in human performance.
- 3.1.8. Each Participating Economy shall ensure that the appropriate authority arranges for the supporting resources and facilities required by the land transport security services to be available at each land transport facility.
- 3.1.9. Each Participating Economy should make available to its land transport facility and land transport vehicle operators operating in its territory and other entities concerned, a written version of the appropriate parts of its economy land transport security programme.

3.2. Land Transport Facility Operations

- 3.2.1. Each Participating Economy shall require each land transport facility operator to establish and implement a written land transport facility security programme appropriate to meet the requirements of the economy land transport security programme.

- 3.2.2. Each Participating Economy shall arrange for an authority at each land transport facility to be responsible for coordinating the implementation of security controls.
- 3.2.3. Each Participating Economy shall arrange for the establishment of a land transport facility security committee at each land transport facility to assist the authority mentioned under 3.2.2 in its role of coordinating the implementation of security controls and procedures as specified in the land transport facility security programme.
- 3.2.4. Each Participating Economy shall ensure that contingency plans are developed and resources made available to secure and protect land transport. The contingency plans shall be practiced and exercised on a regular basis.
- 3.2.5. Each Participating Economy shall ensure that authorized and suitably trained personnel are readily available for deployment at its land transport facilities to assist in securing and protecting people, goods, information and infrastructure of land transport.
- 3.2.6. Each Participating Economy shall ensure that the architectural and infrastructure-related requirements necessary for the optimum implementation of land transport security measures are integrated into the design and construction of new facilities and alterations to existing facilities at land transport facilities.

3.3. Land Transport Vehicle Operators

- 3.3.1. Each Participating Economy shall require operators providing transport service/s to establish and implement a written operator security programme appropriate to meet the requirements of the economy land transport security programme of that Economy.

3.4. Quality Control

- 3.4.1. Each Participating Economy shall ensure that the persons implementing security controls are subject to background checks and selection procedures.
- 3.4.2. Each Participating Economy shall ensure that the persons implementing security controls are appropriately trained and possess all competencies required to perform their duties and that appropriate records are maintained. Relevant standards of performance shall be established and initial and periodic assessments shall be introduced to maintain those standards.
- 3.4.3. Each Participating Economy shall ensure that the persons carrying out screening operations are certified according to the requirements of the economy land transport security programme.
- 3.4.4. Each Participating Economy shall require the appropriate authority to ensure the development, implementation and maintenance of an economy land transport security quality control programme to ensure the effectiveness of its economy land transport security programme.
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- 3.4.6. Each Participating Economy concerned with the security and protection of land transport shall require its appropriate authority to re-evaluate security controls and procedures and take action necessary to remedy weaknesses so as to prevent recurrence. These actions shall be notified to APEC TPT/WG/LEG.

- 3.4.7. Each Participating Economy should require that the effectiveness of individual land transport security measures be assessed by considering their role in the overall system performance of land transport security systems.

CHAPTER 4. PREVENTIVE SECURITY MEASURES

4.1. Objective

- 4.1.1. Each Participating Economy shall establish measures to deter and prevent weapons, explosives or any other dangerous materials, the carriage or bearing of which is not authorized, from being introduced, by any means whatsoever, onto the land transport system or its immediate environs.

4.2. Measures Relating to Land Transport Vehicle

- 4.2.1. Each Participating Economy shall ensure that land transport vehicle security checks of land transport vehicle are performed.
- 4.2.2. Each Participating Economy shall require measures to be taken with respect to trips to ensure that disembarking passengers do not leave items on board the land transport vehicle at transit stops on its land transport facilities.
- 4.2.3. Each Participating Economy shall require its operators to take adequate measures to ensure that during a trip unauthorized persons are prevented from entering the crew compartment.

4.3. Measures Relating to Passengers and Their Cabin Baggage

- 4.3.1. Each Participating Economy shall establish measures to ensure that originating passengers and their cabin baggage are screened prior to boarding a land transport vehicle.
- 4.3.2. Each Participating Economy shall ensure that transfer and transit passengers and their cabin baggage are subjected to adequate security controls to prevent unauthorized articles from being taken on board land transport vehicle.
- 4.3.3. Each Participating Economy shall ensure that there is no possibility of mixing or contact between passengers subjected to security control and other persons not subjected to such control after the security screening points at land transport facilities have been passed; if mixing or contact does take place, the passengers concerned and their cabin baggage shall be re-screened before boarding a land transport vehicle.

4.4. Measures Relating to Compartment Baggage

- 4.4.1. Each Participating Economy shall establish measures to ensure that compartment baggage is subjected to appropriate security controls prior to being loaded into a land transport vehicle.
- 4.4.2. Each Participating Economy shall establish measures to ensure that compartment baggage intended for carriage on passenger trips is secured and protected from the point it is checked in, whether at a land transport facility or elsewhere, until it is placed on board a land transport vehicle.
- 4.4.3. Each Participating Economy shall establish measures to ensure that operators do not transport the baggage of passengers who are not on board the land transport vehicle unless that baggage is subjected to appropriate security controls which may include screening.

- 4.4.4. Each Participating Economy shall require the establishment of secure storage areas at land transport facilities, where mishandled baggage may be held until forwarded, claimed or disposed of in accordance with local laws.
- 4.4.5. Each Participating Economy shall establish measures to ensure that consignments checked in as baggage by courier services for carriage on passenger land transport vehicle are screened.
- 4.4.6. Each Participating Economy shall ensure that transfer compartment baggage is subjected to appropriate security controls to prevent unauthorized articles from being taken on board land transport vehicle.
- 4.4.7. Each Participating Economy shall establish measures to ensure that land transport vehicle operators transport only compartment baggage which is authorized for carriage in accordance with the requirements specified in the economy land transport security programme.
- 4.4.8. Each Participating Economy shall establish measures to ensure that originating compartment baggage intended to be carried in a land transport vehicle is screened prior to being loaded into the land transport vehicle.
- 4.4.9. Each Participating Economy should take the necessary measures to ensure that unidentified baggage is placed in a protected and isolated area until such time as it is ascertained that it does not contain any explosives or other dangerous device.

4.5. Measures Relating to Cargo, Mail and Other Goods

- 4.5.1. Each Participating Economy shall ensure the implementation of measures at land transport facilities to protect cargo, baggage, mail and operators' supplies being moved within a land transport facility and intended for carriage on a land transport vehicle to secure and protect such land transport vehicle.
- 4.5.2. Each Participating Economy shall establish measures to ensure that cargo, courier and express parcels and mail intended for carriage on passenger trips are subjected to appropriate security controls.
- 4.5.3. Each Participating Economy shall establish measures to ensure that operators do not accept consignments of cargo, courier and express parcels or mail for carriage on passenger trips unless the security of such consignments is accounted for by a regulated agent or such consignments are subjected to other security controls to meet the requirements of 4.5.2.
- 4.5.4. Each Participating Economy shall establish measures to ensure that catering supplies and operators' stores and supplies intended for carriage on passenger trips are subjected to appropriate security controls.

4.6. Measures Relating to Access Control

- 4.6.1. Each Participating Economy shall ensure that security restricted areas are established at each land transport facility and that procedures and identification systems are implemented with respect to persons and vehicles.
- 4.6.2. Each Participating Economy shall ensure that appropriate security controls, including background checks on persons other than passengers granted unescorted access to security restricted areas of the land transport facility, are implemented.
- 4.6.3. Each Participating Economy shall require that measures are implemented to ensure adequate supervision and control over the movement of persons and other vehicles to and from the land transport vehicle and other sensitive areas of the land transport system in order to prevent unauthorized access thereto.
- 4.6.4. Each Participating Economy should ensure that persons other than passengers being granted access to security restricted areas, together with

items carried, are screened at random in accordance with risk assessment carried out by the relevant economy authorities.

- 4.6.5. Each Participating Economy should ensure that checks specified in 4.6.2 be reapplied on a regular basis to all persons granted unescorted access to security restricted areas.

CHAPTER 5. MANAGEMENT OF MEASURES TO SECURE AND PROTECT LAND TRANSPORT SYSTEM

5.1. Deterrence and Prevention

- 5.1.1. Each Participating Economy shall establish measures to secure and protect land transport vehicle when a well-founded suspicion exists that the security of the land transport vehicle may be threatened.
- 5.1.2. Each Participating Economy shall establish procedures, which include notification to the operator, for inspecting land transport vehicle, when a well-founded suspicion exists that the security of the land transport vehicle may be threatened, for concealed weapons, explosives or other dangerous devices.
- 5.1.3. Each Participating Economy shall ensure that arrangements are made for the investigation and disposal, if necessary, of suspected devices or other potential hazards posing security risks at land transport facilities.

5.2. Response

- 5.2.1. Each Participating Economy shall take adequate measures for the safety of passengers and crew of a land transport vehicle which is subjected to security threat until their journey can be continued.
- 5.2.2. Each Participating Economy shall provide such assistance to a land transport vehicle subjected to security threat, including the provision of land traffic services and other services as may be necessitated by the circumstances.
- 5.2.3. Each Participating Economy shall take measures, as it may find practicable, to ensure that a land transport vehicle subjected to a security threat is detained on the ground unless its departure is necessitated by the overriding duty to protect human life. However, these measures need to recognize the grave hazard attending further trip.
- 5.2.4. Each Participating Economy should ensure that information received as a consequence of action taken in accordance with 5.2.2 is distributed locally to the Land Traffic Services units concerned, the appropriate land transport facility administrations, the operator and others concerned as soon as practicable.
- 5.2.5. Each Participating Economy should cooperate with other Economies for the purpose of providing a joint response in connection with a security threat.

5.3. Exchange of Information and Reporting

- 5.3.1. Each Participating Economy concerned with a security threat shall provide APEC TPT/WG/LEG with all pertinent information concerning the security aspects of the security threat as soon as practicable after the threat is resolved.
- 5.3.2. Each Participating Economy should exchange information with other Economies as considered appropriate, at the same time supplying such information to APEC TPT/WG/LEG, related to plans, designs, equipment, methods and procedures for safeguarding land transport against security threats.

CHAPTER 6. COMMUTERS' AWARENESS AND ADVOCACY PROGRAMME

6.1. Objective

- 6.1.1. Each Participating Economy acknowledges that the success of any security programme depends on the awareness and acceptance of the general public of such a programme.

6.2. Programme

- 6.2.1. Each Participating Economy, through the designated appropriate authority, shall develop slogans to be displayed in conspicuous places of land transport facilities and vehicles and aired in radio programs, and television infomercials highlighting various aspects of the economy land transport security programme and designed to heighten security awareness of commuters.
- 6.2.2. Each Participating Economy shall ensure that funds are regularly provided for the publication or broadcasting of the advocacy programme mentioned in 6.2.1.

Appendix F

Questionnaire Regarding Land Transport Security

Land International Security and Commuters' Advocacy Protocol (Land-ISCAP) Survey Questionnaire		
No.	Question	Answer
1	Economy:	
2	Full Name of Ministry/Department in charge of transport: Are there independent agencies in charge of transport in the State/Province/Region?	
3	Full Name of Agency in charge of Transport Security: Address:	
4	Does the agency have control down to the local level? If no, please give brief explanation:	
5	Does your Economy have international land transport connections? <ul style="list-style-type: none"> • Bus • Rail • Others (please specify): If no, please proceed to No. 8	
6	If yes, with what economies? <ul style="list-style-type: none"> • Bus • Rail Others (please specify):	
7	Does the bilateral agreement for international land transport connection have a section on transport security? If yes, please provide a photocopy showing the said section.	
8	Full Name of Agency in charge of giving franchise for public land transport: National Are there agencies in the State/Province/Region authorized to give franchise for public land transport?	
9	Security measures undertaken at land transport terminals: <ul style="list-style-type: none"> • Manual screening • Hand held detectors • Walk through detectors • CCTV K-9 units • Millimeter wave scanners Others (please specify):	
10	Are infomercials regarding transport security played in land transport terminals/vehicles? If yes, please provide samples of information materials highlighting the need for public awareness in land transport security, if any.	
11	Please give comments and suggestions on how to improve security in various modes of land transport or share experiences and best practices therein.	

Appendix G

Replies to Questionnaire

Land International Security and Commuters' Advocacy Protocol (Land-ISCAP) Survey Questionnaire

SUBJECT		NAME OF ECONOMY							
		AUSTRALIA	CANADA	CHINESE-TAIPEI*	JAPAN	KOREA	New Zealand*	PHILIPPINES	SINGAPORE*
1	National agency in charge of transport security?	Yes	Yes		Yes	Yes	Yes	Yes	Yes
2	National Agency control down to local level?	No	No		Yes	Yes		Yes	Yes
3	National Public Land Transport Franchising?	No	No		Yes	No	Yes	Yes	
4	Security Measures at Entry Points								
	A. Passenger Entry								
	1 Manual Screening	Yes						Yes	
	2 Hand-held detectors							Yes	
	3 Walk-through detectors								
	4 CCTV	Yes	Yes		Yes	Yes		Yes	
	5 K-9 units							Yes	
	6 Millimeter wave scanners								
	7 Others								
	B. Carrier Entry								
5	International Land Transport Connection?	No	Yes	No	li	No	No	No	
6	Public Awareness / Commuters' Advocacy								
	A. Infomercials in Land Transport Terminals and Ve	iv	No		Yes	Yes		No	Yes
	B. Posters / Slogans	Yes	Yes		Yes	Yes		Yes	Yes

SUBJECT		NAME OF ECONOMY			
		AUSTRALIA	CANADA	CHINESE TAIPEI	JAPAN
7	Other Measures to Improve Land Transport Security	<p>Australia Transport Security Working Group developed documents to improve land transport security, vis;</p> <ul style="list-style-type: none"> • CCTV Code of Practice, • Precinct Guidelines, • Planning Guidelines, • Cross-jurisdictional Strategy 	<ul style="list-style-type: none"> • Risk based management • Developed strong partnership with stakeholders • Developed standards/codes of practice and guidance materials 	<ul style="list-style-type: none"> • Enhance capability of security staff through training • Improve security drill • Increase the facilities of security • Installation of crime prevention facilities (e.g., video tape recording system and metal detector) 	<ul style="list-style-type: none"> • Sharing of best practices before the appropriate forum

SUBJECT		NAME OF ECONOMY			
		KOREA	NEW ZEALAND	PHILIPPINES	SINGAPORE
7	Other Measures to Improve Land Transport Security			<ul style="list-style-type: none"> • A national program for land and rail transport security is currently being developed by Office for Transportation Security (OTS) in coordination with stakeholders • Transport security measures in placed in railway system and bus terminals 	

Appendix H

Initial Draft Protocol: Fourth Revision

DRAFT ONLY

Version 4.0, November 21, 2008

LAND INTERNATIONAL SECURITY AND COMMUTERS ADVOCACY PROTOCOL

CHAPTER 1. GENERAL PRINCIPLES

1.1. Objectives

- 1.1.1. Each Participating Economy shall have as its primary objective the safety, security and protection of the whole land transport system, viz. passengers, crew, ground personnel, the general public, goods, vehicle, infrastructure and information.
- 1.1.2. Each Participating Economy shall establish an organization and develop and implement regulations, practices and procedures that are capable of responding expeditiously to meet any security threat taking into account the safety, security, reliability and efficiency of land transport services.
- 1.1.3. Each Participating Economy shall ensure that, although this protocol applies to international public land transport, principles governing measures designed to secure and protect people, goods, vehicles, infrastructure and information are also applied to domestic public land transport operations to the extent practicable.
- 1.1.4. Each Participating Economy should ensure appropriate protection of sensitive land transport security information.

1.2. Security and Facilitation

- 1.2.1. Each Participating Economy should whenever possible arrange for the security controls and procedures to cause a minimum of intervention with, or delay to the activities of, land transport provided the effectiveness of these controls and procedures is not compromised.

1.3. International Cooperation

- 1.3.1. Each Participating Economy shall ensure that requests from other Economies for special security controls with respect to a specific trip or specified trips by operators of such other Economies are met, as far as may be practicable.
- 1.3.2. Each Participating Economy shall cooperate with other Economies in relation to their respective national land transport security programmes as necessary.
- 1.3.3. Each Participating Economy shall cooperate with other Economies in the development and exchange of information concerning capacity building, training programmes and commuters' advocacy programmes, as necessary.
- 1.3.4. Each Participating Economy shall share with other Participating Economies threat information that applies to the land transport security interests of those Economies, to the extent practicable.
- 1.3.5. Each Participating Economy shall provide suitable protection and handling procedures for sensitive security information shared by other Participating

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Economies, or sensitive security information that affects the security interests of other Participating Economies, in order to ensure that inappropriate use or disclosure of such information is avoided.

1.3.6. Each Participating Economy should cooperate with other Economies in the field of research and development of new security equipment that will better achieve land transport security objectives.

1.3.7. Each Participating Economy should include in its bilateral agreements on land transport a clause related to land transport security.

1.3.8. Each Participating Economy should make available to other Economies on request a written version of the appropriate parts of its national land transport security programme.

1.4. Equipment, Research and Development

1.4.1. Each Participating Economy should promote research and development of new security equipment that will better achieve land transport security objectives.

1.4.2. Each Participating Economy should ensure that the development of new security equipment takes into consideration Human Factors principles, such as respect of privacy and personal dignity.

CHAPTER 2. DEFINITIONS

For the purpose of implementation of this Protocol, the following terms have their meanings, as given:

Background Check	A check of a person's identity and previous experience, including any criminal history, where appropriate, as part of the assessment of an individual's suitability for unescorted access to a security restricted area.
Cargo	Any property carried on a vehicle other than mail and accompanied or mishandled baggage.
Human Factors Principles	Principles by which apply to design, certification, training, operations and maintenance and which seek safe interface between the human and other system components by proper consideration to human needs and performance.
Human Performance	Human capabilities and limitations which have an impact on the safety, security, reliability and efficiency of land transport operations.
Land Transport	Refers to the use of road and rail vehicles in moving people or goods over land.
Land Transport Facility	A location where the vehicle – passenger interface takes place.
Land Transport Facility Operator	An entity which operates a land transport facility.

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Land Transport Vehicle Refers to any conveyance designed to be used or capable of being used as a means of land transport utilizing its own power or that of others.

Land Transport Vehicle Operator A person(s)/company who assume responsibility for the operation of the land transport vehicle.

Regulated Agent An agent, freight forwarder or any other entity who conducts business with an operator and provides security controls that are accepted or required by the appropriate authority in respect of cargo, courier and express parcels or mail.

Screening The application of technical systems or other means which are intended to identify and/or detect weapons, explosives or other dangerous devices which may be used to commit an act of unlawful interference.

Security A combination of measures and human and material resources intended to safeguard land transport against acts of unlawful interference.

Security Control A means by which the introduction of weapons, explosives or other dangerous devices that may be utilized to commit an act of unlawful interference can be prevented.

Security Restricted Area Areas of a land transport facility into which, access is controlled to ensure security of land transport operations. Such areas will normally include, *inter alia*, all passenger departure areas between the screening checkpoint and the vehicle, the ramp, baggage make-up areas, cargo sheds, depots and vehicle cleaning premises.

Unidentified Baggage Baggage at a land transport facility, with or without a baggage tag, which is not picked up by or identified with a passenger.

Vehicle Security Check An inspection of the interior of a vehicle to which passengers may have had access and an inspection of the cargo compartment for the purposes of discovering suspicious objects, weapons, explosives or other dangerous devices.

CHAPTER 3. ORGANIZATION

3.1. National Organization and Appropriate Authority

3.1.1. Each Participating Economy shall establish and implement a written national land transport security programme to secure and protect land transport operations, through regulations, practices and procedures which take into account the safety, security, reliability and efficiency of trips.

3.1.2. Each Participating Economy shall establish an organization that shall develop and implement regulations, practices and procedures to provide the security and protection necessary for the operation of land transport vehicle in normal

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operating conditions and shall be capable of responding expeditiously to meet any security threat.

- 3.1.3. Each Participating Economy shall designate and specify to APEC TPT/WG/LEG an appropriate authority within its administration to be responsible for the development, implementation and maintenance of the national land transport security programme.
- 3.1.4. Each Participating Economy shall keep under constant review the level of threat to land transport operations within its territory and adjust relevant elements of its national land transport security programme accordingly.
- 3.1.5. Each Participating Economy shall require the appropriate authority to define and allocate tasks and coordinate activities between the departments, agencies and other organizations of the Economy, land transport facility operators and land transport vehicle operators and other entities concerned with or responsible for the implementation of various aspects of the national land transport security programme.
- 3.1.6. Each Participating Economy shall establish a national land transport security committee or similar arrangements for the purpose of coordinating security activities between the departments, agencies and other organizations of the Economy, land transport facility and land transport vehicle operators and other entities concerned with or responsible for the implementation of various aspects of the national land transport security programme.
- 3.1.7. Each Participating Economy shall require the appropriate authority to ensure the development and implementation of capacity building and training programmes to ensure the effectiveness of its national land transport security programme. These training programmes shall include training of land transport security personnel in human performance.
- 3.1.8. Each Participating Economy shall ensure that the appropriate authority arranges for the supporting resources and facilities required by the land transport security services to be available at each land transport facility serving international land transport.
- 3.1.9. Each Participating Economy should make available to its land transport facility and land transport vehicle operators operating in its territory and other entities concerned, a written version of the appropriate parts of its national land transport security programme.

3.2. Land Transport Facility Operations

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- 3.2.1. Each Participating Economy shall require each land transport facility operator serving international land transport to establish and implement a written land transport facility security programme appropriate to meet the requirements of the national land transport security programme.
- 3.2.2. Each Participating Economy shall arrange for an authority at each land transport facility serving international land transport to be responsible for coordinating the implementation of security controls.
- 3.2.3. Each Participating Economy shall arrange for the establishment of a land transport facility security committee at each land transport facility serving

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international land transport to assist the authority mentioned under 3.2.2 in its role of coordinating the implementation of security controls and procedures as specified in the land transport facility security programme.

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3.2.4. Each Participating Economy shall ensure that contingency plans are developed and resources made available to secure and protect land transport. The contingency plans shall be practiced and exercised on a regular basis.

3.2.5. Each Participating Economy shall ensure that authorized and suitably trained personnel are readily available for deployment at its land transport facilities serving international land transport to assist in securing and protecting people, goods, information and infrastructure of land transport.

3.2.6. Each Participating Economy shall ensure that the architectural and infrastructure-related requirements necessary for the optimum implementation of land transport security measures are integrated into the design and construction of new facilities and alterations to existing facilities at land transport facilities.

3.3. Land Transport Vehicle Operators

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3.3.1. Each Participating Economy shall require operators providing service from that Economy to establish and implement a written operator security programme appropriate to meet the requirements of the national land transport security programme of that Economy.

3.4. Quality Control

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3.4.1. Each Participating Economy shall ensure that the persons implementing security controls are subject to background checks and selection procedures.

3.4.2. Each Participating Economy shall ensure that the persons implementing security controls are appropriately trained and possess all competencies required to perform their duties and that appropriate records are maintained. Relevant standards of performance shall be established and initial and periodic assessments shall be introduced to maintain those standards.

3.4.3. Each Participating Economy shall ensure that the persons carrying out screening operations are certified according to the requirements of the national land transport security programme.

3.4.4. Each Participating Economy shall require the appropriate authority to ensure the development, implementation and maintenance of a national land transport security quality control programme to ensure the effectiveness of its national land transport security programme.

3.4.5. Each Participating Economy shall arrange for surveys to identify security needs, arrange for inspections of the implementation of security controls and arrange tests of security controls to assess their effectiveness.

3.4.6. Each Participating Economy concerned with the security and protection of land transport shall require its appropriate authority to re-evaluate security controls and procedures and take action necessary to remedy weaknesses so

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as to prevent recurrence. These actions shall be notified to APEC TPT/WG/LEG.

3.4.7. Each Participating Economy should require that the effectiveness of individual land transport security measures be assessed by considering their role in the overall system performance of land transport security systems.

CHAPTER 4. PREVENTIVE SECURITY MEASURES

4.1. Objective

Each Participating Economy shall establish measures to deter and prevent weapons, explosives or any other dangerous materials, the carriage or bearing of which is not authorized, from being introduced, by any means whatsoever, onto the land transport system engaged in international land transport or its immediate environs.

4.2. Measures Relating to Land Transport Vehicle

4.2.1. Each Participating Economy shall ensure that land transport vehicle security checks of originating land transport vehicle assigned to international trips are performed.

4.2.2. Each Participating Economy shall require measures to be taken with respect to trips to ensure that disembarking passengers do not leave items on board the land transport vehicle at transit stops on its land transport facilities.

4.2.3. Each Participating Economy shall require its operators to take adequate measures to ensure that during a trip unauthorized persons are prevented from entering the crew compartment.

4.3. Measures Relating to Passengers and Their Cabin Baggage

4.3.1. Each Participating Economy shall establish measures to ensure that originating passengers and their cabin baggage are screened prior to boarding a land transport vehicle engaged in international land transport operations.

4.3.2. Each Participating Economy shall ensure that transfer and transit passengers and their cabin baggage are subjected to adequate security controls to prevent unauthorized articles from being taken on board land transport vehicles engaged in international land transport operations.

4.3.3. Each Participating Economy shall ensure that there is no possibility of mixing or contact between passengers subjected to security control and other persons not subjected to such control after the security screening points at land transport facilities serving international land transport have been passed; if mixing or contact does take place, the passengers concerned and their cabin baggage shall be re-screened before boarding a land transport vehicle.

4.4. Measures Relating to Compartment Baggage

4.4.1. Each Participating Economy shall establish measures to ensure that compartment baggage is subjected to appropriate security controls prior to

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being loaded into a land transport vehicle engaged in international land transport operations.

- 4.4.2. Each Participating Economy shall establish measures to ensure that compartment baggage intended for carriage on passenger trips is secured and protected from the point it is checked in, whether at a land transport facility or elsewhere, until it is placed on board a land transport vehicle.
- 4.4.3. Each Participating Economy shall establish measures to ensure that operators when providing service from that Economy do not transport the baggage of passengers who are not on board the land transport vehicle unless that baggage is subjected to appropriate security controls which may include screening.
- 4.4.4. Each Participating Economy shall require the establishment of secure storage areas at land transport facilities serving international land transport, where mishandled baggage may be held until forwarded, claimed or disposed of in accordance with local laws.
- 4.4.5. Each Participating Economy shall establish measures to ensure that consignments checked in as baggage by courier services for carriage on passenger land transport vehicles engaged in international land transport operations are screened.
- 4.4.6. Each Participating Economy shall ensure that transfer compartment baggage is subjected to appropriate security controls to prevent unauthorized articles from being taken on board land transport vehicles engaged in international land transport operations.
- 4.4.7. Each Participating Economy shall establish measures to ensure that land transport vehicle operators when providing a passenger service from that Economy, transport only compartment baggage which is authorized for carriage in accordance with the requirements specified in the national land transport security programme.
- 4.4.8. Each Participating Economy shall establish measures to ensure that originating compartment baggage intended to be carried in a land transport vehicle engaged in international land transport operations is screened prior to being loaded into the land transport vehicle.
- 4.4.9. Each Participating Economy should take the necessary measures to ensure that unidentified baggage is placed in a protected and isolated area until such time as it is ascertained that it does not contain any explosives or other dangerous device.

4.5. Measures Relating to Cargo, Mail and Other Goods

- 4.5.1. Each Participating Economy shall ensure the implementation of measures at land transport facilities serving international land transport to protect cargo, baggage, mail and operators' supplies being moved within a land transport facility and intended for carriage on a land transport vehicle to secure and protect such land transport vehicle.

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4.5.2. Each Participating Economy shall establish measures to ensure that cargo, courier, express parcels and mail intended for carriage on passenger trips are subjected to appropriate security controls.

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4.5.3. Each Participating Economy shall establish measures to ensure that operators do not accept consignments of cargo, courier, express parcels or mail for carriage on passenger trips unless the security of such consignments is accounted for by a regulated agent or such consignments are subjected to other security controls to meet the requirements of 4.5.2.

4.5.4. Each Participating Economy shall establish measures to ensure that catering supplies and operators' stores and supplies intended for carriage on passenger trips are subjected to appropriate security controls.

4.6. Measures Relating to Access Control

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4.6.1. Each Participating Economy shall ensure that security restricted areas are established at each land transport facility serving international land transport and that procedures and identification systems are implemented with respect to persons and vehicles.

4.6.2. Each Participating Economy shall ensure that appropriate security controls, including background checks on persons other than passengers granted unescorted access to security restricted areas of the land transport facility, are implemented.

4.6.3. Each Participating Economy shall require that measures are implemented to ensure adequate supervision and control over the movement of persons and other vehicles to and from the land transport vehicle and other sensitive areas of the land transport system in order to prevent unauthorized access thereto.

4.6.4. Each Participating Economy should ensure that identity documents issued to land transport vehicle crew members conform to the relevant specifications set forth in bilateral or international agreements.

4.6.5. Each Participating Economy should ensure that persons other than passengers being granted access to security restricted areas, together with items carried, are screened at random in accordance with risk assessment carried out by the relevant national authorities.

4.6.6. Each Participating Economy should ensure that checks specified in 4.6.2 be reapplied on a regular basis to all persons granted unescorted access to security restricted areas.

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CHAPTER 5. MANAGEMENT OF MEASURES TO SECURE AND PROTECT LAND TRANSPORT SYSTEM

5.1. Deterrence and Prevention

5.1.1. Each Participating Economy shall establish systems, programmes and measures to strengthen intelligence data gathering and risk assessment capabilities of land transport participants, and, based on these intelligence information and risk assessments, implement preventative security measures commensurate with the risks.

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- 5.1.2. The appropriate authority of each Participating Economy shall identify and prioritize vulnerabilities based on intelligence-led assessment of the threat, and assist land transport facilities and vehicle operators to develop measures and programmes to respond to and mitigate against identified security risks in land transport.
- 5.1.3. Each Participating Economy shall establish measures to secure and protect land transport vehicles when a well-founded suspicion exists that the security of the land transport vehicle may be threatened and to provide as much prior notification as possible of the arrival of such land transport vehicles to land transport facility authorities.
- 5.1.4. Each Participating Economy shall establish procedures, which include notification to the operator, for inspecting land transport vehicles, when a well-founded suspicion exists that the security of the land transport vehicle may be threatened, for concealed weapons, explosives or other dangerous devices.
- 5.1.5. Each Participating Economy shall ensure that arrangements are made for the investigation and disposal, if necessary, of suspected devices or other potential hazards posing security risks at land transport facilities serving international land transport.

5.2. Response

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- 5.2.1. Each Participating Economy shall take adequate measures for the safety of passengers and crew of a land transport vehicle which is subjected to a security threat until their journey can be continued.
- 5.2.2. Each Participating Economy responsible for providing land traffic services for a land transport vehicle that is the subject of a security threat, shall collect all pertinent information. This information should be transmitted to all other Economies responsible for the Land Traffic Services units concerned, including those at the land transport facility of known or presumed destination. Timely dissemination of this information will allow for appropriate security and protective actions to be taken en route and at the land transport vehicle's known, likely or possible destination.
- 5.2.3. Each Participating Economy shall provide such assistance to a land transport vehicle subjected to a security threat, including the provision of land traffic services and other services as may be necessitated by the circumstances.
- 5.2.4. Each Participating Economy shall take measures, as it may find practicable, to ensure that a land transport vehicle subjected to a security threat which has entered its territory is detained on the ground unless its departure is necessitated by the overriding duty to protect human life. However, these measures need to recognize the grave hazard attending further trips. Economies shall also recognize the importance of consultations, wherever practicable, between the Economy where that land transport vehicle has entered and the Economy of the Operator of the land transport vehicle, and notification by the Economy where the land transport vehicle has entered to the Economies of assumed or stated destination.

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5.2.5. Each Participating Economy in which a land transport vehicle subjected to a security threat has entered, shall notify by the most expeditious means the Economy of Registry of the land transport vehicle and the Economy of the Operator of the entry and shall similarly transmit by the most expeditious means all other relevant information to:

- a. the two above-mentioned Economies;
- b. each Economy whose citizens suffered fatalities or injuries;
- c. each Economy whose citizens were detained as hostages;
- d. each Participating Economy whose citizens are known to be on board the land transport vehicle; and
- e. the APEC TPT/WG/LEG.

5.2.6. Each Participating Economy should ensure that information received as a consequence of action taken in accordance with 5.2.2 is distributed locally to the Land Traffic Services units concerned, the appropriate land transport facility administrations, the operator and others concerned as soon as practicable.

5.2.7. Each Participating Economy should cooperate with other Economies for the purpose of providing a joint response in connection with a security threat. When taking measures in their territory to free passengers and crew members of a land transport vehicle subjected to a security threat, each Participating Economy should use, as necessary, the experience and capability of the Economy of the Operator, the Economy of manufacture and the Economy of Registry of that land transport vehicle.

5.3. Exchange of Information and Reporting

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5.3.1. Each Participating Economy concerned with a security threat shall provide APEC TPT/WG/LEG with all pertinent information concerning the security aspects of the security threat as soon as practicable after the threat is resolved.

5.3.2. Each Participating Economy should exchange information with other Economies as considered appropriate, at the same time supplying such information to APEC TPT/WG/LEG, related to plans, designs, equipment, methods and procedures for safeguarding land transport against security threats.

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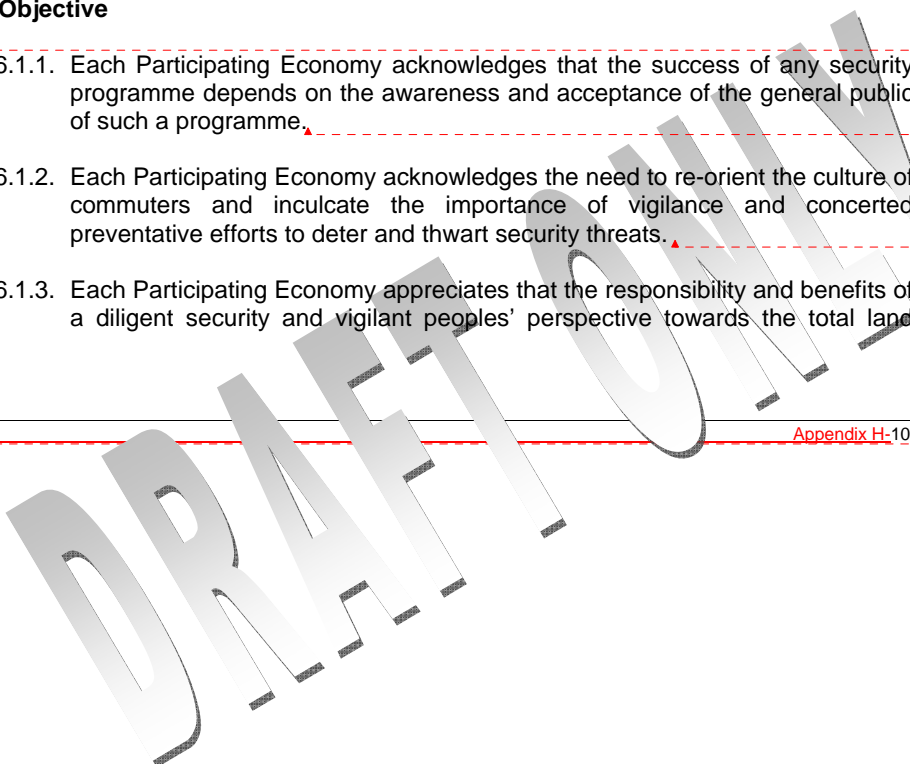
CHAPTER 6. COMMUTERS' AWARENESS AND ADVOCACY PROGRAMME

6.1. Objective

6.1.1. Each Participating Economy acknowledges that the success of any security programme depends on the awareness and acceptance of the general public of such a programme.

6.1.2. Each Participating Economy acknowledges the need to re-orient the culture of commuters and inculcate the importance of vigilance and concerted preventative efforts to deter and thwart security threats.

6.1.3. Each Participating Economy appreciates that the responsibility and benefits of a diligent security and vigilant peoples' perspective towards the total land



transport system transcends all types of businesses and institutions of the economy.

6.1.4. Each Participating Economy appreciates that a lower risk factor in trade and investment climate due to active stakeholder participation will facilitate and promote an "investment-led, demand-driven economy."

6.2. Programme

6.2.1. Each Participating Economy, through the designated appropriate authority, shall develop slogans to be displayed in conspicuous places of land transport facilities and vehicles and aired in radio programs, and television infomercials highlighting various aspects of the national land transport security programme and designed to heighten security awareness of commuters.

6.2.2. Each Participating Economy shall ensure that funds are regularly provided for the publication or broadcasting of the advocacy programme mentioned in 6.2.1.

6.3. Intra- and International Cooperation

6.3.1. Each Participating Economy shall develop guidelines on best practices on public awareness and advocacy programmes and ensure continuing information and communication streams between and among the government, the transport industry and the community to achieve the objectives of the national land transport security programme.

6.3.2. Each Participating Economy shall cooperate with Other Economies in the exchange of information on best practices on public awareness and advocacy programmes as enunciated in 1.3.3.

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Appendix I

Initial Draft Protocol: Fifth Revision



Asia-Pacific
Economic Cooperation

Land International Security Commuters' and Advocacy Protocol



DRAFT ONLY

(Fifth Revision)
June 10, 2009

LAND INTERNATIONAL SECURITY AND COMMUTERS' ADVOCACY PROTOCOL

PREAMBLE

1. Asia-Pacific Economic Cooperation, or APEC, is the premier forum for facilitating economic growth, cooperation, trade and investment in the Asia-Pacific region. Free and open trade and investment help create jobs and provides greater opportunities for economic growth.
2. APEC also works to create an environment for the safe and efficient movement of goods, services and people across borders in the region through policy alignment and economic and technical cooperation. APEC mitigates direct threat from terrorism to its vision of secure, open and prosperous economies.
3. APEC Leaders have pledged to help secure the region's people and its economic, trade, investment and financial systems from terrorist attack or abuse and trade-based money laundering. Their commitments to undertake individual and joint actions to counter terrorism are expressed in two principle statements - the 2001 APEC Leaders Statement on Counter-Terrorism and the 2002 Statement on Fighting Terrorism and Promoting Growth - and in every subsequent annual Leaders' Declaration.
4. The Transport Ministers of APEC economies, in their fourth meeting in Bali, Indonesia on 27 to 29 July 2004, recognized that transnational organized crimes are increasingly posing threats to transport security, and have given priority to the improvement of transport security and safety in the region.
5. The Ministers' Meeting in Tokyo, Japan in January 2006 upheld the need to address rail and mass transit security issues and agreed that the sharing of best practices and enhanced global cooperation in passenger land/rail transport security be facilitated.

1. GENERAL

1.1 Introduction

This Land International Security and Commuters Advocacy Protocol (Land ISCAP) contains functional principles and examples of best practices for consideration of APEC economies

1.2 Objectives

The objectives of this Protocol are:

1. To establish an international framework involving co-operation between Participating Economies and the land transport stakeholders to detect security threats and take preventive and response measures against security incidents affecting land transport;
2. To establish the network for sharing of best practices¹ in:
 - a. Determining the respective roles and responsibilities of the agencies and entities within the Participating Economies and land transport stakeholders for ensuring security of land transport;
 - b. Providing a methodology for security assessments;
 - c. Developing corresponding security plans based on the security assessments;
 - d. Ensuring that measures are implemented through a third-party audit;
 - e. Ensuring the real-time and efficient collection and exchange of security-related information; and
 - f. Designing, publishing and broadcasting commuter advocacy programs to heighten the awareness of the populace on the need for land transport security

¹ Examples of best practices are shown at the end of the applicable section, in italics.

1.3 Functional Principles

In order to achieve its objectives, this Protocol recognizes a number of functional principles. These include, but are not limited to:

1. Each Participating Economy has as its primary objective the safety, security and protection of the whole land transport system, viz. passengers, crew, ground personnel, the general public, goods, vehicle, infrastructure, technology, communication and information;
2. There should be an appropriate Authority/Administration in each Participating Economy duly authorized to develop and implement regulations, practices and procedures that are capable of responding expeditiously to meet any security threat taking into account the safety, security, reliability and efficiency of land transport services;
3. Intensified intelligence gathering is important in deterring and preventing the occurrence of security incidents;
4. Information with respect to security threats must be gathered and assessed and such information should be securely shared with appropriate agencies within the economy and/or other concerned Participating Economies;
5. Only authorized and inspected personnel and equipment are allowed access to land transport vehicles, land transport facilities and their restricted areas;
6. The introduction of unauthorized weapons, incendiary devices or explosives to land transport vehicles or land transport facilities must be prevented;
7. A system for raising the alarm and response to security threats or security incidents must be in place;
8. Operators of land transport vehicles and/or land transport facilities must formulate security plans based upon security assessments;
9. The promotion of continuing research and development in the field of land transport security is necessary. It must also take into consideration Human Factors Principles, such as respect of dignity and personal intrusion;
10. Regular trainings, drills and exercises must be undertaken to ensure familiarity with security plans and procedures; and
11. Public awareness and vigilance are important factors in any land transport security programme.

2. DEFINITIONS

For the purpose of this Protocol, the following terms have their meanings as given, unless expressly provided otherwise:

Cargo Any property carried on a vehicle other than mail.

Dangerous Goods/Substance Any solid, liquid, or gas that can harm people, other living organisms, property, or the environment. Dangerous goods include materials that are radioactive, flammable, explosive or corrosive, oxidizers or asphyxiants, biohazardous, toxic, pathogen or allergen substances and organisms, but also physical conditions as compressed gases and liquids or hot materials, including all goods containing such materials or chemicals, or may have other characteristics that render it hazardous in specific circumstances.

Human Factors Principles Principles by which apply to design, certification, training, operations and maintenance and which seek safe interface between the human and other system components by proper consideration to human needs and performance.

Human Performance	Human capabilities and limitations that have an impact on the safety, security, reliability and efficiency of land transport operations.
Land Transport	Refers to the use of road and rail vehicles in moving people or goods over land.
Land Transport Facility	A location where the vehicle – passenger interface takes place.
Land Transport Facility Operator	An entity that operates a land transport facility.
Land Transport Vehicle	Refers to any conveyance designed to be used or capable of being used as a means of land transport utilizing its own power or that of others.
Land Transport Vehicle Operator	A person(s)/company(ies) who assume responsibility for the operation of the land transport vehicle.
Personal Intrusion	Inappropriate search invading an individual's private body parts.
Rail Transport	Refers to transport of passenger and goods along railways or railroads
Road Transport	Refers to transport of passenger and goods on roads.
Screening	The application of technical systems or other means which are intended to identify and/or detect weapons, explosives or other dangerous devices which may be used to commit an act of unlawful interference.
Security	A combination of measures and human and material resources intended to safeguard land transport against acts of unlawful interference.
Security Control	A means by which the introduction of weapons, explosives or other dangerous devices that may be utilized to commit an act of unlawful interference can be prevented.
Unauthorized Weapons	<p>The following guidelines are furnished in making a reasonable determination of what personal property of a person should be considered as a weapon or a dangerous article:</p> <p>Bludgeons – Blackjacks, Billy clubs, or similar instruments;</p> <p>Explosives/Ammunition – Any type of explosives, ammunition, incendiaries, or fireworks, whether commercially manufactured, home-made, or any combination of these components;</p> <p>Explosives/Incendiary Devices – Any combination of explosives, incendiaries, or other components which can result in an explosion or fire;</p> <p>Firearms – Any weapon from which a shot may be fired by force of an explosion, including starter pistols, compressed air or BB guns, and flare pistols;</p>

Gases and Chemical Agents – Tear gas, mace, and similar chemicals and gases, whether in a pistol, canister or other container;

Knives – Sabers, swords, hunting knives, and other cutting instruments which are considered dangerous

Other Dangerous Articles – Items such as ice picks, straight razors, elongated scissors, even though not commonly thought of as deadly or dangerous weapons but which could be used as a weapon, including toy or “dummy” weapons/grenades.

Unattended Baggage

Baggage at a land transport facility, with or without a baggage tag, which is not picked up by or identified with a passenger.

Unlawful Interference

Felonious acts or omissions directed upon any land transportation system, infrastructures, terminals, services or facilities, which breach the security or interferes with the secured, efficient, smooth and regular operation of land transportation systems, infrastructures, terminals, services or facilities, thereby causing death, physical injury, danger and property damage or loss in great waste or ruin.

3. ORGANIZATION

3.1 Appropriate Authority/Administration

3.1.1 To effectively implement the functional principles stated herein, a written Land Transport Security Programme is essential to secure and protect land transport operations, through regulations, practices and procedures that take into account the safety, security, reliability and efficiency of trips.

3.1.2 In support of the foregoing programme, an appropriate authority/administration that shall develop and implement regulations, practices and procedures to provide the security and protection necessary for the operation of land transport vehicle in normal operating conditions and shall be capable of responding expeditiously to meet any security threat shall be duly established by legislative action, executive order or by whatever legal instrument, taking into account the distinct political, social and economic situation in the Participating Economy.

3.1.3 The land transport security programme shall be reviewed and updated regularly in response to the level of threat to land transport operations within its jurisdiction and adjust relevant elements thereof accordingly.

3.1.4 To ensure proper coordination between and among all land transport stakeholders, a written version of the appropriate parts of its land transport security programme shall be made available to said stakeholders.

3.1.5 To ensure the effectiveness of its Land Transport Security Programme, the development and implementation of capacity building and training programmes, including training of land transport security personnel in human performance, shall be continuously pursued.

3.2 Land Transport Facility Operations

3.2.1 Cognizant of its role in the total security of land transport operations, the land transport facility operator prepares a written land transport facility security programme appropriate to meet the requirements of the Land Transport Security Programme.

3.2.2 The land transport facility operator shall review its existing or proposed facilities to ensure that the architectural and infrastructure-related requirements necessary for the optimum implementation of land transport security measures are integrated into the design and construction of new facilities and alterations to existing facilities at its land transport facilities.

3.3 Land Transport Vehicle Operations

3.3.1 Cognizant of its role in the total security of land transport operations, the land transport vehicle operator prepares a written land transport facility security programme appropriate to meet the requirements of the Land Transport Security Programme.

3.3.2 The land transport vehicle operator shall review its systems and procedures to ensure that optimum implementation of land transport security measures are integrated into their systems and procedures.

Best Practices: See Appendix A-1, A-2, A-3, O-1 and O-2

4. PREVENTATIVE SECURITY MEASURES

4.1 Preventative security measures in line with the Land Transport Security Programme shall be implemented with respect to dangerous goods/substance, unattended baggage, security screening of cargoes and access to critical areas.

Best Practices: See Appendix A-1, A-2, A-3, O-3 and O-4

5. MANAGEMENT OF MEASURES TO SECURE AND PROTECT LAND TRANSPORT SYSTEM

5.1 Deterrence and Prevention

5.1.1 Intelligence data gathering and risk assessment form the very vanguard of security. Based on these intelligence information and risk assessments, land transport participants implement preventative security measures commensurate with the risks.

5.1.2 Based on intelligence-led assessment of the threat, vulnerabilities are identified and prioritized and land transport facility and vehicle operators are given assistance to develop measures and programmes to respond to and mitigate identified security risks in land transport.

5.1.3 Arrangements are also made for the investigation and disposal, if necessary, of suspected devices or other potential hazards posing security risks at land transport facilities

5.2 Response

5.2.1 The safety of the general public, passengers, crew and personnel of a land transport vehicle or facility, which is subjected to a security threat, is the primary concern and objective. Adequate measures are taken to achieve this objective and concern.

5.2.2 All pertinent information on the land transport vehicle or facility that is the subject of a security threat must be collected. Timely dissemination of this information will allow for appropriate security and protective actions to be taken.

Best Practices: See Appendix A-1, A-2, A-3, O-3 and O-4

6. COMMUTERS' AWARENESS AND ADVOCACY PROGRAMME

6.1 Rationale

- 6.1.1 The success of any security programme depends on the awareness and acceptance of the general public of such a programme.
- 6.1.2 There is a continuing need to re-orient the culture of commuters and inculcate the importance of vigilance and concerted preventative efforts to deter and thwart security threats.
- 6.1.3 The responsibility and benefits of a diligent security and vigilant peoples' perspective towards the total land transport system transcends all types of businesses and institutions of the economy.
- 6.1.4 A lower risk factor in trade and investment climate due to active stakeholder participation will facilitate and promote an "investment-led, demand-driven economy."

6.2 Programme

- 6.2.1 To pursue the objectives of this Protocol, commuters' advocacy programmes are to be developed; slogans to be displayed in conspicuous places of land transport facilities and vehicles, and aired in radio programs; television infomercials highlighting various aspects of the Land Transport Security Programme and designed to heighten security awareness of commuters are broadcasted regularly; and inter-active websites are to be developed, maintained and regularly updated to keep the general public well-informed and updated on the on-going programs and services, like speakers bureau, of the government on transport security.

6.3 Intra- and International Cooperation

- 6.3.1 Guidelines on best practices on public awareness and advocacy programmes shall be developed by Participating Economies to ensure continuing information and communication streams between and among the government, the transport industry and the community to achieve the objectives of the Land Transport Security Programme.
- 6.3.2 There will be an exchange of information on best practices on public awareness and advocacy programmes between and among Participating Economies in the spirit of APEC cooperation.

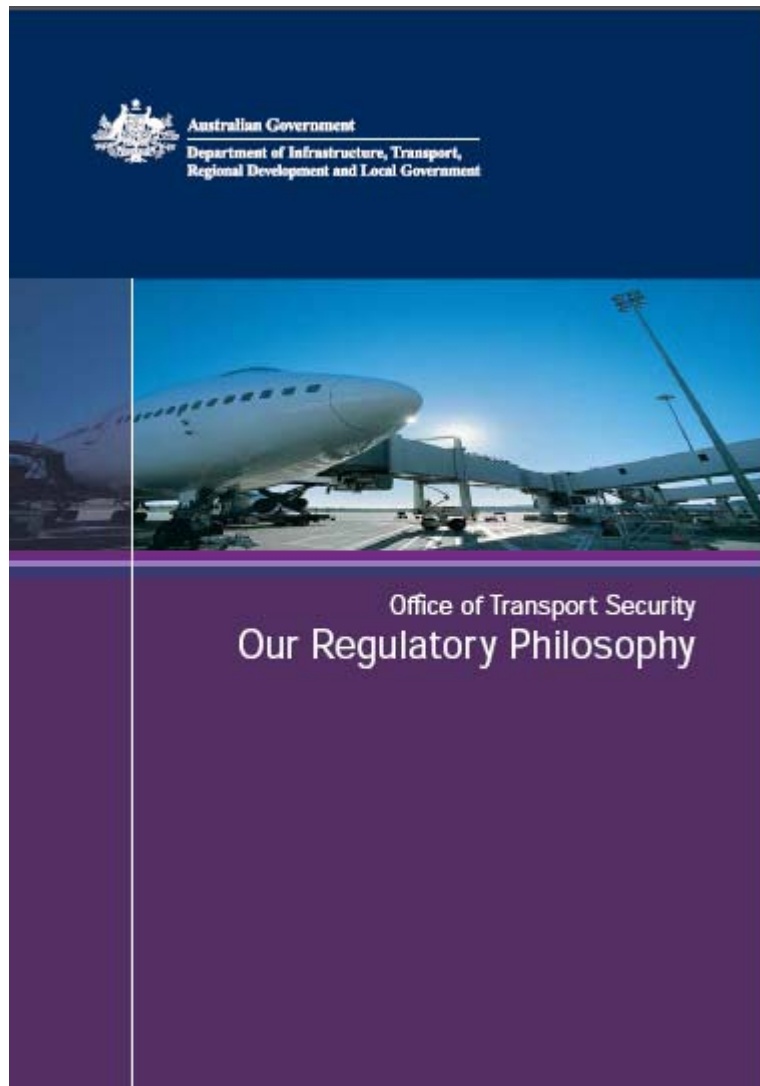
Best Practices: See Appendix A-6

APPENDIX A BEST PRACTICES OF AUSTRALIA

- Appendix A-1 – Strategy for Cross Jurisdictional Coordination of Security-Identified Surface Transport Operations, Version 1, November 2007
- Appendix A-2 - Transport Precinct Security Guidelines, 2007
- Appendix A-3 - Counter – Terrorism Security Planning Guidelines for Mass Passenger Surface Transport Operations, Version 1.8, July 2008
- Appendix A-4 - Regulatory Philosophy
- Appendix A-5 - OTS_Strategic_Plan_2007-2010
- Appendix A-6 - Samples of Security Consciousness Posters

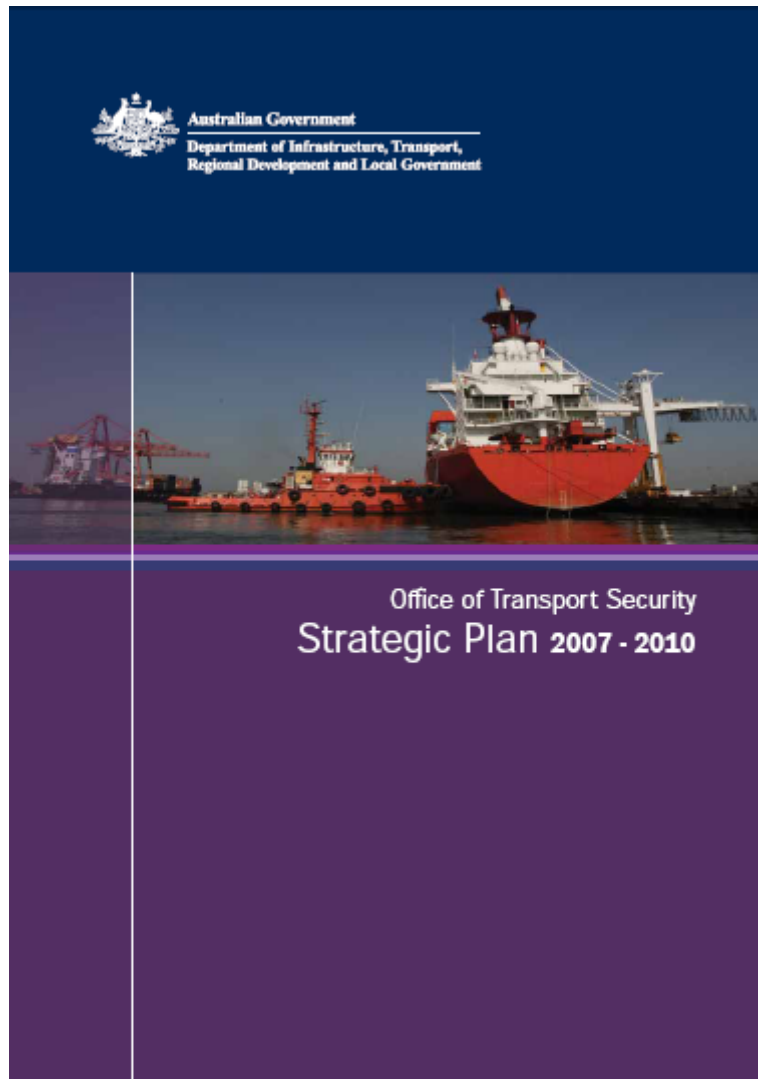
Website: <http://www.infrastructure.gov.au/transport/security/>

APPENDIX A-4



<http://www.infrastructure.gov.au/transport/security/publications.aspx>

APPENDIX A-5



http://www.infrastructure.gov.au/transport/security/pdf/OTS_Strategic_Plan_2007-2010.pdf

APPENDIX B BEST PRACTICES OF BRUNEI DARUSSALAM

APPENDIX C BEST PRACTICES OF CANADA

Website: <http://www.catsa-acsta.gc.ca/>

APPENDIX D

BEST PRACTICES OF CHILE

APPENDIX E

BEST PRACTICES OF PEOPLE'S REPUBLIC OF CHINA

APPENDIX F BEST PRACTICES OF HONG KONG, CHINA

APPENDIX G BEST PRACTICES OF INDONESIA

APPENDIX H BEST PRACTICES OF JAPAN

APPENDIX I BEST PRACTICES OF REPUBLIC OF KOREA

APPENDIX J BEST PRACTICES OF MALAYSIA

APPENDIX K BEST PRACTICES OF MEXICO

APPENDIX L BEST PRACTICES OF NEW ZEALAND

APPENDIX M
BEST PRACTICES OF PAPUA NEW GUINEA

APPENDIX N BEST PRACTICES OF PERU

APPENDIX O
BEST PRACTICES OF THE REPUBLIC OF THE PHILIPPINES

- Appendix O-1 - Executive Order 311
- Appendix O-2 - Draft Bill for the Creation of the Philippine Transportation Security Authority
- Appendix O-3 - Intelligence Directive No. 01-2005
- Appendix O-4 - Intelligence Directive No. 02-2005

Website: ***www.ots.gov.ph***

APPENDIX O-1

MALACAÑANG

Manila

BY THE PRESIDENT OF THE PHILIPINES

EXECUTIVE ORDER NO. 311

DESIGNATING THE OFFICE FOR TRANSPORTATION SECURITY AS THE SINGLE AUTHORITY RESPONSIBLE FOR THE SECURITY OF THE TRANSPORTATION SYSTEMS OF THE COUNTRY, EXPANDING ITS POWERS AND FUNCTIONS AND FOR OTHER PURPOSES

WHEREAS, the State is committed to the maintenance of safe and dependable transportation systems as effective instruments for national recovery and economic progress;

WHEREAS, recent international and domestic events are stark reminders that the nation must constantly be vigilant to prevent weapons, explosives, other dangerous elements or devices, hazardous materials and cargoes, which may be used to commit an act of terrorism and the carriage or bearing of which is not authorized, from being introduced into and carried on board a public transport system;

WHEREAS, it is necessary to formulate, implement and coordinate transportation security measures, programs, plans and activities which will enhance the security and safety of the transportation systems of the economy;

WHEREAS, to address the range of transnational crimes affecting our economy, Executive Order No. 62 issued on 15 January 1999 creating the Philippine Center on Transnational Crime to formulate and implement a concerted program of action of all law enforcement intelligence and other agencies for the prevention and control of transnational crime;

WHEREAS, to ensure the effective and efficient implementation and coordination of transportation security measures, programs, plans and activities which will enhance the security and safety of the transportation systems of the economy;

WHEREAS, to ensure the effective and efficient implementation and coordination of transportation security measures, there is a need for a single authority which shall be responsible therefore;

WHEREAS, under Section 31, Chapter 10, Title III, Book III of the Administrative Code of 1987, the President has the continuing authority to recognize the administrative structure of the Office of the President.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. *Single Authority* – The Office for Transportation Security (OTS) is hereby designated as the single authority responsible for the security of the transportation systems of the economy, including, but not limited to:

- a. Civil Aviation, by ensuring that Annex 17 to the Convention on International Civil Aviation, as amended, commonly referred to as the Standards and Recommended Practices on Security and as enumerated in the Security Manual for Safeguarding International Civil Aviation Against Acts of Unlawful Interference, as well as the National Civil Aviation Security Programme (NCASP) are implemented;
- b. Sea Transport and Maritime Infrastructure, by ensuring that the International Maritime Organization International Ship and Port Facility Security Code (ISPS) is

- implemented, and that a National Security Programme for Sea Transport and Maritime Infrastructure is formulated, developed and implemented; and
- c. Land Transportation, Rail System and Infrastructure, by ensuring that a National Security Programme for Land Transportation, Rail System and Infrastructure is formulated, developed and implemented.

SECTION. 2. Powers and Functions – The OTS shall exercise the following powers and functions:

- a. Assume the functions of the National Civil Aviation Security Committee (NCASC) enumerated in Section 4 of Executive Order No. 277 dated January 30, 2004 as well as all other powers and functions of the NCASC subject, however, to Section 3 of this Executive Order;
- b. Exercise operational control and supervision over all units of law enforcement agencies and agency personnel providing security services in the transportation systems, except for motor vehicles in land transportation, jointly with the heads of the bureaus or agencies to which the units or personnel organically belong or are assigned;
- c. Exercise responsibility for transportation security operations including, but not limited to, security screening of passengers, baggage and cargoes, and hiring, retention, training and testing of security screening personnel;
- d. In coordination with the appropriate agencies and /or instrumentalities of the government, formulate, develop, promulgate and implement comprehensive security plans, policies, measures, strategies and programs to ably and decisively deal with any threat to the security of transportation systems, and continually review, assess and upgrade such security plans, policies, measures, strategies and programs, to improve and enhance transportation security and ensure the adequacy of these security measures;
- e. Examine and audit the performance of transportation security personnel, equipment and facilities, and thereafter, establish, on a continuing basis, performance, standards for such personnel, equipment and facilities, including for the training of personnel;
- f. Prepare a security manual/master plan or programme which shall prescribe the rules and regulations for the efficient and safe operation of all transportation systems, including standards for security screening procedures, prior screening or profiling of individuals for the issuance of security access passes, and determination of levels of security clearances for personnel of the OTS, the DOTC and its attached agencies, and other agencies of the government;
- g. Prescribe security and safety standards for all transportation systems in accordance with existing laws, rules, regulations and international conventions;
- h. Subject to the approval of the Secretary of the DOTC, issue Transportation Security Regulations/Rules and amend, rescind or revise such regulations or rules as may be necessary for the security of the transportation systems of the economy;
- i. Enlist the assistance of any department, bureau, office, instrumentality, or government-owned or controlled corporation, to carry out its functions and mandate including, but not limited to, the use of their respective personnel, facilities and resources;
- j. Actively coordinate with law enforcement agencies in the investigation and prosecution of any illegal act or unlawful interference committed at or directed to any public transportation system;
- k. Perform such other functions necessary to effectively carry out the provisions of this Executive Order or as may be directed by the Secretary of the DOTC.

SECTION. 3. National Civil Aviation Security Committee Secretariat – The NCASC shall henceforth act as an advisory body to and consultative forum for the Secretary of the DOTC in matters relative civil aviation security. For this purpose, the NCASC is hereby transferred from the Department of the Interior and Local Government (DILG) to the DOTC, and is hereby reconstituted and shall be composed of the following:

Secretary, DOTC	Chairman
Secretary, DILG	Vice- Chairman
Undersecretary, Office for Transportation Security	Member
Assistant Secretary, Air Transportation Office	Member
General Manager, Manila International Airport Authority	Member
General Manager, Mactan-Cebu International Airport Authority	Member
General Manager, Clark International Airport Corporation	Member
General Manager, Subic Bay International Airport Authority	Member
Manager, Davao International Airport	Member
Manager, General Santos International Airport	Member
Manager, Laoag International Airport	Member
Manager, Zamboanga International Airport	Member
Director, Philippine National Police Aviation Security Group	Member
Commissioner, Bureau of Customs	Member
Commissioner, Bureau of Immigration	Member
Administrator, Philippine Overseas Employment Administration	Member
Administrator, Overseas Workers Welfare Administration	Member
Executive Director, Department of Tourism	Member
Protocol Officer, Department of Foreign Affairs	Member
Director, National Bureau of Investigation	Member
Group Commander, Intelligence Service of the Armed Forces of the Philippines	Member
Director General, National Intelligence Coordinating Agency	Member
Group Commander, Presidential Security Group	Member
Director, Bureau of Plant Industry	Member
Director, Bureau of Animal Industry	Member
Chief Superintendent, Bureau of Fire Protection	Member
Director, Bureau of Quarantine and International Health Surveillance	Member

The OTS shall continue to serve as the Secretariat of the NCASC and qualified DILG personnel performing secretariat functions for the NCASC shall have the option to transfer the DOTC and be absorbed by the OTS.

SECTION. 4. Security Committees – The Secretary of the DOTC shall have the power to create other security committees, composed of concerned agencies of the government and stakeholders, which shall provide assistance in the formulation, development and implementation of national security programmes for sea transport and maritime infrastructure and for land transportation, rail system and infrastructure.

SECTION. 5. Funding – The amount necessary for the initial operation and administration for the OTS shall be chargeable against funds for the purpose and other sources recommended by the Department of Budget and Management. Thereafter, appropriations for the OTS shall be included in the budget proposals under the DOTC.

SECTION. 6 *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Executive Order and subject to the approval of the Secretary of the DOTC, the OTS shall promulgate rules and regulations necessary for the implementation of this Executive Order.

SECTION. 7. *Repeal* – Executive Order No. 277 dated January 30, 2004 is hereby modified accordingly. All other orders, rules, regulations and issuances, or parts thereof, which are inconsistent with this Executive Order are hereby repealed or modified accordingly.

SECTION 8. *Effectively.* – This Executive Order shall take effect immediately.

City of Manila, **26th day of April, 2004**

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

APPENDIX O-2

Republic Act No. _____

AN ACT
TO BE KNOWN AS THE "TRANSPORTATION SECURITY ACT OF 2006", CREATING
THE PHILIPPINE TRANSPORTATION SECURITY AUTHORITY (PTSA) AND
AUTHORIZING THE APPROPRIATIONS OF FUNDS THEREFORE AND FOR OTHER
PURPOSES.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

Title I
GENERAL PROVISIONS

Section 1. Short Title- This Act shall be known as the "Philippine Transportation Security Act of 2006".

Section 2. Declaration of Policy- The State recognizes the vital role of public transportation and commerce in nation building and in the promotion of international and domestic trade relations for economic growth and comity among nations.

The State in preserving and protecting the rights of its people to a secured public transport system, hereby supports and promotes the installation and implementation of a consolidated transportation security management to improve and maintain an effective inter-modal (air, land & water) transportation systems in full compliance with the international standards/practices, fostering state of the art security measures in the economy's transportation systems.

The State further declares all out support in the implementation and enforcement of the strictest possible standards to stamp out terrorism, economic sabotage and all forms of unlawful interference that breach the integrity and security of international and domestic transportation systems.

The State finally adopts the generally accepted principles of international law and universal recommendations on standards and practices in transportation security measures as part of the laws of the land and adheres to the policy of comity and cooperation.

Section 3. Unlawful Interference: How Committed- Acts of unlawful interference to transportation systems are felonious acts or omissions directed upon any public transportation system (land, water & air), ports, harbors, infrastructures, hangars, terminals, services or facilities, which breach the security or interferes with the secured, efficient, smooth and regular operation of transportation systems, ports, infrastructures, terminals, services or facilities, thereby causing death, physical injury, danger and property damage or loss in great waste or ruin.

Section 4. Other Acts of Unlawful Interference- Other acts of unlawful interference maybe committed:

- a. By any person or group of persons actually causing unlawful interference in a public transport service, facility or system by providing material, financial or moral comfort except in the furtherance of legitimate protest, grievance or advocacy;

- b. By maliciously reporting an incident which jeopardized the security of public transportation systems in the Philippines;
- c. By unauthorized release of any classified transport security information;
- d. By any person maliciously failing to implement transportation security regulations in a public transport system;
- e. By abusing public transport franchise, permit and other certificates of public convenience;
- f. By not disclosing or reporting information concerning breach in transportation security;
- g. By any other act or omission which tend to endanger public security and breach the integrity of a public transportation system.

Section 5. Conspiracy or Proposal to Commit Unlawful Interference-There is a conspiracy to commit unlawful interference when two or more person comes to an agreement to commit any act of unlawful interference and decide to commit it.

There is proposal to commit unlawful interference when a person, who has decided to commit any act of unlawful interference, proposes its execution to some other persons or persons.

Section 6. Jurisdiction Over Cases Involving Unlawful Interference- The Regional Trial Court or the Sandiganbayan, as the case maybe, shall have jurisdiction to try all cases involving unlawful interference to transportation system.

Those charged with or convicted of acts of unlawful interference are without prejudice to the prosecution for any other act or acts penalized under the Revised Penal Code or other existing laws.

Section 7. Bail- For offenses covered by this Act, all applications for bail shall be subject to the Revised Rules of Court (RRC).

Section 8. Provisional Remedies- After filing the crime of unlawful interference and upon a verified motion by the prosecution, the Court can cause the issuance of a temporary restraining order; a writ of injunction; a writ of attachment; garnishment; other equitable relief or appropriate order for the tracking, seizure, disabling, disposal, preservation, disarmament or destruction of the things used in the unlawful interference to prevent its removal, concealment, dissipation, destruction, activation, transfer, assignment or otherwise disposal during the pendency of the criminal proceedings.

No temporary restraining order or writ of injunction against any order, regulation, circular or memorandum or other issuances by the appropriate transport security agency and pursuant to this Act can be issued but by the Court of Appeals or the Supreme Court.

Section 9. Mandates for Compliance with International Conventions- As member of the community of nations and as signatory state to international conventions, it is hereby stated that a designated/appropriate Transport Security Authority is mandated to comply with the provisions of the transportation security administration under International Maritime Organization as stated in Chapter XI-2– Regulation 1, Definitions No. 1 and 4 of the International Ship & Port Facility Security Code (ISPS CODE) and Chapter 3 (3.1.2) of Annex 17 of the International Civil Aviation Organization (ICAO).

Section 10. Penal Provisions-

- a) Penalty for acts of unlawful interference – The penalty of not less than six (6) months to life imprisonment and a fine of not less than Php20,000.00 and not more than Ten Million Pesos (PHP10,000,000.00) shall be imposed upon any person or group of persons convicted under section three (3) of this act;
- b) Penalty for Conspiracy or proposal to commit unlawful interference – The penalty of imprisonment of not less than six (6) years but not more than twelve (12) years shall be imposed upon any person or persons convicted under section four (4) of this Act;
- c) Penalty for materially supporting or financing acts of unlawful interference- Penalty of not less than six (6) years but not more than twelve (12) years shall be imposed upon any person or group of persons convicted under section four (4) paragraph A of this Act;
- d) Penalties for malicious reporting – The penalty of two (2) years imprisonment and a fine of not less than Two Hundred Thousand Pesos(Php200,000.00) Phil. Currency but not more than Five Hundred Thousand Pesos(Php500,000.00) Phil. Currency shall be imposed upon any person convicted under section four (4) paragraph B of this Act;
- e) Penalties for violations of other provisions of this Act. – The penalty of not less than six (6) months but not more than one (1) year and a fine of not less than twenty (20) thousand pesos but not more than one (1) year and a fine of not less than twenty (20) thousand pesos but not more than fifty (50) thousand shall be imposed upon any person convicted of the offense involving violation of any other provision of this Act.

TITLE II

CREATION OF THE “PHILIPPINE TRANSPORTATION SECURITY AUTHORITY”

Section 1. Creation and Mandate of the Philippine Transportation Security Authority (PTSA) – There is hereby created a single authority to address the public transportation security system of the economy to be known as the “Philippine Transportation Security Authority (PTSA)” herein referred to as the “Authority”. It shall be an attached agency under the administration of the Secretary of the Department of Transportation and Communications (DOTC).

The Authority in compliance with the mandates of international conventions is hereby mandated as the appropriate/designated authority for the security of all modes (air, water & land) of transportation in the economy. PTSA shall be organized, trained and equipped to perform law enforcement functions in the pursuit of its mandate or in coordination with other law enforcement agencies.

The Authority shall render reciprocal support, assistance and coordination with the Civil Aeronautics Board (CAB), the Air Transportation Office (ATO), Philippine Ports Authority (PPA), Maritime Industry Authority (MARINA), Subic Bay Metropolitan Authority (SBMA), Cebu Ports Authority (CPA), Bases Conversion Development Authority (BCDA), Philippine Veterans Investment and Development Corporation (PHIVIDEC), Land Transportation Office (LTO), Land Transportation Franchising Regulatory Board (LTFRB), Philippine National Police-Aviation Security Group (PNP-ASG), Maritime Group (PNP-MARIG), Traffic Management Group (PNP-TMG), Armed Forces of the Philippines (AFP), Philippine Coast Guard (PCG), Airport Police (AP), Customs Police (CP), Metropolitan Manila Development Authority (MMDA), Light Rail Transit Authority (LRTA), Philippine National Railways (PNR),

Metro Rail Transit (MRT 3 Office), Autonomous Region for Muslim Mindanao (ARMM) and such other agencies related to and/or undertaking, promoting & pursuing transportation security.

The Authority is mandated to formulate, develop & implement security standards, security regulations & measures, international protocol, procedures, practices, policies including universally accepted standards for the prevention of security incident. The authority is likewise mandated to exact fees and impose fines for the prevention of transportation security incident and the protection and security of passengers, crews, cargoes, baggage's, personnel, transportation facilities/infrastructure, properties and the general public.

Section 2. Powers and Functions-The Authority shall have the following powers and functions:

- a) Exercises effective control and assumes supervision over all law enforcement and security agencies performing, pursuing or rendering transportation security services;
- b) Solely responsible for the security of all modes/means of transportation system in the Philippines, exercised by the different government agencies including but not limited to screening of passengers, baggage or cargoes; hiring and retention of security screening personnel; training and testing of personnel in security screening, inspection, verification and audit;
- c) Advise the President directly or through the Secretary of Transportation and Communications (SOTC) and or the National Security Council (NSC) on all matters involving transportation security. In cases of urgency, the Authority by the Administrator may report directly to the President on urgent national and international transportation security concern;
- d) Formulate, develop and promulgate in coordination with appropriate agencies, comprehensive transportation security plans, policies, regulations, measures, fees and programs to decisively deal with any threat to the security of the transport systems, and continually review, assess and upgrade such plans, regulations, policies, measures, fees, fines, strategies and programs to improve and enhance transportation security and ensure the adequacy of these security measures, fees and programs to improve national transportation security upon contemporary concepts and principles;
- e) Examine, verify and audit the transport security performance, activities and facilities of all modes of transportation system; and establish a continuing review upon all inter-modal transportation security standards;
- f) Prepare a comprehensive and separate National Transport Security Program, prescribing rules and regulations for the efficient operation of land/rail, air/civil aviation and water/maritime transportation security, including procedures and screening for the issuance of security access pass and the determination of levels of security clearance on transportation facilities and infrastructures;
- g) Prescribe transport security standards in all modes of transportation systems in the Philippines in accordance with existing laws, rules, regulations and international conventions;
- h) Exercise law enforcement power over all matters involving transportation security incident/unlawful interference upon all modes of transportation system. The Authority

may however enlist assistance from other law enforcement agencies or appoint/deputize their personnel and/or the agency itself to carry out its mandate;

- i) Actively pursue the investigation and prosecution of any act of unlawful interference against public transportation system, facilities and infrastructure. Effect the arrest of offenders in accordance with law; And file appropriate charges related thereto through the appropriate government agencies;
- j) Acquire, purchase, own, administer, lease, mortgage, sell or otherwise dispose of or encumber any real or personal property, equipment, assets and rights in furtherance of its mandate. The Authority shall be exempt from payment of any or all direct and indirect taxes, imports fees and charges, capital gains taxes, local and national taxes, interests, import duties, fees, taxes and charges of any kind or nature on all of its real and personal properties, assets, income and revenues, importations, transactions, loans and obligations (principal or interests) as acquired and incurred in the exercise of its mandate under the provisions of this Act;
- k) Sue and be sued with its consent;
- l) Procure, own and carry firearm; and have the authority to issue mission orders thereon, subject to existing laws, rules and regulations;
- m) Perform such other functions necessary to effectively carry out the provisions of this Act and as the President of the Philippines or the Secretary of Transportation and Communications may direct.

Section 3. Administrator and Deputy Administrator: Qualifications, Appointments and Terms of Office –

The head of the Authority shall be designated as the Administrator with the rank of an Undersecretary, and is responsible for the general administration and management of the agency. He must be a natural born citizen of the Philippines; at least forty five (45) years of age; Have experience in a field directly related to transportation or security; At least five (5) years experience in the management of a field directly related to security or allied services.

The Administrator shall be appointed by the President of the Philippines upon recommendation of the Secretary of Transportation and Communications (SOTC). The Administrator shall serve a fixed term of seven (7) years counted from the time he takes his oath to assume office. The Administrator is assisted by a Deputy Administrator with the rank of Assistant Secretary and shall have the same qualifications and term of office as the Administrator.

For purposes of law enforcement in the exercise of police functions, the Administrator and the Deputy Administrator are deemed persons in authority. All subordinate officials and personnel are deemed agents of persons in authority.

Section 4. Transportation Security Services/Transportation Security Training & Development Institute/others- For purposes of carrying out its duties and powers as provided for in the succeeding sections, the PTSA shall have the following major transportation security services, namely; CIVIL AVIATION SECURITY SERVICE (CASS); MARITIME SECURITY SERVICE (MARSS); LAND & RAIL SECURITY SERVICE (LARSS); INTELLIGENCE & COMMUNICATIONS SECURITY SERVICE (ICSS); ADMINISTRATIVE & FINANCE SERVICE (AFS); LEGAL, POLICY RESEARCH & ADJUDICATION SERVICE (LPRAS) and a TRANSPORTATION SECURITY TRAINING & DEVELOPMENT INSTITUTE

(TSTDI). These major transportation security services/training & development institute are to be headed by DIRECTORS.

- a) Civil Aviation Security Service (CASS) – which shall conduct continuous inspection, monitoring, audit of facilities and operations at all levels of air transportation system and shall monitor and/or directly implement the Authority's projects, programs and regulations relative to security of air transportation; to conduct investigation on all matters involving illegal acts or unlawful interference committed upon or directed to air transportation facility and submit recommendation relative thereto;
- b) Maritime Security Service (MARSS) – This shall conduct continuous inspection, monitoring, audit of facilities and operations at all levels of maritime transportation system; and shall monitor and/or directly implement the rules & regulations relative to security of maritime transportation; to conduct investigation on all matters involving illegal acts or unlawful interference committed upon or directed to maritime transportation facility and submit recommendation relative thereto in adherence to reciprocal support, assistance and coordination with the appropriate law enforcement agencies.
- c) Land & Rail Security Service (LARSS) – which shall conduct continuous inspection, monitoring and audit of facilities and operations at all levels of land and rail transportation systems and shall monitor and/or directly implement the Authority's projects, programs and regulations relative to security of land and rail transport systems; to conduct investigation on all matters involving illegal acts or unlawful interference committed upon or directed to land and rail transportation systems and submit recommendation relative thereto;
- d) Intelligence & Communications Security Service (ICSS) – which shall conduct continuous intelligence gathering and evaluation to direct and substantiate policy directions of the agency on. It shall likewise promulgate programs to strengthen the intelligence capability of the Authority in securing the different modes of transportation including transportation communication systems, facilities, services and infrastructure in the economy.
- e) Administrative & Finance Service (AFS) – which shall provide necessary services relating to finance & administrative matters; Keeps records, correspondence, supplies, property, equipment & general services; and the maintenance and utilization of facilities; and provide services relating to manpower, career planning and development, personnel placements and employees welfare;
- f) Legal, Policy Research & Adjudication Service (LPRAS) – which shall provide the Authority with efficient and effective service as in-house legal counsel; Draft or study contracts affecting the Authority; Review reports relative to investigation conducted by the Authority and submit recommendations pertaining thereto; Render legal opinions arising from the administration and operation of the Authority and Adjudicate matters affecting the regulatory issuances relative to matters of national policy on civil aviation, maritime and land & rail transportation security;
- g) Transportation Security Training and Development Institute (TSTDI) – Which shall formulate, develop, provide & maintain an effective, efficient and continuing training/re-training program for transportation security personnel and all allied agencies and their personnel who will apply standards and recommended level of security for the secured operation of all modes of transportation covering but not limited to; screening, verifying, auditing & inspecting of personnel, equipments and facilities involved in providing transportation security. Conduct tests and qualifying

procedures for transportation security equipments and such other undertaking to maintain the quality participation/contribution of man & machine in sanitizing the integrity of all modes of the transportation from criminal acts. The TSTDS undertakes the training development and the upgrading process of all course materials, monitoring and supervision of other security training entities, liaison and cooperation with other states training institutes, coordination and cooperation with industries and operations for the research and development of new technology and other endeavors which shall be essential to conform with the national security training program, transportation security policy and oversight function.

Incidental matters that may be uncovered and which may pertain to another office, agency, bureau or division, holding or operating within the transportation facilities and complexes must be reported to the appropriate enforcement agencies and the same may be subjected to direct control and police action by the operatives and elements of the Authority.

Provided that, the Authority may from time to time change its organizational structure and thus create, merge, consolidate or abolish functional offices or divisions, as it may deem proper and appropriate to achieve in maximum its transportation security mandate. Provided further that, the Authority establish and maintain regional offices in the structured regions of the economy which shall be primarily responsible for the implementation of this Act and for the policies, programs and projects of the Authority in their respective regions.

Section 5. Removal; Filling of Vacancy- The Administrator may only be removed from office by the President of the Philippines for cause after due process and in accordance with the Civil Service laws, rules and regulations.

In case of vacancy in the Authority due to death, resignation, removal or permanent disability of the incumbent Administrator, the Deputy Administrator shall serve as acting Administrator in a concurrent capacity until a new Administrator is appointed, has qualified and assumed office for the full term.

Section 6. Prohibition- The Administrator, Deputy Administrator, Directors and all other officials, officers, entire staff and personnel of the Authority shall not own stock in or bonds of a transportation or security enterprise or in an enterprise that manufactures equipment that could be used for transport security purposes.

Any violation of this prohibition shall be dealt with in accordance with the existing concept of conflict of interest as defined in the rules and regulations concerning accountability of public officers.

Section 7. Membership in the National Security Council- The Administrator or his duly qualified representative/designate possessing the same high security clearance is hereby designated as member of the National Security Council and reports directly to the President of the Philippines regarding sensitive transportation security information.

Section 8. Functions, Powers, and Duties of the Administrator- The Administrator shall have the following functions, powers and duties:

- a) The sole exclusive power to interpret the provisions of this Act subject to review on certiorari by the Court of Appeals on ground of grave abuse of discretion amounting to excess or utter lack of jurisdiction;

- b) The power to promulgate rules, regulations and thereto charge fees, penalties, administrative fines, and such other charges and sanctions to effectively implement the provisions of this Act;
- c) The sole and unilateral responsibility to determine sensitive security information (SSI). The Administrator prohibits the disclosure of information, files or records or date of any sort, if in his opinion, the disclosure of such information ; a) is detrimental to the security of persons and things in the transportation sector; b) will reveal trade secrets or privileged or confidential information obtained from any person, natural or juridical; c) will constitute unwarranted invasion of privacy of persons, including but not limited to information contained in any personnel, medical or similar file; d) will undermine public trusts and confidence in duly constituted authorities in the exercise of judgment calls and discretions in any or all risk managements and preventive/preemptive actions undertaken.

In view hereof, the Authority and all of its officers, staff and personnel shall not be compelled to bear witness, report, information or testimony in any inquiry or forum of whatever nature called for the purpose unless authorized in writing and within the scope of authorized inquiry by the President of the Republic of the Philippines;

- d) To administer and implement, subject to existing laws, rules and regulations, the mandate, powers and functions of the Authority. Provided that, the Administrator solely designates an officer/employee of the Authority to serve as a law enforcement officer of the authority;
- e) To direct and supervise the management, operation, and administration of the Authority in complying with international standards of transportation security measures and to ensure transportation security in accordance with the approved security program, plan, policy, procedure and guideline. In this regard the Administrator, by way of Transportation Security Regulations, may exact fees, impose penalties, fines, and other charges;
- f) To administer, implement and enforce decisions, orders, fees and transportation security rules & regulations prescribed by law and/or issued by the Authority;
- g) To exercise visitorial and inspection powers over all transportation facilities, complexes, buildings, offices, seaports and airports, tarmacs, wharfs, terminals, infrastructures and the likes; and issue travel and mission orders for the purpose; and coordinate with corresponding transportation entities for the implementation of the same. All transportation operators or entities shall be obliged to accommodate on non-revenue basis the enforcement and regulatory teams duly designated by the Authority for the purpose. All transportation systems must provide within its premises adequate operational office space and quarters for the localized security functions of the Authority;
- h) To undertake researches, studies, investigations and other activities related to contemporary transportation system security and future innovative requirements thereof, on his own initiative or upon instruction of higher authorities, and to submit comprehensive reports and appropriate recommendations to the Secretary of the Department of Transportation & Communications (SOTC) for his information and action;
- i) To formulate, develop, implement, revise and update inter-modal (Air, Land & Water) National Transportation Security Programs and Operational Plans/manuals;

- j) To prescribe collection procedures and schedules for security fees, fines, rates and charges consistent with prevailing international standards for the use of airports, seaports, terminals and other transportation facilities/infrastructures. The revenues collected thereon shall be reported to the Philippine Treasury and shall thereafter be disbursed by the Authority for the continuing support & upgrade of the administration, operation and services of the Authority to effectively carry out the mandates of this Act, subject to existing auditing and accounting laws, rules, regulations and procedures;
- k) To appoint, transfer, suspend, remove or otherwise discipline any subordinate officer or employee of the Authority, subject to Civil Service laws, rules and regulations;
- l) To provide for employees benefit program and policies on promotions and Salary Standardization program at par with the international transportation security service but subject to approval by the Civil Service Commission;
- m) To organize or re-organize the structure of the Authority respecting the major services to meet the changing conditions, subject to existing laws & rules on the matter;
- n) To assess threats to transportation security and to receive, assess and distribute on a timely basis, all intelligence information related to transport security;
- o) To develop policies, strategies, and plans in dealing with prevention and management crises and threats to transportation security; and ensure the formulation, installation and enforcement of the respective national security program in all modes of transportation system in the Philippines;
- p) To perform such other functions necessary to carry out the provisions of this Act; and as the President of the Philippines or the Secretary of Transportation and Communications may direct.

Section 9. Police Control, Supervision and Delegation of Powers- The Authority shall have sole jurisdiction and precedence in the control over the movement of persons, cargoes, or both within the operational area of any mode of transportation system and shall therefore, possess authority to prescribe and issue security access passes within the transport operational area.

The designated law enforcement officer and personnel of the Authority or those that maybe deputized to carry law enforcement power, shall have the power to effect arrest or take law enforcement action on any criminal act committed within its jurisdictional area or in their presence or endorse the records of arrest and apprehension to the local police officer of jurisdiction where the transportation security incident happened.

The Authority exercises primary jurisdiction over acts of unlawful interference against any transport system but may delegate or endorse same to any government agency for effective enforcement, who is likewise obliged to accept the same and see its prompt conclusion. The Authority reserves its right to supervise, monitor and coordinate the stages of such investigation.

Section 10. Personnel Complement- For purposes of implementing the provisions of this Act, personnel of units/offices of the Philippine Coast Guard (PCG); Philippine Ports Authority Police (PPA); Airport Police; Customs Police; PNP-Maritime Group (PNP-MARIG); PNP-Aviation Security Group (PNP-ASG); PNP-Traffic Management Group (PNP-TMG); Philippine National Railways Police (PNR Police); Civil Security Unit- Air Transportation

Office (CSU-ATO) and all other government agencies having the primary duty and function of providing transportation security shall be under the operational direction and supervision of the Authority.

Provided, that subject to the limitations in this Act; Executive Order No. 277; & Executive Order No. 311, the Office for Transportation Security under the Department of Transportation and Communications (OTS-DOTC) is hereby abolished and the present officers and staff of the said office (OTS-DOTC) are hereby absorbed to the authority and shall serve as the initial personnel complement of the Authority.

Section 11. Entry Level Into the Authority- The entry eligibility of the absorbed (OTS-DOTC) personnel for the Authority, including the Administrator, the Deputy Administrator and the Service Directors, shall be waived by the Civil Service Commission, provided that the absorbed personnel possesses equivalent qualifications in terms of training in basic security of not less than one hundred (100) hours and extensive experience for at least two (2) years in actual investigation, intelligence and security functions or assignments.

Section 12. Promotion and Selection Board- There shall be a promotion Board within the Authority which shall screen and evaluate organic personnel for promotion. Appointment and promotion process shall follow the procedures prescribed in this Act.

All positions in the Authority hereinafter created shall be filled up in accordance with the Authority's organizational/administrative and operational structure/ manual, which shall thereto define the qualification standards consistent with the minimum requirements of the Civil Service Commission.

The Directors shall be appointed by the President of the Philippines upon recommendation of the Secretary of the Department of Transportation and Communications (SOTC). However, the Secretary of the Department of Transportation and Communications may, in the interim and in the exigency of the service, appoint the initial batch of Directors upon the recommendations of the Administrator. These appointed Directors shall be the members of the AD-Hoc Committee for the preparation and development of the Implementing Rules and Regulations (IRR) of the Authority covering all aspects of the administration, management, operations, logistics/finance, legal service & policy research, law enforcements, standard measures and practices of transportation security, transportation security training & development center/institute and all other matters affecting or related to the full operation of the Authority, consistent and updated with prevailing technological breakthrough.

There shall be a Selection and Qualification Committee, which shall recommend to the Administrator, the appointment of all other personnel not herein provided.

Section 13. Transfer of Existing Facilities- All existing facilities, equipment and all other assets and properties, rights, interests and privileges belonging to Office for Transportation Security (OTS) and such other units/ agencies performing transportation security functions that may be absorbed by the Authority, are hereby transferred to the Authority.

Immediately upon appointment and assumption of powers and authority by the Administrator, all financial and logistical resources, facilities, and equipment shall be released and put under the control of the Authority. All organizations and agencies that may be absorbed by the Authority in the future shall use funds and resources of the Authority upon enactment of this Act.

Section 14. Transfer of Personnel, Facilities, Equipment, Property and Other Assets- The Deputy Administrator and the Service Directors of the absorbed agencies shall be the member of the Ad Hoc Committee to draft the Implementing Rules and Regulations of this

Act. Provided that Officials and employees of the absorbed agencies may continue to serve in their official capacity with the Authority if duly qualified and appointed in accordance with CSC laws, rules and regulations on eligibility.

Immediately upon completion of the Implementing Rules and Regulations (IRR) of this Act, the absorption process shall commence.

Section 15. Headquarters, Offices, and Location- The Philippine Transportation Security Authority (PTSA) shall have its central office and headquarters at the OTS-DOTC office at corner Andrews Avenue & Aurora Blvd.(formerly Tramo street), Pasay City or to any place in Metro-Manila as the Authority may deem proper and appropriate. The Authority may also establish field offices as may be determined by the Implementing Rules and Regulations (IRR).

The amount of Php50,000,000.00 or at least Ten Percent (10%) of the initial funding of the Authority shall be appropriated OTS-DOTC office into a security center.

Section 16. Appropriation- For purposes of reorganizing and constituting the Authority, and for carrying out the provisions of this Act, the Authority shall have an initial funding of FIVE HUNDRED MILLION PESOS (Php 500,000,000.00). In addition, the appropriation, funding and/or budget of the absorbed agency under Section 13 of this Act, shall be transferred to the Authority. Appropriation for the succeeding years shall be included in the annual General Appropriations Act.

Section 17. Suppletory Effect of the Revised Penal Code- The Revised Penal Code shall have a suppletory effect to the provisions of this Act.

Section 18. Legal Counsel- The Office of the Solicitor General (OSG) shall be the legal counsel of the Authority.

Section 19. Implementing Rules and Regulations (IRR)- The appointed deputy administrator and service directors of the PTSA are hereby designated members of the ad-hoc committee directed to draw the implementing Rules and regulations (IRR) of the authority within 90 days and thereafter the administrator promulgate for submission to the President the IRR within 180 days from the original date of interim appointment of the deputy administrator and the service directors.

Section 20. Repealing Clause- All laws, executive orders, letters of instructions, rules and regulations and other issuances, or provisions thereof, which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Section 21. Separability Clause- The provisions of this Act are hereby declared separable. If any provision or portion thereof shall be held invalid or unconstitutional, the other provisions will remain in full force and effect.

Section 22. Effectivity-This Act shall take effect after fifteen (15) days following its publication in two (2) national newspapers of general circulation, or in the Official Gazette, which ever comes first.

APPENDIX O-3

INTELLIGENCE DIRECTIVE NUMBER 01-2005

I. REFERENCES:

1. Executive Order No. 277 issued on 30 January 2004 approving and reconstituting the NCASP, creating the Office for Transportation Security (OTS) within the Department of Transportation and Communications and reconstituting the NCCAS as the NCASC.
2. Executive Order No, 311 issued on April 26, 2004 designated OTS as the single authority for all modes of transportation security in the Philippines, and expanded the OTS powers and function.

II. BACKGROUND:

The international and domestic catastrophic events are hard evidence and sounding reminders that the nation must always be on guard against terrorism and acts of unlawful interference in the society. We must always be vigilant to prevent international terrorism to spread like virus in the Philippines.

Terrorist acts cover threats or attacks against specific groups or installation by any number of means to disrupt economies and societies. Relatedly, the transport sector has been considered as the most potent target of such violent activities, because of their relative accessibility and the potential for casualties on large scale.

Since the September 11, 2001 terror attack in the U.S. which claimed hundreds of lives, government around the world have introduced security means to combat terrorism.

The October 2002 terrorist bombing attack in Bali, Indonesia reportedly caused a sharp decline in tourist arrivals in the area and has impact on the hotel and travel industry.

In December 2002, Manila's public railways transit system was attacked by Al-Qaeda. Though there are lesser casualties as that in Bali and New York, it has gained tremendous impact. Their attack in Manila and the March 2004 attack in Madrid and the release of toxic gas in the Tokyo subway system in 1991 only demonstrated the vulnerability of the mass transit rail system.

The concluded investigations of the sinking of the super Ferry 14 likewise showed evidence of the vulnerability of the maritime transport system to terror attacks.

Thus, the economy, through no less than **Her Excellency, President GLORIA MACAPAGAL ARROYO** committed the Philippine Government to join the fight against global terrorism.

In January 30, 2004, the President issued E.O. 277 creating the Office for Transportation Security (OTS) within the Department of Transportation Communication and reconstituting NCCAS or the NCASC.

Responding to the international mandate calling for a single authority for all modes of transportation security in the Philippines per the ICAO and IM0 guidelines, the President

issued E.O. 311 on April 26, 2004, designating OTS as the single authority called for and thereto expanding its powers and functions.

III. PURPOSE:

This directive provides for the organizational set up of the Intelligence and Operation Service in the Office for Transportation Security and the mechanics to institutionalize such intelligence organization and ensure a quick and efficient response to the intelligence needs of the different modes of transportation concerning security against acts of unlawful interference.

IV. POLICIES:

1. General Guidelines:

- a. The Intelligence and Operations Service, OTS shall be informed of all intelligence operations, counter intelligence and security activities of the different transportation security services. Relatedly, IOS can tap/utilize intelligence personnel of the different security services to any intelligence operations as well as counter-intelligence and security activities.
- b. Security officers from the different modes of transportation – land and railways, sea transport and maritime infrastructure and civil aviations shall be tapped as intelligence collection agents and organized into effective intelligence units. This structure with direct linkages with Intel Service, OTS should be capable of responding to all OTS intelligence and security requirements and other intelligence directives.
- c. Qualified individuals employed in airports, seaport and rail-based officer maybe utilized to support the collection efforts of OTS intelligence operatives.

2. Organization:

- a. The Intelligence and Operation Service shall be headed by a Director and assisted by an Assistant Director. The Directorate for Intelligence and Operations, Directorate for Counter-Intelligence and Security, Directorate for Operations Management and the Operations Center will serve as the functional directorates that will be in charge of the day to day intelligence functions of the OTS.
- b. The Intelligence and Operation Service operational units shall be composed of the intelligence personnel assigned with the intelligence division and sections of the different transportation security services.
- c. The different security officers of Ports, Port facilities, airports, mass Rail system and bus companies earlier mentioned shall serve as auxiliary intelligence units being at the grassroots level.

3. Functions:

1. Prepare and supervise the implementation of intelligence plans and policies in relation to the transportation security.

2. Evaluate and integrate all intelligence programs of the OTS.
 3. Provide intelligence for use of the Administrator-OTS security and disseminate same to all major transportation security services.
 4. Liaise and coordinate with other intelligence units/agencies especially on matter involving threats to the security of the transportation system.
 5. Assist the Administrator of OTS in the assessment of any threat involving acts of unlawful interference against the transportation system.
 6. Represent the Administrator of OTS in conferences, meetings or convention involving intelligence and security matter with other government agencies and foreign governments.
 7. Establish close coordination and cooperation with the intelligence units of other economies to enable the government to actually participate in the concerned effort to secure the transportation system from global terrorism.
 8. Orchestrate the conduct of training particularly on intelligence and security.
4. Operations:
- a. Intelligence directives and procedures for the careful planning shall emanate from the OTS central office through the Intelligence and Operation Service. Such directives and procedures to address and check the possibility of future terrorist acts on the transportation systems.
 - b. The intelligence personnel/operatives involved in the different transportation system shall be in the forefront to monitor and gather any bit of information vital in the formulation and implementation of counter-terrorism measures to aid our transportation security measure. Timely and accurate reporting of such information is a mandate for the IOS to follow.

Likewise, linkages with other intelligence agencies shall be initiated and maintained by the IOS Central Office for a continuous flow of information concerning threats to security of transport system.
 - c. Extended intelligence/information gathering activities shall be underscored by the auxiliary intelligence units manned by the different security officers of the sea transport and maritime infrastructure, the civil aviation and the land and railways transportation system. Any information/intelligence filtered down by those units shall be immediately be reported to the IOS through proper channel.
5. Command Relationship
- a. The Intelligence and Operations Service is one of the five (5) major services (maritime security service, civil aviation security service, land

and railways security service, legal service and intelligence and operations service) under the direct supervision of the OTS, DOTC, and shall report directly to Administrator of OTS for any malfunction relative to transportation security.

- b. The Intelligence and Operations Service shall be in constant coordination with the three (3) other services as its functions. Lateral relationship and coordination shall always be maintained.
- c. The Intelligence and Operations Service shall provide intelligence and counter-intelligence support to the other three (3) major services. The IOS shall likewise receive information from the major services

V. ADMINISTRATIVE AND LOGISTICS:

1. OTS, DOTC shall provide the fund necessary to support the operational and administrative requirements of the Intelligence and Operations Service and the other three (3) major services – Maritime Security Service, Civil Aviation Security Service and the Land and Railways Security Service.
2. All reports concerning intelligence must be forwarded to the IOS which will collate and subsequently publish and furnish copy to the respective head of the major services and all concern who are in the "Need to know".
3. The auxiliary intelligence units (security officers) shall provide own administrative and logical requirements in the implementation of their roles as required by the directive.

VI. COORDINATING INSTRUCTIONS:

This directive takes effect immediately upon approval.

USEC. CECILIO R PENILLA
Administrator

INTELLIGENCE DIRECTIVE NUMBER 02-2005

I. REFERENCES:

1. INTELLIGENCE DIRECTIVE NO. 01-2005, organization of the Intelligence Service, OTS.
2. EXECUTIVE ORDER # 277 issued on January 30, 2004, approving and reconstituting the NCASP, creating the Office for Transportation Security within the Department of Transportation and Communication and reconstituting the NCCAS as the NCASC;
3. EXECUTIVE ORDER # 311 issued on April 26, 2004 designated OTS as the single authority for all modes of transportation security in the Philippines, and expanded the OTS powers and functions.

II. BACKGROUND:

Terrorism has been around as a major nuisance to government as long as recorded history.

Terrorism dates back to the Bible. In 44 B.C., it has been an established pattern of political agenda since Julius Caesar. The Zealots in Israel (100 AD) fought Roman occupation with hit-and-run tactics in public places. The assassins of Iraq (1100 AD) fought the Christian Crusaders with suicide tactics. The tactics they still employ today to cause more destruction and casualties. The Thuggees in India in 1300 AD kidnapped travelers for sacrifice to their Goddess of Terror, Kali. The Spanish Inquisition had systematized torture terrorizing a countryside against the Heretics. In 1811-1816, the Luddites destroyed machinery and any symbol of modern technology. A Serb terrorist started World War I in 1914. Genocide catapulted Hitler to power in 1932.

Today is the 21st Century and yet terror still haunts this modern world. The recent international as well as national catastrophe involving thousands of people, their mobilities, their places of work and abodes resulting from terrorist acts has caused an abrupt change in the economy's outlook on the importance and imperatives of securing not only the place where they stay but their means of movement as well as the transportation system.

The latest car bombing in Iraq that killed hundreds of people and wounded almost of the same number is a clear manifestation that the terrorist are there to stay. The almost simultaneous Heart Day (Feb. 14) bombing in GSC, Davao City and Makati delivered only one clear message that the Philippines is not free from such inhuman acts. To detect such actions therefore is a pressing duty that OTS must face squarely.

III. PURPOSE AND OBJECTIVE:

Purpose - seeks to develop a proactive, responsive and effective intelligence network to provide the necessary information requirements to support the modes of transportation system against terrorism and acts of unlawful interferences.

To accomplish the purpose following objectives are set forth:

1. To institutionalize the process of Intel cycle at the grass root base.

2. To tap and train selected OTS personnel to act as supervisor of the network.
3. To train the Security Officers of Port, Ports facilities, ships, airports, airlines, railways and bus companies on some basic intelligence concept to enhance information gathering concerning terrorism and acts of unlawful interference etc.

IV. EXECUTION:

A. Strategic Concept

The value of information in which intelligence is gauged, relies mainly from where the information is sourced. At any level of operation, the intelligence requirements of the user whether for reason of security, are hinged on the availability of basic operational data only a good source or network can provide.

B. Operational Concept

The Coordinative Intelligence and grass root based (PFSOs and CSOs) information gathering system shall apply the following concepts to enhance intelligence generations.

1. Extensive Intelligence Network - the intelligence collection arms of OTS in coordination with other intelligence agencies concerning the collection of the first level data shall be the responsibility of the OTS network.

2. Intensive Intelligence Network - is the intelligence collection arms task to gather in-depth information on specific target individual, groups and organization that can be obtained through clandestine methods. Intensive intel maybe launched by trained operatives at the grass root level through case operations.

In the implementation of aforecited concepts, the general approach shall be as follows:

1. Organization - ANNEX A

The structural organization of the grass root info gathering system shall be formalized, its members documented and trained.

2. Training - ANNEX B

There shall be two (2) types of training to be conducted; one (1) to OTS Personnel to be designated as supervisors and one (1) for the informants to be recruited. The training shall be conducted in and coordination with the Intelligence Service at the Area Office by the CISD (ie: MMAIO, LAIO, etc.) A standard program of institution shall be followed as presented in Annex B.

3. Operations

- a) The area where recruitment and organization will be effected shall be prioritized on the prevailing insurgency/terrorism and criminality situation therein. The parameters will be as follows:

Cat I - LCM/Terror groups in influenced barangay (50% of the population sympathetic to the cause)

II - LCM/Terror groups in infiltrated barangay (50% sympathetic to the cause)

III - Areas where crimes/terrorism are most likely to happen

IV - Areas where crimes/terrorism are least to happen

b) The establishment of the Grass root Intel Gathering system involving the designated Port Facility Security Officers (PFSOs), Airport Security Officers (ASOs) and Security Officers (SOs) of the LRT and MRT and the different bus companies.

4. Monitoring and Feedback Mechanism

The Area Intelligence Unit Office shall monitor at all times the effective and efficiency of the networks to ensure that expected output are met and satisfied.

V. TARGETS:

Information gathering will be aimed at identification of organized crime/terrorist groups, suspected personalities, their activities, modus operandi and other related information in barangay.

With LCM, information about the party organization in the barangay, leaders and members, legal organization controlled and organization responsible in mobilization.

Pre Terrorist attacks, etc. are also priority tasks to monitor, while post terrorists attacks to be investigated.

VI. TASKINGS:

1. IOS, OTS

- a) Provide over all direction, supervision and control to all intelligence operation, counter-intelligence and security activities.
- b) Maintain the implementation and effectiveness of the system relative to respective area of concern.
- c) Conduct studies to further improve plans.
- d) Provide financial support as appropriate.

2. INTEL UNITS OF MAJOR TRANSPORT SERVICES (CASS, MARSS, LARSS)

- a) Assume full responsibility in the implementation and effectiveness of the system relative to respective area of concern.
- b) Coordinates all intelligence operation, counter-intelligence and security activities of the respective transportation security services.

- c) Provide over all direction, supervision and control to such activities.
- d) Perform other functions as may be deemed necessary as higher authorities may require.

3. AREA INTEL UNIT

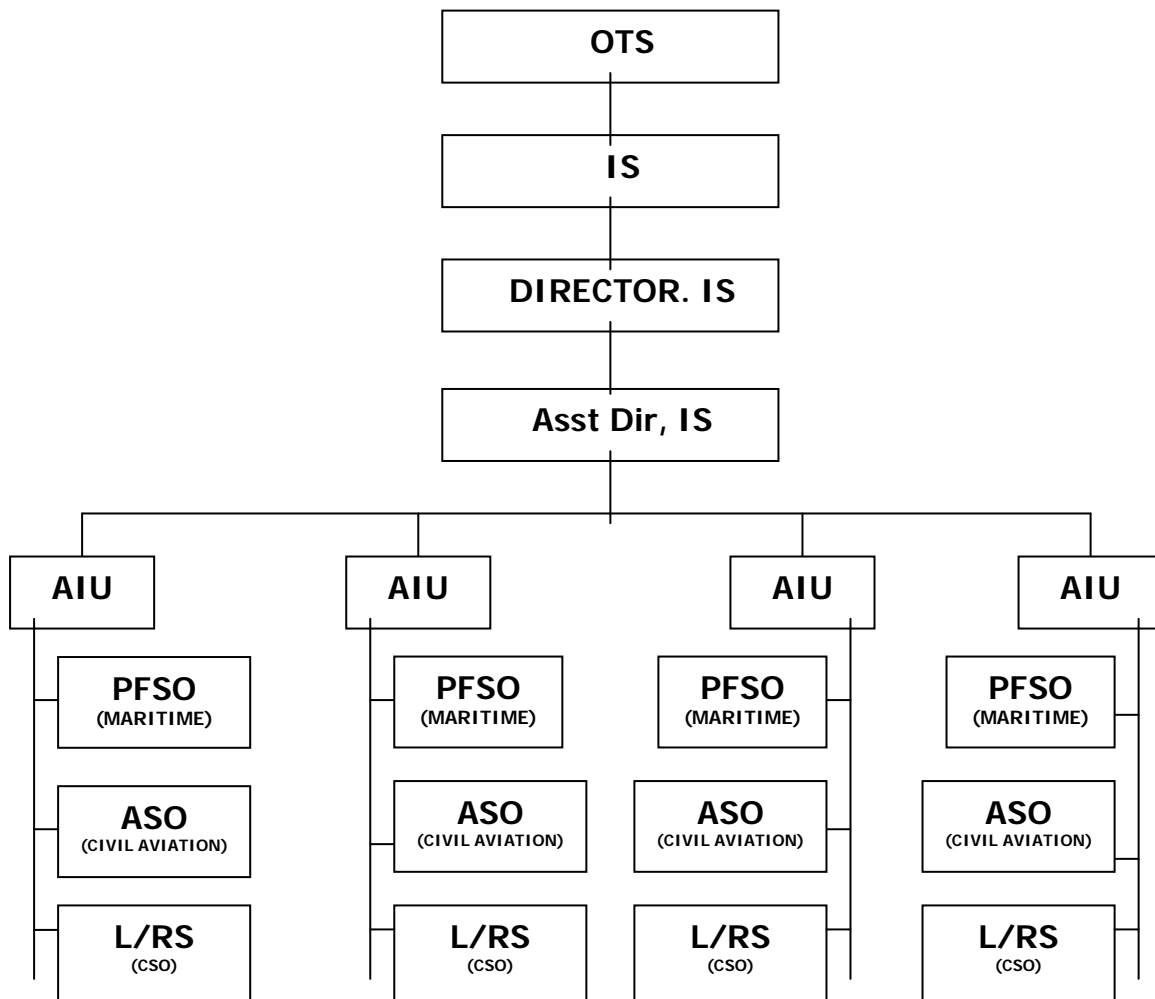
- a) Provide direction, supervision and control over their respective AORs.
- b) Conduct Training on personnel to be designated supervisors of the networks.
- c) Collate, analyzed and disseminate information gathered to operating units and IS Central Office.

VII. COORDINATING INSTRUCTIONS:

- 1. The Directive shall take effect immediately.
- 2. AIU shall submit implementing plan and update the source as needed.

USEC CECILIO R PENILLA
Administrator

ORGANIZATION GRASSROOT INFO GATHERING SYSTEM



Legend:

AIU	-	Area Intelligence Unit
PFSO	-	Port Facility Security Officer
ASO	-	Airport Security Officer
CSO	-	Company Security Officer

ANNEX "B" - TRAINING

A. OTS Supervisor

- a) Intelligence Cycle
- b) Sources of Information
- c) Information and Information Net (spotting of potential informant)
- d) Agent Handling and Management (utilization)
- e) Case Operation

B. Informants

- a) Intelligence Cycle (emphasis on collection effort)
- b) Observation and Description

APPENDIX P BEST PRACTICES OF RUSSIA

APPENDIX Q BEST PRACTICES OF SINGAPORE

APPENDIX R BEST PRACTICES OF CHINESE TAIPEI

APPENDIX S BEST PRACTICES OF THAILAND

APPENDIX T
BEST PRACTICES OF THE UNITED STATES OF AMERICA

Website: ***www.tsa.gov***

APPENDIX U

BEST PRACTICES OF VIETNAM

Appendix J

Presentation Paper of Mr. Paul Murphy (Australia)

APEC Land International Security Commuters' Advocacy Protocol
(Land IS-CAP) Plenary Conference
Manila, Philippines July 15-16, 2009

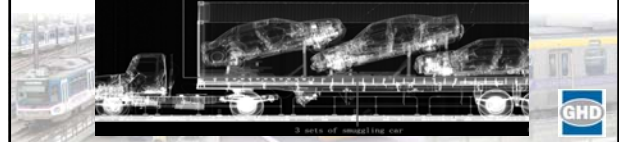
The Establishment of Uniform Standards and Guidelines on Land Transport Security in a Non-Uniform Environment

Paul Murphy, GHD Pty Ltd, Australia.



APEC Land International Security Commuters' Advocacy Protocol
(Land IS-CAP) Plenary Conference
Manila, Philippines July 15-16, 2009

Introduction and Context



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(Land IS-CAP) Plenary Conference
Manila, Philippines July 15-16, 2009

National Centre for Security Standards



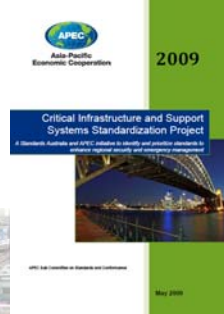
Listed below are the objectives of the National Centre for Security Standards.

- Facilitate the timely identification, development, and adoption of standards responsive to the needs identified by key stakeholders.
- Provide a forum to bring together individual industries, standards developing organisations, and governmental units to define needs, determine work plans and establish priorities for updating standards or creating new standards
- Solicit participation from national security-related sectors that have not traditionally participated in the voluntary standards system.



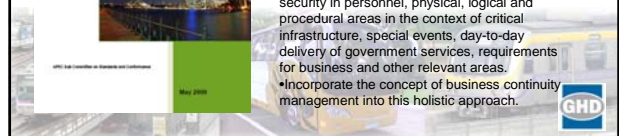
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National Centre for Security Standards



Listed below are the objectives of the National Centre for Security Standards. (Continued)

- Promote collaborative efforts between national and international standards developing organisations to establish work plans, to develop joint and/or complementary standards to address a specifically identified gap, and to do so in a timely manner.
- As appropriate, coordinate with other national, regional, and international efforts addressing national security standards.
- Provide guidelines in a holistic approach to security in personnel, physical, logical and procedural areas in the context of critical infrastructure, special events, day-to-day delivery of government services, requirements for business and other relevant areas.
- Incorporate the concept of business continuity management into this holistic approach.



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World Standards Cooperation



To assist the transit community in meeting the challenges through standards solutions, a presentation was made at the fourth meeting of the ISO/IEC/ITU-T Strategic Advisory Group on Security, 12-13 April 2007. As a result, the following resolution was passed:

Resolution 2 - Proposed International Workshop on Transit Security Standardization


The SAG-S thanks ANSI for the offer of organizing an International Workshop on 'Transit Security' and requests they move ahead with the planning as soon as possible.

Subsequently, the leadership bodies of the International Organization for Standardization (ISO), International Electrotechnical Commission (IEC), and the International Telecommunication Union (ITU) approved this event to be convened under the World Standards Cooperation (WSC) designation.



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ANSI - HSSP




Established by ANSI in February 2003, per its charter the ANSI -HSSP has as its scope to:

- catalogue,
- promote,
- accelerate and
- Coordinate,

The timely development of consensus standards within the national and international voluntary standards systems intended to meet identified homeland security needs, and communicate the existence of such standards appropriately to governmental units and the private sector.

The Panel supports the work of the DHS Science and Technology (S&T) Directorate's Office of Standards.





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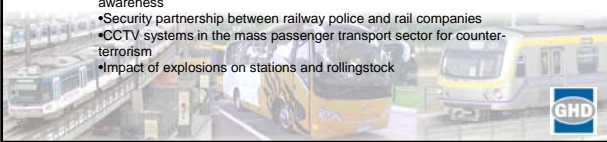
International Working Group on Land Transport Security (IwoGLaTS)

Tokyo ministerial conference (G8)(January 2006) proposed IwoGLaTS

- To facilitate the sharing of best practices
- To enhance cooperation in passenger rail and transit security
- Building on the result of the existing work in G8 and other for a

Key Focus Areas:

- Technical screening trials
- Risk-based screening method
- Measures for railway security, prevention of terrorism, passenger awareness
- Security partnership between railway police and rail companies
- CCTV systems in the mass passenger transport sector for counter-terrorism
- Impact of explosions on stations and rollingstock



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The Challenges of Overlap

You will note however that most of the organisations are seeking to develop, practical solutions to problems that are being experienced elsewhere in the world. Their challenges and areas of practice are:

- Specific
- limited to a specific subject area
- are seeking to develop and understanding of a topic and / or consensus regarding good practices,
- and are not intended to be autocratic.



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Standards or Guidelines

Standards

The views of all interests are taken into account: manufacturers, vendors and users, consumer groups, testing laboratories, governments, engineering professions and research organisations.

Guidelines

Global solutions to satisfy industries and customers worldwide.

Recommended Practice

International standardization is market driven and therefore based on voluntary involvement of all interests in the market-place.

All three are guides for practice

- provide evidence for "best" practices,
- can be used for quality improvement,
- can provide legal definition or explanation,
- can be used to identify risks, and
- often are used to identify competencies.



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Standards and Guideline Development

Schematic representation of ISO deliverables



Consensus

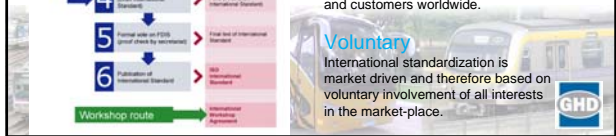
The views of all interests are taken into account: manufacturers, vendors and users, consumer groups, testing laboratories, governments, engineering professions and research organisations.

Industry wide

Global solutions to satisfy industries and customers worldwide.

Voluntary

International standardization is market driven and therefore based on voluntary involvement of all interests in the market-place.



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The Non-Uniform Environment

Land Transport, particularly the mass transit environment, is unique in its operating environment and inter-alia, its security environment in comparison to both maritime and aviation transport.

Land transport security needs to be capable of accommodating:

- The openness and accessibility of the system
- The extensive and ubiquitous nature of the system
- Achieving an efficiency and the ultimate objective of land transport (particularly mass transit), and
- Achieving commonality of operating regimes across a vast array of operating, ownership and culturally diverse environments.



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The Non-Uniform Environment

The measures that should be applied to a particular network or type of asset are largely dependant upon :

- the particular threats applicable to that specific piece of infrastructure, asset type or operation
- the intent and capabilities of the aggressors in that region.

Factors such as :

- economics of operation,
- staffing and passenger models,
- cultural and political considerations

will also impact upon the way in which security services and solutions are implemented, leading to a challenging and non-uniform environment





A Hierarchy of Agreement

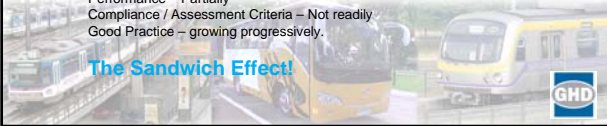
In developing guidelines a good hierarchical model for development purposes is as follows (adapted from Australian Building Code:

- Objective
- Function
- Performance
- Compliance / Assessment Criteria
- Good Practice Information / Lessons learnt / standards supporting the above points

What Can Readily Be Agreed?

- Objective - Consistently
- Function - Consistently
- Performance - Partially
- Compliance / Assessment Criteria - Not readily
- Good Practice - growing progressively.

The Sandwich Effect!



Some Examples

Objectives – (Limit to a focussed number – no more than 3)

- safety and security of passengers, staff and the community whilst maintaining a viable transit system

Functional Statements

- What are the key parameters that would need to be fulfilled in order to achieve the overall object? (They need to be the wildly important statements – and not the conventional statements)

Performance Statements

- Performance requirements – [Specific performance standards / criteria that need to be applied to achieve a functional requirement] for example if risk based decision making is identified as a functional requirement – the performance requirement would be for risk assessment in accordance with ASNZS4360 etc-



Security is always excessive until it is not enough



Any Questions?



The Establishment of Uniform Standards and Guidelines on Land Transport Security in a Non-Uniform Environment

Paul Murphy, GHD Pty Ltd, Australia.



Appendix K

Presentation Paper of Mr. Paul J. Lennon (USA)

Elevating Transit Security Multi-Faceted Strategy

Paul J. Lennon - General Manager
Mass Transit
Passenger Rail Division

July 15 – 16 2009

- Over 6,000 local transit providers
 - Includes bus, light rail, subway, commuter rail operations
- TSA is also responsible for long-distance passenger rail – Amtrak and Alaska Railroad
- Wide range of systems
 - Very small bus-only systems in rural areas
 - Very large multimodal systems in urban areas



Risk Profile

- Open access through multiple entry points essential to efficient operations.
- Huge volume of riders, particularly at morning and evening rush hours.
- Defined, publicly available and observable schedules and patterns of movement.
- Underground and enclosed stations.
- Underwater tunnels.
- Close proximity to other targets of interests.
 - Critical infrastructure
 - Symbolic targets



What We Are Dealing With

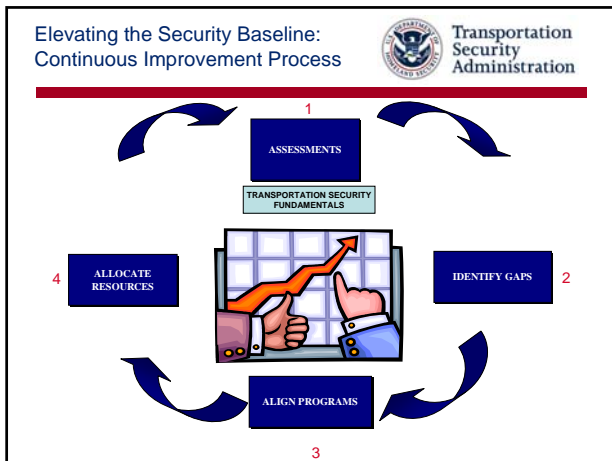


Strategy Focuses Upon

- Elevating the Security Baseline
 - Continuous Improvement Process
- Building Security Force Multipliers
 - Operational Deterrence
 - Employee Security Training
 - Exercises and Drills
 - Public Awareness
- Leading Information Assurance
 - Information Sharing and Exchange Networks
 - Information Operations
- Mitigating High Consequence Risk
 - Transit Security Grant Program Priorities
 - National Explosives Detection Canine Team Program
 - Technology Development
- Expanding Partnerships for Security Enhancement
 - Regional Security Collaboration

Elevating the Security Baseline: Security Assessments

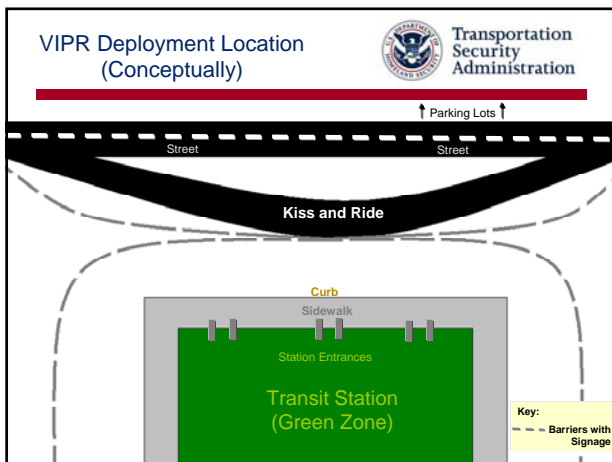
- Baseline Assessment for Security Enhancement (BASE) Program
 - Comprehensive assessment of mass transit and passenger rail systems' posture in the Security and Emergency Management Action Items, 17 areas foundational to an effective security program
 - Builds on prior assessment work accomplished by FTA, the former DHS Office of Domestic Preparedness, and individual transit and rail systems
 - Completed 112 BASE assessments to date, primarily on the largest 100 transit agencies
 - Results drive development of focused security programs and initiatives and targeted resource allocations under the Transit Security Grant Program
 - Mass Transit Security Long-Term Performance Measure
 - Percentage of assessed mass transit and passenger rail agencies achieving full implementation of the Security and Emergency Management Action Items



Building Security Force Multipliers

Random, Unpredictable Deterrence

- Operational Packages – TSGP
 - Anti-terrorism teams formed with dedicated law enforcement for mass transit and passenger rail systems in higher risk areas
 - Uses in-house expertise – a professional cadre to conduct training and convey experience throughout the mass transit or passenger rail agency
- Visible Intermodal Prevention and Response Program (VIPR)
 - Deployment of integrated TSA assets into Mass Transit
 - Requires mutual understanding between TSA and police chiefs and security directors
 - Varying force packages that may consist of
 - Federal Air Marshals
 - Transportation Security Inspectors
 - Behavioral Detection Officers
 - Transportation Security Officers
 - Explosives Security Specialists
 - Explosives Detection Canine Teams
 - Supporting equipment



Building Security Force Multipliers: Employee Security Training

Basic Employee Transit Security Training Program

Training Description	Focus	Standard	Categories of Employees	Categories of Employees	Categories of Employees	Title	Duration
			Front Line Employees	Administrative Staff	Maintenance Workers		
Security Awareness	Enhance capability to ID, report, and react to suspicious activity and security incidents	2 Hrs Annually (minimum) Recurring	X	X		System Security Awareness	4 hrs Classroom 6 hrs Train-the-trainer
Behavior Recognition	Recognize behaviors associated with terrorists reconnaissance	2 Hrs Annually (minimum) Recurring	X		X	Terrorists Awareness Recognition & Reaction (TARR)	4 hrs Classroom 6 hrs Train-the-trainer

Building Security Force Multipliers: Public Awareness Campaigns

Public/Employee Awareness

- The Mark
- “Play Your Part”
- Transit Watch
- System Security Awareness
- Public Service Announcement
- Bus Operator Training Programs
 - Behavior- Observation and Skills Enhancement and Immediate Actions Guide (Under Initial Development)

Building Security Force Multipliers

- Operational Deterrence
 - Anti-terrorism Operational Packages advanced under TSGP
 - Visible Intermodal Prevention and Response (VIPR) teams
- Mass Transit Security Training Program
 - Guidance to mass transit and passenger rail agencies on subject areas in which particular categories of employees should receive training
 - Implemented as funding priority through streamlined process under TSGP
- National Exercise Program
 - Exercises and drills are a funding priority under TSGP
 - Multi-phased, multi-jurisdictional, cross-functional terrorism prevention and immediate response exercises focused on transit/rail system
 - Ongoing pilot initiative in National Capital Region – TSA, Amtrak, WMATA, MARC, VRE, and regional security partners
 - Objective – produce an adaptable exercise package for national distribution
- Multi-Media Public Awareness Campaigns
 - “See Something, Say Something”
 - Transit Watch
 - Joint TSA/System Public Awareness Campaigns
 - Security Awareness Public Service Announcement

Leading Information Assurance



Transportation
Security
Administration

- Mass Transit Security Information Network
 - Interagency group consisting of appropriate subject matter experts from TSA, DHS, and FTA
 - To ensure timely development and distribution of information products and security recommendations and guidelines to Federal decision-makers and mass transit and passenger rail agencies during periods of heightened threat and security incidents
 - Utilizes TSA Alerts notification system
- Homeland Security Information Network – Public Transit Portal
 - Principal information sharing and exchange tool on transit security matters
 - Continuous effort to expand enrollment
 - Security awareness messages
- Joint DHS/TSA/FBI Classified Threat and Analysis Presentations
 - Link 16 metropolitan areas simultaneously through FBI's secure video-teleconferencing system maintained in the JTTF structure
 - Held at least quarterly and as threat circumstances warrant
 - Brings together law enforcement and security officials from an area's mass transit and passenger rail systems and regional Federal agencies, notably TSA and FBI
 - Discusses the threat, security implications, and effective solutions

Expanding Partnerships for Security Enhancement: Regional Collaboration



Transportation
Security
Administration

- Build Regional Security Networks
 - Mass transit and passenger rail agencies are working collaboratively with area law enforcement, fire, and emergency medical service officials as well as Federal security partners (TSA, DHS, FBI)
 - Expands the resources available for random, unpredictable employment for security enhancement in and around mass transit and passenger rail systems
 - TSA surface inspectors are in key liaison and facilitation role
 - TSA Visible Intermodal Prevention and Response (VIPR) teams for random, unpredictable security augmentation deployments to mass transit systems
 - Joint DHS/TSA/FBI Classified Intelligence Briefings
 - Brings together law enforcement and security officials from an area's mass transit and passenger rail systems and regional Federal agencies, notably TSA and FBI
 - Informed regional collaboration – discuss the threat and security implications, and develop effective solutions

International Security: Peer Review



Transportation
Security
Administration

Program Objectives

- To foster cooperation and sharing of non-intelligence related security-enhancing information and effective "Smart Practices" with select private, semi-private, and public mass transit and passenger rail systems, which request a review of a specific area of security concern.
- To assist select transit and rail operators in strengthening their capabilities for the prevention of, protection from, and response to, terrorist attacks by leveraging U.S. transit security expertise and sharing effective practices adopted by the mass transit and passenger rail systems within the United States.

15

International Security Peer Review



Transportation
Security
Administration

Process

- Formal request from Mass Transit or Passenger Rail Agency – at least 6 months in advance preferably
- Initial acceptance by TSA and followed by direct communications to determine actual objectives
- Team Selection (Experts from various transit agencies) - Schedule / Timeline development
- Peer Review Visit – 3-6 days maximum (on-site)
- Out-brief by Peer Review Team / Follow-up Report (optional)
- Follow-up Activity – tailored to the agency (available as desired)

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International Security Peer Review



Transportation
Security
Administration

Results

- Thorough results-oriented review and out-briefing by an inspection team of highly experienced professionals
- Follow-up report of findings with recommendations (if desired)
- Continuous, future communications established by requesting agency and inspection-team members to guide security enhancement actions
- Sharing of smart practices derived from peer reviews across transit community (with agency's permission)
- Results of Peer Review are **NOT** to be shared with other countries (other than any approved "Smart Practices", as authorized by that economy).

17

Questions



Transportation
Security
Administration

Paul Lennon
General Manager
TSNM – Mass Transit
571-227-1018/paul.lennon1@dhs.gov

Appendix L

USA: Initial Draft Protocol Comments

INTERNATIONAL LAND SECURITY AND COMMUTER ADVOCACY PROTOCOL

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Comment [e1]: Could we call this a "Joint Statement"? Protocol has a very legal connotation to it.

PREAMBLE

1. Asia-Pacific Economic Cooperation, or APEC, is the premier forum for facilitating economic growth, cooperation, trade and investment in the Asia-Pacific region. Free and open trade and investment help create jobs and provide greater opportunities for economic growth.

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2. APEC also works to create an environment for the safe and efficient movement of goods, services and people across borders in the region through policy alignment and economic and technical cooperation.

APEC mitigates direct threat from terrorism to its vision of secure, open and prosperous economies.

Comment [e2]: It's not clear what this sentence is trying to state.

3. APEC Leaders have pledged to help secure the region's people and its economic, trade, investment and financial systems from terrorist attack or abuse and trade-based money laundering. Their commitments to undertake individual and joint actions to counter terrorism are expressed in two principle statements – the 2001 APEC Leaders Statement on Counter-Terrorism and the 2002 Statement on Fighting Terrorism and Promoting Growth - and in every subsequent annual Leaders' Declaration.

4. The Transport Ministers of APEC economies, in their fourth meeting in Bali, Indonesia on 27 to 29 July 2004, recognized that transnational organized crimes are increasingly posing threats to transport security, and have therefore placed a priority on the improvement of transport security and safety in the region.

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5. The Ministers' Meeting in Tokyo, Japan in January 2006 recognized the need to address rail and mass transit security issues and agreed that the sharing of best practices and enhanced global cooperation in passenger land/rail transport security should be facilitated.

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1. GENERAL

1.1 Introduction

This Land International Security and Commuters Advocacy Protocol (Land ISCAP) contains functional principles and examples of best practices for consideration by APEC economies.

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1.2 Objectives

The objectives of this Protocol are:

1. To establish an international framework for co-operation between Participating Economies and the land transport stakeholders in the detection of security threats and implementation of appropriate preventive and response measures against security incidents affecting land transport;

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2. To establish a network for sharing of best practices in:

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a. Determining the respective roles and responsibilities of the agencies and entities within the Participating Economies and land transport stakeholders for ensuring security of land transport;

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b. Providing a methodology for security assessments;

Deleted: 1

c. Developing security plans based on the security assessments;

d. Ensuring that measures are implemented through a third-party audit;

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e. Ensuring the real-time and efficient collection and exchange of security-related information;

Comment [e3]: By whom? The stakeholders or the state?

and

f. Designing, publishing and broadcasting commuter advocacy programs to heighten the awareness of the populace on the need for land transport security.

1.3 Functional Principles

In order to achieve its objectives, this Protocol recognizes a number of functional principles. These include, but are not limited to:

1. Each Participating Economy has as its primary objective the safety, security and protection of the whole land transport system, viz. passengers, crew, ground personnel, the general public, goods, vehicle, infrastructure, technology, communication and information;

2. There should be an appropriate Authority/Administration in each Participating Economy duly authorized to develop and implement regulations, practices and procedures that are capable of responding expeditiously to meet any security threat taking into account the safety, security, reliability and efficiency of land transport services;

3. Intensified intelligence gathering is important in deterring and preventing the occurrence of security incidents;

4. Information with respect to security threats must be gathered and assessed and such information should be securely shared with appropriate agencies within the economy and/or other concerned Participating Economies;
5. Only authorized and inspected personnel and equipment are allowed access to land transport vehicles, land transport facilities and their restricted areas;
6. The introduction of unauthorized weapons, incendiary devices or explosives to land transport vehicles or land transport facilities must be prevented;
7. A system for raising the alarm and response to security threats or security incidents must be in place;
8. Operators of land transport vehicles and/or land transport facilities must formulate security plans based upon security assessments;
9. The promotion of continuing research and development in the field of land transport security is necessary, and should take into consideration Human Factors Principles, such as respect of dignity and personal intrusion;
10. Regular trainings, drills and exercises must be undertaken to ensure familiarity with security plans and procedures; and
11. Public awareness and vigilance are important factors in any land transport security programme.

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2. DEFINITIONS

For the purpose of this Protocol, the following terms have their meanings as given, unless expressly provided otherwise:

Cargo Any property carried on a land transport vehicle other than mail.

Dangerous Goods/Substance Any solid, liquid, or gas that can harm people, other living organisms, property, or the environment. Dangerous goods include materials that are radioactive, flammable, explosive or corrosive, oxidizers or asphyxiants, biohazardous, toxic, pathogen or allergen substances and organisms, but also physical conditions as compressed gases and liquids or hot materials, including all goods containing such materials or chemicals, or may have other characteristics that render it hazardous in specific circumstances.

Human Factors Principles Principles which apply to design, certification, training, operations and maintenance and which seek safe interface between the human and other system components by proper consideration of human needs and performance.

Human Performance Human capabilities and limitations that have an impact on the safety, security, reliability and efficiency of land transport operations.

Land Transport The use of road and rail vehicles in moving people or goods over land.

Land Transport Facility A location where the vehicle – passenger interface takes place.

Land Transport Facility Operator An entity that operates a land transport facility.

Land Transport Vehicle Any conveyance designed to be used or capable of being used as a means of land transport using its own power or that of others.

Land Transport Vehicle Operator A person(s)/company(ies) who assumes responsibility for the operation of a land transport vehicle.

Personal Intrusion An inappropriate search that invades an individual's private body parts.

Rail Transport The transport of passengers and goods along railways or railroads

Road Transport The transport of passengers and goods on roads.

Screening The application of technical systems or other means which is intended to identify and/or detect weapons, explosives or other dangerous items or devices which may be used to commit an act of unlawful interference.

Security A combination of measures and human and material resources intended to safeguard land transport against acts of unlawful interference.

Security Control A means to prevent the introduction of weapons, explosives or other dangerous items or devices that may be used to commit an act of unlawful interference.

Unauthorized Weapons The following guidelines are provided to assist in making a reasonable determination of what personal property of a person may be considered as a weapon or a dangerous article, but should not be considered an exclusive list:

Bludgeons – Blackjacks, Billy clubs, or similar instruments;

Explosives/Ammunition – Any type of explosives, ammunition, incendiaries, or fireworks, whether commercially manufactured, home-made, or any combination of these components;

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Explosives/Incendiary Devices – Any combination of explosives, incendiaries, or other components which can result in an explosion or fire;

Firearms – Any weapon from which a shot may be fired by force of an explosion, including starter pistols, compressed air or BB guns, and flare pistols;

Gases and Chemical Agents – Tear gas, mace, and similar chemicals and gases, whether in a pistol, canister or other container;

Knives – Sabers, swords, hunting knives, and other cutting instruments which are considered dangerous

Other Dangerous Articles – Items such as ice picks, straight razors, elongated scissors, even though not commonly thought of as deadly or dangerous weapons but which could be used as a weapon, including toy or “dummy” weapons/grenades.

Unattended Baggage Baggage at a land transport facility, with or without a baggage tag, which is not picked up by or identified as belonging to a passenger.

Unlawful Interference Acts, intended acts, or omissions directed upon any land transportation system, infrastructures, terminals, vehicles, services or facilities, that jeopardize the security or interfere with the secured, efficient, smooth and regular operation of land transportation systems, infrastructures, terminals, vehicles, services or facilities, that may reasonably expected to or do cause death, physical injury, danger and property damage or loss in great waste or ruin.

3. ORGANIZATION

3.1 Appropriate Authority/Administration

3.1.1 To effectively implement the functional principles stated herein, the Participating Economies understand that a written Land Transport Security Programme is essential to secure and protect land transport operations, through regulations, practices and procedures that take into account the safety, security, reliability and efficiency of land transport.

3.1.2 In support of this programme, an appropriate authority/administration that is responsible for developing and implementing regulations, practices and procedures to provide security and protection necessary for the operation of a land transport vehicle in normal operating conditions, and which is capable of responding expeditiously to meet any security threat, should be duly established by legislative action, executive order or by whatever legal instrument, taking into account the distinct political, social and economic situation in the Participating Economy.

3.1.3 The Land Transport Security Programme should be reviewed and updated regularly in response to the level of threat to land transport operations within the relevant jurisdiction.

3.1.4 To ensure proper coordination between and among all land transport stakeholders, a written version of the appropriate parts of a Participating Economy's Land Transport Security Programme should be made available to its stakeholders, as necessary and appropriate.

3.1.5 To ensure the effectiveness of its Land Transport Security Programme, the development and implementation of capacity building and training programmes, including training of land transport security personnel in human performance, should be continuously pursued.

3.2 Land Transport Facility Operations

3.2.1 Cognizant of its role in the overall security of land transport operations, the land transport facility operator is expected to develop a written land transport facility security programme appropriate to meet the requirements of the Land Transport Security Programme.

3.2.2 The land transport facility operator should review its existing or proposed facilities to ensure that the architectural and infrastructure-related requirements necessary for the optimum implementation of land transport security measures are integrated into the design and construction of new facilities and alterations to existing facilities at its land transport facilities.

3.3 Land Transport Vehicle Operations

3.3.1 Cognizant of its role in the overall security of land transport operations, the land transport vehicle operator is expected to develop a written land transport facility security programme appropriate to meet the requirements of the Land Transport Security Programme.

3.3.2 The land transport vehicle operator should review its systems and procedures to ensure that optimum implementation of land transport security measures are integrated into their systems and procedures.

Best Practices: See Appendix A-1, A-2, A-3, O-1 and O-2

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4. PREVENTATIVE SECURITY MEASURES

4.1 Preventative security measures in line with the Land Transport Security Programme should be implemented with respect to dangerous goods/substance, unattended baggage, security screening of cargoes and access to critical areas.

Best Practices: See Appendix A-1, A-2, A-3, O-3 and O-4

5. MANAGEMENT OF MEASURES TO SECURE AND PROTECT LAND TRANSPORT SYSTEM

5.1 Deterrence and Prevention

5.1.1 Intelligence data gathering and risk assessment are fundamental aspects of any security system. Based on these intelligence information and risk assessments, land transport participants implement preventative security measures commensurate with the risks.

5.1.2 Based on intelligence-led assessment of the threat, vulnerabilities may be identified and prioritized, and the Participating Economies are expected to provide land transport facility and vehicle operators necessary assistance to develop measures and programmes to respond to and mitigate identified security risks in land transport.

5.1.3 Arrangements should also be made for the investigation and disposal, if necessary, of suspected devices or other potential hazards posing security risks at land transport facilities

5.2 Response

5.2.1 The safety of the general public, passengers, crew and personnel of a land transport vehicle or facility that is the target of a security threat, is the primary concern and objective of any response effort. Adequate measures are expected to be taken to achieve this objective and concern.

5.2.2 All pertinent information on the land transport vehicle or facility that is the subject of a security threat should be collected. Timely dissemination of this information will allow for appropriate security and protective actions to be taken.

Best Practices: See Appendix A-1, A-2, A-3, O-3 and O-4

6. COMMUTERS' AWARENESS AND ADVOCACY PROGRAMME

6.1 Rationale

6.1.1 The success of any security programme depends on the awareness and acceptance of the general public of such a programme.

6.1.2 There is a continuing need to re-orient the culture of commuters in order to inculcate the importance of vigilance and concerted preventative efforts to deter and thwart security threats.

6.1.3 The responsibility and benefits of a diligent security and vigilant peoples' perspective towards the total land transport system transcends all types of businesses and institutions of the economy.

6.1.4 A lower risk factor in trade and investment climate due to active stakeholder participation is expected to facilitate and promote an "investment-led, demand-driven economy."

6.2 Programme

6.2.1 To pursue the objectives of this Protocol, the Participating Economies should explore the development of commuters' advocacy programmes that would include: the display of slogans in conspicuous places throughout land transport facilities and vehicles, and airing of such slogans on radio programs; using television infomercials to highlight various aspects of the Land Transport Security Programme in order to heighten the security awareness of commuters; and developing regularly updated interactive websites to keep the general public informed and updated on the ongoing programs and services of the Participating Economy in respect of land transport security.

6.3 Intra- and International Cooperation

6.3.1 Guidelines on best practices for developing and implementing public awareness and advocacy programmes should be developed by the Participating Economies to ensure continuing information and communication streams between and among the government, the transport industry and the community to achieve the objectives of the Land Transport Security Programme.

6.3.2 The Participating Economies intend to exchange information on best practices on public awareness and advocacy programmes, in the spirit of APEC cooperation.

Best Practices: See Appendix A-6

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Comment [e14]: This is oddly worded – not sure it makes sense: are they trying to say that the responsibility and benefits of a strong security system must be spread across all businesses and institutions? OR that something larger (the government?) is responsible for ensuring security? Use of the word "transcend" is confusing.

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and adjust relevant elements thereof accordingly		
Page 3: [2] Comment [e11]	eric.yatar	07/02/2009 2:46:00 PM
While certain aspects of land security may be left to individual states to regulate, the Federal government will preempt certain State and local laws in the interest of national uniformity.		
Page 3: [3] Comment [e12]	eric.yatar	07/02/2009 2:46:00 PM
See previous comment.		

Appendix M

Japan: Initial Draft Protocol Comments

Land International Security Commuters' and Advocacy Protocol



DRAFT ONLY

(Version 6.0)
May 21, 2009

The final report for "LAND INTERNATIONAL SECURITY AND COMMUTERS' ADVOCACY PROTOCOL"

Back ground

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1. Asia-Pacific Economic Cooperation, or APEC, is the premier forum for facilitating economic growth, cooperation, trade and investment in the Asia-Pacific region. Free and open trade and investment helps economies to grow, creates jobs and provides greater opportunities for international trade and investment.
2. APEC also works to create an environment for the safe and efficient movement of goods, services and people across borders in the region through policy alignment and economic and technical cooperation. Terrorism poses a direct threat to APEC's vision of secure, open and prosperous economies.
3. APEC Leaders have pledged to help secure the region's people and its economic, trade, investment and financial systems from terrorist attack or abuse and trade-based money laundering. Their commitments to undertake individual and joint actions to counter terrorism are expressed in two principle statements - the 2001 APEC Leaders Statement on Counter-Terrorism and the 2002 Statement on Fighting Terrorism and Promoting Growth - and in every subsequent annual Leaders' Declaration.
4. The Transport Ministers of APEC economies, in their fourth meeting in Bali, Indonesia on 27 to 29 July 2004, recognized that transnational organized crimes are increasingly posing threats to transport security, and have given priority to the improvement of transport security and safety in the region.
5. The Ministers' Meeting in Tokyo, Japan in January 2006 upheld the need to address rail and mass transit security issues and agreed that the sharing of best practices and enhanced global cooperation in passenger land/rail transport security be facilitated.

1. GENERAL

1.1 Introduction

This final report for the "This Land International Security and Commuters Advocacy Protocol (Land ISCAP)" provides APEC economies with useful material including examples of best practices for consideration.

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1.2 Objectives

The objectives of this Protocol are:

1. To promote co-operation between Participating Economies and the land transport stakeholders to detect security threats and take preventive and response measures against security incidents affecting land transport;
2. To promote sharing of best practices¹ in:
 - a. Determining the respective roles and responsibilities of the agencies and entities within the Participating Economies and land transport stakeholders for ensuring security of land transport;
 - b. Providing a methodology for security assessments;
 - c. Developing corresponding security plans based on the security assessments;
 - d. Ensuring that measures are implemented through a third-party audit;
 - e. Ensuring the real-time and efficient collection and exchange of security-related information; and
 - f. Designing, publishing and broadcasting commuter advocacy programs to heighten the awareness of the populace on the need for land transport security

1.3 Functional Principles

In order to achieve its objectives, the following functional principles may be useful. These include, but are not limited to:

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1. Each Participating Economy has as its primary objective the safety, security and protection of the whole land transport system, viz. passengers, crew, ground personnel, the general public, goods, vehicle, infrastructure, technology, communication and information;
2. There should be an appropriate Authority/Administration in each Participating Economy duly authorized to develop and implement regulations, practices and procedures that are capable of responding

¹ Examples of best practices are shown at the end of the applicable section, in italics.

- expeditiously to meet any security threat taking into account the safety, security, reliability and efficiency of land transport services;
3. Intensified intelligence gathering is important in deterring and preventing the occurrence of security incidents;
 4. Information with respect to security threats must be gathered and assessed and such information should be securely shared with appropriate agencies within the economy and/or other concerned Participating Economies;
 5. Only authorized and inspected personnel and equipment are allowed access to land transport vehicles, land transport facilities and their restricted areas;
 6. The introduction of unauthorized weapons, incendiary devices or explosives to land transport vehicles or land transport facilities must be prevented;
 7. A system for raising the alarm and response to security threats or security incidents must be in place;
 8. Operators of land transport vehicles and/or land transport facilities must formulate security plans based upon security assessments;
 9. The promotion of continuing research and development in the field of land transport security is necessary. It must also take into consideration Human Factors Principles, such as respect of dignity and personal intrusion;
 10. Regular trainings, drills and exercises must be undertaken to ensure familiarity with security plans and procedures; and
 11. Public awareness and vigilance are important factors in any land transport security programme.

2. DEFINITIONS

For the purpose of this report, the following terms have their meanings as given, unless expressly provided otherwise:

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<i>Cargo</i>	Any property carried on a vehicle other than mail.
<i>Dangerous Goods/Substance</i>	Any solid, liquid, or gas that can harm people, other living organisms, property, or the environment. Dangerous goods include materials that are radioactive, flammable, explosive or corrosive, oxidizers or asphyxiants, biohazardous, toxic, pathogen or allergen substances and organisms, but also physical conditions as compressed gases and liquids or hot materials, including all goods containing such materials or chemicals, or may have other characteristics that render it hazardous in specific circumstances.
<i>Human Factors Principles</i>	Principles by which apply to design, certification, training, operations and maintenance and which seek safe interface between the human and other system components by proper consideration to human needs and performance.
<i>Human Performance</i>	Human capabilities and limitations that have an impact on the safety, security, reliability and efficiency of land transport operations.
<i>Land Transport</i>	Refers to the use of road and rail vehicles in moving people or goods over land.
<i>Land Transport Facility</i>	A location where the vehicle – passenger interface takes place.
<i>Land Transport Facility Operator</i>	An entity that operates a land transport facility.
<i>Land Transport Vehicle</i>	Refers to any conveyance designed to be used or capable of being used as a means of land transport utilizing its own power or that of others.

Land Transport Vehicle Operator

A person(s)/company(ies) who assume responsibility for the operation of the land transport vehicle.

Personal Intrusion

Inappropriate search invading an individual's private body parts.

Screening

The application of technical systems or other means which are intended to identify and/or detect weapons, explosives or other dangerous devices which may be used to commit an act of unlawful interference.

Security

A combination of measures and human and material resources intended to safeguard land transport against acts of unlawful interference.

Security Control

A means by which the introduction of weapons, explosives or other dangerous devices that may be utilized to commit an act of unlawful interference can be prevented.

Unauthorized Weapons

The following guidelines are furnished in making a reasonable determination of what personal property of a person should be considered as a weapon or a dangerous article:

Bludgeons – Blackjacks, Billy clubs, or similar instruments;

Explosives/Ammunition – Any type of explosives, ammunition, incendiaries, or fireworks, whether commercially manufactured, home-made, or any combination of these components;

Explosives/Incendiary Devices – Any combination of explosives, incendiaries, or other components which can result in an explosion or fire;

Firearms – Any weapon from which a shot may be fired by force of an explosion, including starter pistols, compressed air or BB guns, and flare pistols;

Gases and Chemical Agents – Tear gas, mace, and similar chemicals and gases, whether in a pistol, canister or other container;

Knives – Sabers, swords, hunting knives, and other cutting instruments which are considered dangerous

Other Dangerous Articles – Items such as ice picks, straight razors, elongated scissors, even though not commonly thought of as deadly or dangerous weapons but which could be used as a weapon, including toy or "dummy" weapons/grenades.

Unattended Baggage

Baggage at a land transport facility, with or without a baggage tag, which is not picked up by or identified with a passenger.

Unlawful Interference

Felonious acts or omissions directed upon any land transportation system, infrastructures, terminals, services or facilities, which breach the security or interferes with the secured, efficient, smooth and regular operation of land transportation systems, infrastructures, terminals, services or facilities, thereby causing death, physical injury, danger and property damage or loss in great waste or ruin.

3. IMPORTANT ISSUES FOR CONSIDERATION

3.1 ORGANIZATION

3.1.1 Appropriate Authority/Administration

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3.1.1.1 To effectively implement the functional principles stated herein, a written Land Transport Security Programme is essential to secure and protect land transport operations, through regulations, practices and procedures that take into account the safety, security, reliability and efficiency of trips.

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3.1.1.2 In support of the foregoing programme, an appropriate authority/administration that shall develop and implement regulations, practices and procedures to provide the security and protection necessary for the operation of land transport vehicle in normal operating conditions and should be capable of responding expeditiously to meet any security threat needs to be duly established by legislative action, executive order or by whatever legal instrument, taking into account the distinct political, social and economic situation in the Participating Economy.

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3.1.1.3 The land transport security programme should be reviewed and updated regularly in response to the level of threat to land transport operations within its jurisdiction and adjust relevant elements thereof accordingly.

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3.1.1.4 To ensure proper coordination between and among all land transport stakeholders, a written version of the appropriate parts of its land transport security programme should be made available to said stakeholders.

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3.1.1.5 To ensure the effectiveness of its Land Transport Security Programme, the development and implementation of capacity building and training programmes, including training of land transport security personnel in human performance, should be continuously pursued.

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3.1.2 Land Transport Facility Operations

3.1.2.1 Cognizant of its role in the total security of land transport operations, the land transport facility operator prepares a written land transport facility security programme appropriate to meet the requirements of the Land Transport Security Programme.

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3.1.2.2 The land transport facility operator should review its existing or proposed facilities to ensure that the architectural and infrastructure-related requirements necessary for the optimum implementation of land transport security measures are integrated into the design and construction of new facilities and alterations to existing facilities at its land transport facilities.

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3.1.3 Land Transport Vehicle Operations

3.1.3.1 Cognizant of its role in the total security of land transport operations, the land transport vehicle operator prepares a written land transport facility security programme appropriate to meet the requirements of the Land Transport Security Programme.

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3.1.3.2 The land transport vehicle operator should review its systems and procedures to ensure that optimum implementation of land transport security measures are integrated into their systems and procedures.

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Best Practices: See Appendix A-1, A-2, A-3, O-1 and O-2

3.2 PREVENTATIVE SECURITY MEASURES

3.2.1 Preventative security measures in line with the Land Transport Security Programme should be implemented with respect to dangerous goods/substance, unattended baggage, security screening of cargoes and access to critical areas.

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Best Practices: See Appendix A-1, A-2, A-3, O-3 and O-4

3.3 MANAGEMENT OF MEASURES TO SECURE AND PROTECT LAND TRANSPORT SYSTEM

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3.3.1 Deterrence and Prevention

3.3.1.1 Intelligence data gathering and risk assessment form the very vanguard of security. Based on these intelligence information and risk assessments, land transport participants implement preventative security measures commensurate with the risks.

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3.3.1.2 Based on intelligence-led assessment of the threat, vulnerabilities are identified and prioritized and land transport facility and vehicle operators are given assistance to develop measures and programmes to respond to and mitigate identified security risks in land transport.

3.3.1.3 Arrangements are also made for the investigation and disposal, if necessary, of suspected devices or other potential hazards posing security risks at land transport facilities

3.3.2 Response

3.3.2.1 The safety of the general public, passengers, crew and personnel of a land transport vehicle or facility, which is subjected to a security threat, is the primary concern and objective. Adequate measures are taken to achieve this objective and concern.

3.3.2.2 All pertinent information on the land transport vehicle or facility that is the subject of a security threat must be collected. Timely dissemination of this information will allow for appropriate security and protective actions to be taken.

Best Practices: See Appendix A-1, A-2, A-3, O-3 and O-4

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3.4 COMMUTERS' AWARENESS AND ADVOCACY PROGRAMME

3.4.1 Rationale

3.4.1.1 The success of any security programme depends on the awareness and acceptance of the general public of such a programme.

3.4.1.2 There is a continuing need to re-orient the culture of commuters and inculcate the importance of vigilance and concerted preventative efforts to deter and thwart security threats.

3.4.1.3 The responsibility and benefits of a diligent security and vigilant peoples' perspective towards the total land transport system transcends all types of businesses and institutions of the economy.

3.4.1.4 A lower risk factor in trade and investment climate due to active stakeholder participation will facilitate and promote an "investment-led, demand-driven economy."

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3.4.2 Programme

3.4.2.1 To pursue the objectives of this Protocol, commuters' advocacy programmes are to be developed; slogans to be displayed in conspicuous places of land transport facilities and vehicles, and aired in radio programs; television infomercials highlighting various aspects of the Land Transport Security Programme and designed to heighten security awareness of commuters are broadcasted regularly; and inter-active websites are to be developed, maintained and regularly updated to keep the general public well-informed and updated on the on-going programs and services, like speakers bureau, of the government on transport security.

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3.4.3 Intra- and International Cooperation

3.4.3.1 Guidelines on best practices on public awareness and advocacy programmes shall be developed by Participating Economies to ensure continuing information and communication streams between and among the government, the transport industry and the community to achieve the objectives of the Land Transport Security Programme.

3.4.3.2 There will be an exchange of information on best practices on public awareness and advocacy programmes between and among Participating Economies in the spirit of APEC cooperation.

Best Practices: See Appendix A-6

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APPENDIX A¶

BEST PRACTICES OF AUSTRALIA¶

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Appendix A-1 - Strategy for Cross Jurisdictional Coordination of Security-Identified Surface Transport Operations, Version 1, November 2007¶

Appendix A-2 - Transport Precinct Security Guidelines, 2007¶

Appendix A-3 - Counter - Terrorism Security Planning Guidelines for Mass Passenger Surface Transport Operations, Version 1.8, July 2008¶

Appendix A-4 - Regulatory Philosophy¶

Appendix A-5 - OTS_Strategic_Plan_2007-2010¶

Appendix A-6 - Samples of Security Consciousness Posters¶

¶
Website: <http://www.infrastructure.gov.au/transport/security/>¶

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APPENDIX A-4¶

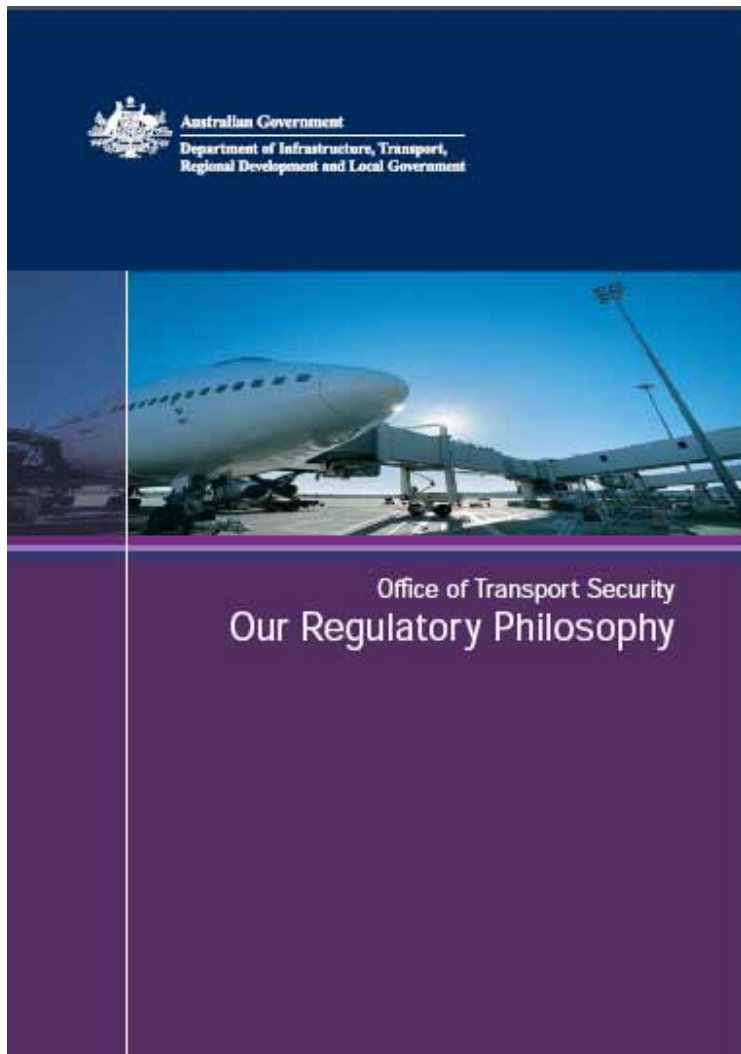
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**APPENDIX A
BEST PRACTICES OF AUSTRALIA**

- Appendix A-1 – Strategy for Cross Jurisdictional Coordination of Security-Identified Surface Transport Operations, Version 1, November 2007
- Appendix A-2 - Transport Precinct Security Guidelines, 2007
- Appendix A-3 - Counter – Terrorism Security Planning Guidelines for Mass Passenger Surface Transport Operations, Version 1.8, July 2008
- Appendix A-4 - Regulatory Philosophy
- Appendix A-5 - OTS_Strategic_Plan_2007-2010
- Appendix A-6 - Samples of Security Consciousness Posters

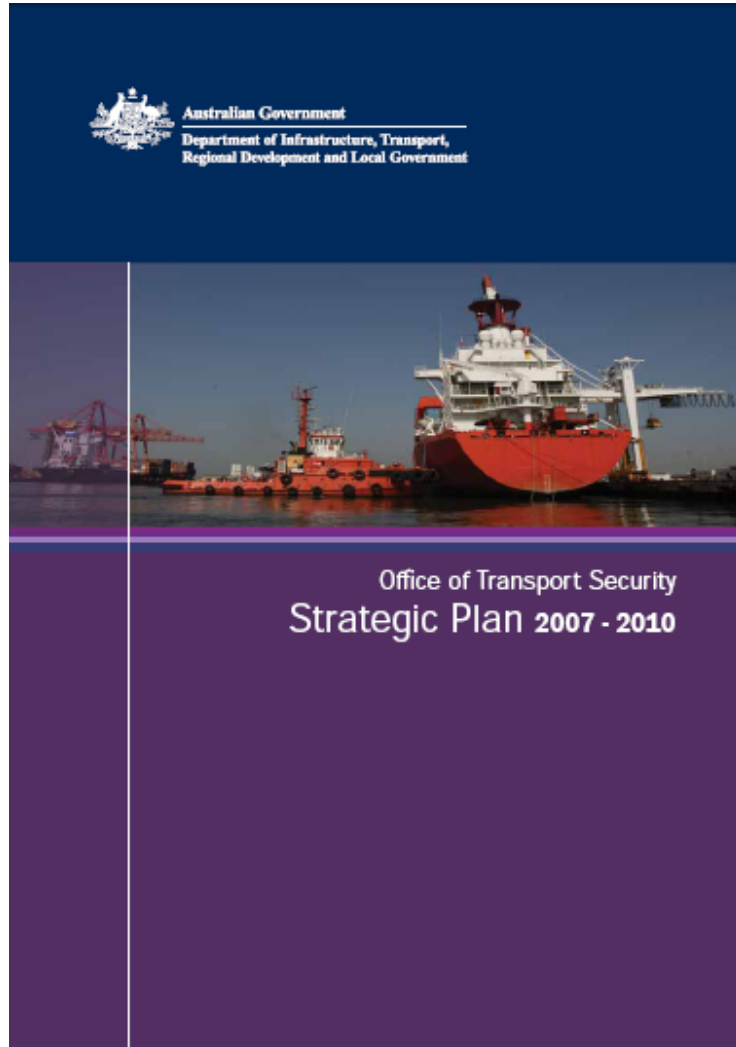
Website: <http://www.infrastructure.gov.au/transport/security/>

APPENDIX A-4



<http://www.infrastructure.gov.au/transport/security/publications.aspx>

APPENDIX A-5



http://www.infrastructure.gov.au/transport/security/pdf/OTS_Strategic_Plan_2007-2010.pdf

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APPENDIX O-1

MALACAÑANG

Manila

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 311

DESIGNATING THE OFFICE FOR TRANSPORTATION SECURITY AS THE SINGLE AUTHORITY RESPONSIBLE FOR THE SECURITY OF THE TRANSPORTATION SYSTEMS OF THE COUNTRY, EXPANDING ITS POWERS AND FUNCTIONS AND FOR OTHER PURPOSES

WHEREAS; the State is committed to the maintenance of safe and dependable transportation systems as effective instruments for national recovery and economic progress;

WHEREAS, recent international and domestic events are stark reminders that the nation must constantly be vigilant to prevent weapons, explosives, other dangerous elements or devices, hazardous materials and cargoes, which may be used to commit an act of terrorism and the carriage or bearing of which is not authorized, from being introduced into and carried on board a public transport system;

WHEREAS, it is necessary to formulate, implement and coordinate transportation security measures, programs, plans and activities which will enhance the security and safety of the transportation systems of the country;

WHEREAS, to address the range of transnational crimes affecting our country, Executive Order No. 62 issued on 15 January 1999 creating the Philippine Center on Transnational Crime to formulate and implement a concerted program of action of all law enforcement intelligence and other agencies for the prevention and control of transnational crime;

WHEREAS, to ensure the effective and efficient implementation and coordination of transportation security measures, programs, plans and activities which will enhance the security and safety of the transportation systems of the country;

WHEREAS, to ensure the effective and efficient implementation and coordination of transportation security measures, there is a need for a single authority which shall be responsible therefore;

WHEREAS, under Section 31, Chapter 10, Title III, Book III of the Administrative Code of 1987, the President has the continuing authority to recognize the administrative structure of the Office of the President.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. *Single Authority* – The Office for Transportation Security (OTS) is hereby designated as the single authority responsible for the security of the transportation systems of the country, including, but not limited to:

- Civil Aviation, by ensuring that Annex 17 to the Convention on International Civil Aviation, as amended, commonly referred to as the Standards and Recommended Practices on Security and as enumerated in the Security Manual for Safeguarding International Civil Aviation Against Acts of Unlawful Interference, as well as the National Civil Aviation Security Programme (NCASP) are implemented;
- Sea Transport and Maritime Infrastructure, by ensuring that the International Maritime Organization International Ship and Port Facility Security Code (ISPS) is implemented, and that a National Security Programme for Sea Transport and Maritime Infrastructure is formulated, developed and implemented; and
- Land Transportation, Rail System and Infrastructure, by ensuring that a National Security Programme for Land Transportation, Rail System and Infrastructure is formulated, developed and implemented.

SECTION. 2. *Powers and Functions* – The OTS shall exercise the following powers and functions:

- Assume the functions of the National Civil Aviation Security Committee (NCASC) enumerated in Section 4 of Executive Order No. 277 dated January 30, 2004 as well as all other powers and functions of the NCASC subject, however, to Section 3 of this Executive Order;
- Exercise operational control and supervision over all units of law enforcement agencies and agency personnel providing security services in the transportation systems, except for motor vehicles in

- land transportation, jointly with the heads of the bureaus or agencies to which the units or personnel organically belong or are assigned;
- Exercise responsibility for transportation security operations including, but not limited to, security screening of passengers, baggage and cargoes, and hiring, retention, training and testing of security screening personnel;
- In coordination with the appropriate agencies and /or instrumentalities of the government, formulate, develop, promulgate and implement comprehensive security plans, policies, measures, strategies and programs to ably and decisively deal with any threat to the security of transportation systems, and continually review, assess and upgrade such security plans, policies, measures, strategies and programs, to improve and enhance transportation security and ensure the adequacy of these security measures;
- Examine and audit the performance of transportation security personnel, equipment and facilities, and thereafter, establish, on a continuing basis, performance, standards for such personnel, equipment and facilities, including for the training of personnel;
- Prepare a security manual/master plan or programme which shall prescribe the rules and regulations for the efficient and safe operation of all transportation systems, including standards for security screening procedures, prior screening or profiling of individuals for the issuance of security access passes, and determination of levels of security clearances for personnel of the OTS, the DOTC and its attached agencies, and other agencies of the government;
- Prescribe security and safety standards for all transportation systems in accordance with existing laws, rules, regulations and international conventions;
- Subject to the approval of the Secretary of the DOTC, issue Transportation Security Regulations/Rules and amend, rescind or revise such regulations or rules as may be necessary for the security of the transportation systems of the country;
- Enlist the assistance of any department, bureau, office, instrumentality, or government-owned or controlled corporation, to carry out its functions and mandate including, but not limited to, the use of their respective personnel, facilities and resources;
- Actively coordinate with law enforcement agencies in the investigation and prosecution of any illegal act or unlawful interference committed at or directed to any public transportation system;
- Perform such other functions necessary to effectively carry out the provisions of this Executive Order or as may be directed by the Secretary of the DOTC.

SECTION. 3. *National Civil Aviation Security Committee Secretariat* – The NCASC shall henceforth act as an advisory body to and consultative forum for the Secretary of the DOTC in matters relative civil aviation security. For this purpose, the NCASC is hereby transferred from the Department of the Interior and Local Government (DILG) to the DOTC, and is hereby reconstituted and shall be composed of the following:

Secretary, DOTC	Chairman
Secretary, DILG	Vice- Chairman
Undersecretary, Office for Transportation Security	Member
Assistant Secretary, Air Transportation Office	Member
General Manager, Manila International Airport Authority	Member
General Manager, Mactan-Cebu International Airport Authority	Member
General Manager, Clark International Airport Corporation	Member
General Manager, Subic Bay International Airport Authority	Member
Manager, Davao International Airport	Member
Manager, General Santos International Airport	Member
Manager, Laoag International Airport	Member
Manager, Zamboanga International Airport	Member
Director, Philippine National Police Aviation Security Group	Member
Commissioner, Bureau of Customs	Member
Commissioner, Bureau of Immigration	Member

Administrator, Philippine Overseas Employment Administration	Member
Administrator, Overseas Workers Welfare Administration	Member
Executive Director, Department of Tourism	Member
Protocol Officer, Department of Foreign Affairs	Member
Director, National Bureau of Investigation	Member
Group Commander, Intelligence Service of the Armed Forces of the Philippines	Member
Director General, National Intelligence Coordinating Agency	Member
Group Commander, Presidential Security Group	Member
Director, Bureau of Plant Industry	Member
Director, Bureau of Animal Industry	Member
Chief Superintendent, Bureau of Fire Protection	Member
Director, Bureau of Quarantine and International Health Surveillance	Member

The OTS shall continue to serve as the Secretariat of the NCASC and qualified DILG personnel performing secretariat functions for the NCASC shall have the option to transfer the DOTC and be absorbed by the OTS.

SECTION. 4. *Security Committees* – The Secretary of the DOTC shall have the power to create other security committees, composed of concerned agencies of the government and stakeholders, which shall provide assistance in the formulation, development and implementation of national security programmes for sea transport and maritime infrastructure and for land transportation, rail system and infrastructure.

SECTION. 5. *Funding* – The amount necessary for the initial operation and administration for the OTS shall be chargeable against funds for the purpose and other sources recommended by the Department of Budget and Management. Thereafter, appropriations for the OTS shall be included in the budget proposals under the DOTC.

SECTION. 6. *Implementing Rules and Regulations*. – Within ninety (90) days from the effectivity of this Executive Order and subject to the approval of the Secretary of the DOTC, the OTS shall promulgate rules and regulations necessary for the implementation of this Executive Order.

SECTION. 7. *Repeal* – Executive Order No. 277 dated January 30, 2004 is hereby modified accordingly. All other orders, rules, regulations and issuances, or parts thereof, which are inconsistent with this Executive Order are hereby repealed or modified accordingly.

SECTION 8. *Effectively*. – This Executive Order shall take effect immediately.

City of Manila, 26th day of April, 2004

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) ALBERTO G. ROMULO

Executive Secretary

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Republic Act No. _____

AN ACT
TO BE KNOWN AS THE "TRANSPORTATION SECURITY ACT OF 2006", CREATING THE PHILIPPINE
TRANSPORTATION SECURITY AUTHORITY (PTSA) AND AUTHORIZING THE APPROPRIATIONS OF
FUNDS THEREFORE AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

Title I
GENERAL PROVISIONS

Section 1. Short Title- This Act shall be known as the "Philippine Transportation Security Act of 2006".

Section 2. Declaration of Policy- The State recognizes the vital role of public transportation and commerce in nation building and in the promotion of international and domestic trade relations for economic growth and comity among nations.

The State in preserving and protecting the rights of its people to a secured public transport system, hereby supports and promotes the installation and implementation of a consolidated transportation security management to improve and maintain an effective inter-modal (air, land & water) transportation systems in full compliance with the international standards/practices, fostering state of the art security measures in the country's transportation systems.

The State further declares all out support in the implementation and enforcement of the strictest possible standards to stamp out terrorism, economic sabotage and all forms of unlawful interference that breach the integrity and security of international and domestic transportation systems.

The State finally adopts the generally accepted principles of international law and universal recommendations on standards and practices in transportation security measures as part of the laws of the land and adheres to the policy of comity and cooperation.

Section 3. Unlawful Interference: How Committed- Acts of unlawful interference to transportation systems are felonious acts or omissions directed upon any public transportation system (land, water & air), ports, harbors, infrastructures, hangars, terminals, services or facilities, which breach the security or interferes with the secured, efficient, smooth and regular operation of transportation systems, ports, infrastructures, terminals, services or facilities, thereby causing death, physical injury, danger and property damage or loss in great waste or ruin.

Section 4. Other Acts of Unlawful Interference- Other acts of unlawful interference maybe committed:

By any person or group of persons actually causing unlawful interference in a public transport service, facility or system by providing material, financial or moral comfort except in the furtherance of legitimate protest, grievance or advocacy;

By maliciously reporting an incident which jeopardized the security of public transportation systems in the Philippines;

By unauthorized release of any classified transport security information;

By any person maliciously failing to implement transportation security regulations in a public transport system;

By abusing public transport franchise, permit and other certificates of public convenience;

By not disclosing or reporting information concerning breach in transportation security;

By any other act or omission which tend to endanger public security and breach the integrity of a public transportation system.

Section 5. Conspiracy or Proposal to Commit Unlawful Interference-There is a conspiracy to commit unlawful interference when two or more person comes to an agreement to commit any act of unlawful interference and decide to commit it.

There is proposal to commit unlawful interference when a person, who has decided to commit any act of unlawful interference, proposes its execution to some other persons or persons.

Section 6. Jurisdiction Over Cases Involving Unlawful Interference- The Regional Trial Court or the Sandiganbayan, as the case maybe, shall have jurisdiction to try all cases involving unlawful interference to transportation system.

Those charged with or convicted of acts of unlawful interference are without prejudice to the prosecution for any other act or acts penalized under the Revised Penal Code or other existing laws.

Section 7. Bail- For offenses covered by this Act, all applications for bail shall be subject to the Revised Rules of Court (RRC).

Section 8. Provisional Remedies- After filing the crime of unlawful interference and upon a verified motion by the prosecution, the Court can cause the issuance of a temporary restraining order; a writ of injunction; a writ of attachment; garnishment; other equitable relief or appropriate order for the tracking, seizure, disabling, disposal, preservation, disarmament or destruction of the things used in the unlawful interference to prevent its removal, concealment, dissipation, destruction, activation, transfer, assignment or otherwise disposal during the pendency of the criminal proceedings.

No temporary restraining order or writ of injunction against any order, regulation, circular or memorandum or other issuances by the appropriate transport security agency and pursuant to this Act can be issued but by the Court of Appeals or the Supreme Court.

Section 9. Mandates for Compliance with International Conventions- As member of the community of nations and as signatory state to international conventions, it is hereby stated that a designated/appropriate Transport Security Authority is mandated to comply with the provisions of the transportation security administration under International Maritime Organization as stated in Chapter XI-2- Regulation 1, Definitions No. 1 and 4 of the International Ship & Port Facility Security Code (ISPS CODE) and Chapter 3 (3.1.2) of Annex 17 of the International Civil Aviation Organization (ICAO).

Section 10. Penal Provisions-

Penalty for acts of unlawful interference – The penalty of not less than six (6) months to life imprisonment and a fine of not less than Php20,000.00 and not more than Ten Million Pesos (PHP10,000,000.00) shall be imposed upon any person or group of persons convicted under section three (3) of this act;

Penalty for Conspiracy or proposal to commit unlawful interference – The penalty of imprisonment of not less than six (6) years but not more than twelve (12) years shall be imposed upon any person or persons convicted under section four (4) of this Act;

Penalty for materially supporting or financing acts of unlawful interference- Penalty of not less than six (6) years but not more than twelve (12) years shall be imposed upon any person or group of persons convicted under section four (4) paragraph A of this Act;

Penalties for malicious reporting – The penalty of two (2) years imprisonment and a fine of not less than Two Hundred Thousand Pesos(Php200,000.00) Phil. Currency but not more than Five Hundred Thousand Pesos(Php500,000.00) Phil. Currency shall be imposed upon any person convicted under section four (4) paragraph B of this Act;

Penalties for violations of other provisions of this Act. – The penalty of not less than six (6) months but not more than one (1) year and a fine of not less than twenty (20) thousand pesos but not more than one (1) year and a fine of not less than twenty (20) thousand pesos but not more than fifty (50) thousand shall be imposed upon any person convicted of the offense involving violation of any other provision of this Act.

TITLE II CREATION OF THE “PHILIPPINE TRANSPORTATION SECURITY AUTHORITY”

Section 1. Creation and Mandate of the Philippine Transportation Security Authority (PTSA) – There is hereby created a single authority to address the public transportation security system of the country to be known as the “Philippine Transportation Security Authority (PTSA)” herein referred to as the “Authority”. It shall be an attached agency under the administration of the Secretary of the Department of Transportation and Communications (DOTC).

The Authority in compliance with the mandates of international conventions is hereby mandated as the appropriate/designated authority for the security of all modes (air, water & land) of transportation in the country. PTSA shall be organized, trained and equipped to perform law enforcement functions in the pursuit of its mandate or in coordination with other law enforcement agencies.

The Authority shall render reciprocal support, assistance and coordination with the Civil Aeronautics board (CAB), the Air Transportation Office (ATO), Philippine Ports Authority (PPA), Maritime Industry Authority (MARINA), Subic Bay Metropolitan Authority (SBMA), Cebu Ports Authority (CPA), Bases Conversion Development Authority (BCDA), Philippine Veterans Investment and Development Corporation (PHIVIDEC), Land Transportation Office (LTO), Land Transportation Franchising Regulatory Board (LTFRB), Philippine National Police-Aviation Security Group (PNP-ASG), Maritime Group (PNP-MARIG), Traffic Management Group (PNP-TMG), Armed Forces of the Philippines (AFP), Philippine Coast Guard (PCG), Airport Police (AP), Customs Police (CP), Metropolitan Manila Development Authority (MMDA), Light Rail Transit Authority (LRTA), Philippine National Railways (PNR), Metro Rail Transit (MRT 3 Office), Autonomous Region for Muslim Mindanao (ARMM) and such other agencies related to and/or undertaking, promoting & pursuing transportation security.

The Authority is mandated to formulate, develop & implement security standards, security regulations & measures, international protocol, procedures, practices, policies including universally accepted standards for the prevention of security incident. The authority is likewise mandated to exact fees and impose fines for the prevention of transportation security incident and the protection and security of passengers, crews, cargoes, baggage's, personnel, transportation facilities/infrastructure, properties and the general public.

Section 2. Powers and Functions-The Authority shall have the following powers and functions:

- Exercises effective control and assumes supervision over all law enforcement and security agencies performing, pursuing or rendering transportation security services;
- Solely responsible for the security of all modes/means of transportation system in the Philippines, exercised by the different government agencies including but not limited to screening of passengers, baggage or cargoes; hiring and retention of security screening personnel; training and testing of personnel in security screening, inspection, verification and audit;
- Advise the President directly or through the Secretary of Transportation and Communications (SOTC) and or the National Security Council (NSC) on all matters involving transportation security. In cases of urgency, the Authority by the Administrator may report directly to the President on urgent national and international transportation security concern;
- Formulate, develop and promulgate in coordination with appropriate agencies, comprehensive transportation security plans, policies, regulations, measures, fees and programs to decisively deal with any threat to the security of the transport systems, and continually review, assess and upgrade such plans, regulations, policies, measures, fees, fines, strategies and programs to improve and enhance transportation security and ensure the adequacy of these security measures, fees and programs to improve national transportation security upon contemporary concepts and principles;
- Examine, verify and audit the transport security performance, activities and facilities of all modes of transportation system; and establish a continuing review upon all inter-modal transportation security standards;
- Prepare a comprehensive and separate National Transport Security Program, prescribing rules and regulations for the efficient operation of land/rail, air/civil aviation and water/maritime transportation security, including procedures and screening for the issuance of security access pass and the determination of levels of security clearance on transportation facilities and infrastructures;
- Prescribe transport security standards in all modes of transportation systems in the Philippines in accordance with existing laws, rules, regulations and international conventions;
- Exercise law enforcement power over all matters involving transportation security incident/unlawful interference upon all modes of transportation system. The Authority may however enlist assistance from other law enforcement agencies or appoint/deputize their personnel and/or the agency itself to carry out its mandate;
- Actively pursue the investigation and prosecution of any act of unlawful interference against public transportation system, facilities and infrastructure. Effect the arrest of offenders in accordance with law; And file appropriate charges related thereto through the appropriate government agencies;
- Acquire, purchase, own, administer, lease, mortgage, sell or otherwise dispose of or encumber any real or personal property, equipment, assets and rights in furtherance of its mandate. The Authority shall be exempt from payment of any or all direct and indirect taxes, imports fees and charges, capital gains taxes, local and national taxes, interests, import duties, fees, taxes and charges of any kind or nature on all of its real and personal properties, assets, income and revenues,

importations, transactions, loans and obligations (principal or interests) as acquired and incurred in the exercise of its mandate under the provisions of this Act;

Sue and be sued with its consent;

Procure, own and carry firearm; and have the authority to issue mission orders thereon, subject to existing laws, rules and regulations;

Perform such other functions necessary to effectively carry out the provisions of this Act and as the President of the Philippines or the Secretary of Transportation and Communications may direct.

Section 3. Administrator and Deputy Administrator: Qualifications, Appointments and Terms of Office –

The head of the Authority shall be designated as the Administrator with the rank of an Undersecretary, and is responsible for the general administration and management of the agency. He must be a natural born citizen of the Philippines; at least forty five (45) years of age; Have experience in a field directly related to transportation or security; At least five (5) years experience in the management of a field directly related to security or allied services.

The Administrator shall be appointed by the President of the Philippines upon recommendation of the Secretary of Transportation and Communications (SOTC). The Administrator shall serve a fixed term of seven (7) years counted from the time he takes his oath to assume office. The Administrator is assisted by a Deputy Administrator with the rank of Assistant Secretary and shall have the same qualifications and term of office as the Administrator.

For purposes of law enforcement in the exercise of police functions, the Administrator and the Deputy Administrator are deemed persons in authority. All subordinate officials and personnel are deemed agents of persons in authority.

Section 4. Transportation Security Services/Transportation Security Training & Development Institute/others- For purposes of carrying out its duties and powers as provided for in the succeeding sections, the PTSA shall have the following major transportation security services, namely; CIVIL AVIATION SECURITY SERVICE (CASS); MARITIME SECURITY SERVICE (MARSS); LAND & RAIL SECURITY SERVICE (LARSS); INTELLIGENCE & COMMUNICATIONS SECURITY SERVICE (ICSS); ADMINISTRATIVE & FINANCE SERVICE (AFS); LEGAL, POLICY RESEARCH & ADJUDICATION SERVICE (LPRAS) and a TRANSPORTATION SECURITY TRAINING & DEVELOPMENT INSTITUTE (TSTDI). These major transportation security services/training & development institute are to be headed by DIRECTORS.

Civil Aviation Security Service (CASS) – which shall conduct continuous inspection, monitoring, audit of facilities and operations at all levels of air transportation system and shall monitor and/or directly implement the Authority's projects, programs and regulations relative to security of air transportation; to conduct investigation on all matters involving illegal acts or unlawful interference committed upon or directed to air transportation facility and submit recommendation relative thereto;

Maritime Security Service (MARSS) – This shall conduct continuous inspection, monitoring, audit of facilities and operations at all levels of maritime transportation system; and shall monitor and/or directly implement the rules & regulations relative to security of maritime transportation; to conduct investigation on all matters involving illegal acts or unlawful interference committed upon or

directed to maritime transportation facility and submit recommendation relative thereto in adherence to reciprocal support, assistance and coordination with the appropriate law enforcement agencies.

Land & Rail Security Service (LARSS) – which shall conduct continuous inspection, monitoring and audit of facilities and operations at all levels of land and rail transportation systems and shall monitor and/or directly implement the Authority's projects, programs and regulations relative to security of land and rail transport systems; to conduct investigation on all matters involving illegal acts or unlawful interference committed upon or directed to land and rail transportation systems and submit recommendation relative thereto;

Intelligence & Communications Security Service (ICSS) – which shall conduct continuous intelligence gathering and evaluation to direct and substantiate policy directions of the agency on. It shall likewise promulgate programs to strengthen the intelligence capability of the Authority in securing the different modes of transportation including transportation communication systems, facilities, services and infrastructure in the country.

Administrative & Finance Service (AFS) – which shall provide necessary services relating to finance & administrative matters; Keeps records, correspondence, supplies, property, equipment & general services; and the maintenance and utilization of facilities; and provide services relating to manpower, career planning and development, personnel placements and employees welfare;

Legal, Policy Research & Adjudication Service (LPRAS) – which shall provide the Authority with efficient and effective service as in-house legal counsel; Draft or study contracts affecting the Authority; Review reports relative to investigation conducted by the Authority and submit recommendations pertaining thereto; Render legal opinions arising from the administration and operation of the Authority and Adjudicate matters affecting the regulatory issuances relative to matters of national policy on civil aviation, maritime and land & rail transportation security;

Transportation Security Training and Development Institute (TSTDI) – Which shall formulate, develop, provide & maintain an effective, efficient and continuing training/re-training program for transportation security personnel and all allied agencies and their personnel who will apply standards and recommended level of security for the secured operation of all modes of transportation covering but not limited to; screening, verifying, auditing & inspecting of personnel, equipments and facilities involved in providing transportation security. Conduct tests and qualifying procedures for transportation security equipments and such other undertaking to maintain the quality participation/contribution of man & machine in sanitizing the integrity of all modes of the transportation from criminal acts. The TSTDS undertakes the training development and the upgrading process of all course materials, monitoring and supervision of other security training entities, liaison and cooperation with other states training institutes, coordination and cooperation with industries and operations for the research and development of new technology and other endeavors which shall be essential to conform with the national security training program, transportation security policy and oversight function.

Incidental matters that may be uncovered and which may pertain to another office, agency, bureau or division, holding or operating within the transportation facilities and complexes must be reported to the appropriate enforcement agencies and the same may be subjected to direct control and police action by the operatives and elements of the Authority.

Provided that, the Authority may from time to time change its organizational structure and thus create, merge, consolidate or abolish functional offices or divisions, as it may deem proper and appropriate to achieve in maximum its transportation security mandate. Provided further that, the

Authority establish and maintain regional offices in the structured regions of the country which shall be primarily responsible for the implementation of this Act and for the policies, programs and projects of the Authority in their respective regions.

Section 5. Removal; Filling of Vacancy- The Administrator may only be removed from office by the President of the Philippines for cause after due process and in accordance with the Civil Service laws, rules and regulations.

In case of vacancy in the Authority due to death, resignation, removal or permanent disability of the incumbent Administrator, the Deputy Administrator shall serve as acting Administrator in a concurrent capacity until a new Administrator is appointed, has qualified and assumed office for the full term.

Section 6. Prohibition- The Administrator, Deputy Administrator, Directors and all other officials, officers, entire staff and personnel of the Authority shall not own stock in or bonds of a transportation or security enterprise or in an enterprise that manufactures equipment that could be used for transport security purposes.

Any violation of this prohibition shall be dealt with in accordance with the existing concept of conflict of interest as defined in the rules and regulations concerning accountability of public officers.

Section 7. Membership in the National Security Council- The Administrator or his duly qualified representative/designate possessing the same high security clearance is hereby designated as member of the National Security Council and reports directly to the President of the Philippines regarding sensitive transportation security information.

Section 8. Functions, Powers, and Duties of the Administrator- The Administrator shall have the following functions, powers and duties:

The sole exclusive power to interpret the provisions of this Act subject to review on certiorari by the Court of Appeals on ground of grave abuse of discretion amounting to excess or utter lack of jurisdiction;

The power to promulgate rules, regulations and thereto charge fees, penalties, administrative fines, and such other charges and sanctions to effectively implement the provisions of this Act;

The sole and unilateral responsibility to determine sensitive security information (SSI). The Administrator prohibits the disclosure of information, files or records or data of any sort, if in his opinion, the disclosure of such information ; a) is detrimental to the security of persons and things in the transportation sector; b) will reveal trade secrets or privileged or confidential information obtained from any person, natural or juridical; c) will constitute unwarranted invasion of privacy of persons, including but not limited to information contained in any personnel, medical or similar file; d) will undermine public trusts and confidence in duly constituted authorities in the exercise of judgment calls and discretions in any or all risk managements and preventive/preemptive actions undertaken.

In view hereof, the Authority and all of its officers, staff and personnel shall not be compelled to bear witness, report, information or testimony in any inquiry or forum of whatever nature called for the purpose unless authorized in writing and within the scope of authorized inquiry by the President of the Republic of the Philippines;

- To administer and implement, subject to existing laws, rules and regulations, the mandate, powers and functions of the Authority. Provided that, the Administrator solely designates an officer/employee of the Authority to serve as a law enforcement officer of the authority;
- To direct and supervise the management, operation, and administration of the Authority in complying with international standards of transportation security measures and to ensure transportation security in accordance with the approved security program, plan, policy, procedure and guideline. In this regard the Administrator, by way of Transportation Security Regulations, may exact fees, impose penalties, fines, and other charges;
- To administer, implement and enforce decisions, orders, fees and transportation security rules & regulations prescribed by law and/or issued by the Authority;
- To exercise visitorial and inspection powers over all transportation facilities, complexes, buildings, offices, seaports and airports, tarmacs, wharfs, terminals, infrastructures and the likes; and issue travel and mission orders for the purpose; and coordinate with corresponding transportation entities for the implementation of the same. All transportation operators or entities shall be obliged to accommodate on non-revenue basis the enforcement and regulatory teams duly designated by the Authority for the purpose. All transportation systems must provide within its premises adequate operational office space and quarters for the localized security functions of the Authority;
- To undertake researches, studies, investigations and other activities related to contemporary transportation system security and future innovative requirements thereof, on his own initiative or upon instruction of higher authorities, and to submit comprehensive reports and appropriate recommendations to the Secretary of the Department of Transportation & Communications (SOTC) for his information and action;
- To formulate, develop, implement, revise and update inter-modal (Air, Land & Water) National Transportation Security Programs and Operational Plans/manuals;
- To prescribe collection procedures and schedules for security fees, fines, rates and charges consistent with prevailing international standards for the use of airports, seaports, terminals and other transportation facilities/infrastructures. The revenues collected thereon shall be reported to the Philippine Treasury and shall thereafter be disbursed by the Authority for the continuing support & upgrade of the administration, operation and services of the Authority to effectively carry out the mandates of this Act, subject to existing auditing and accounting laws, rules, regulations and procedures;
- To appoint, transfer, suspend, remove or otherwise discipline any subordinate officer or employee of the Authority, subject to Civil Service laws, rules and regulations;
- To provide for employees benefit program and policies on promotions and Salary Standardization program at par with the international transportation security service but subject to approval by the Civil Service Commission;
- To organize or re-organize the structure of the Authority respecting the major services to meet the changing conditions, subject to existing laws & rules on the matter;
- To assess threats to transportation security and to receive, assess and distribute on a timely basis, all intelligence information related to transport security;

To develop policies, strategies, and plans in dealing with prevention and management crises and threats to transportation security; and ensure the formulation, installation and enforcement of the respective national security program in all modes of transportation system in the Philippines;

To perform such other functions necessary to carry out the provisions of this Act; and as the President of the Philippines or the Secretary of Transportation and Communications may direct.

Section 9. Police Control, Supervision and Delegation of Powers- The Authority shall have sole jurisdiction and precedence in the control over the movement of persons, cargoes, or both within the operational area of any mode of transportation system and shall therefore, possess authority to prescribe and issue security access passes within the transport operational area.

The designated law enforcement officer and personnel of the Authority or those that maybe deputized to carry law enforcement power, shall have the power to effect arrest or take law enforcement action on any criminal act committed within its jurisdictional area or in their presence or endorse the records of arrest and apprehension to the local police officer of jurisdiction where the transportation security incident happened.

The Authority exercises primary jurisdiction over acts of unlawful interference against any transport system but may delegate or endorse same to any government agency for effective enforcement, who is likewise obliged to accept the same and see its prompt conclusion. The Authority reserves its right to supervise, monitor and coordinate the stages of such investigation.

Section 10. Personnel Complement- For purposes of implementing the provisions of this Act, personnel of units/offices of the Philippine Coast Guard (PCG); Philippine Ports Authority Police (PPA); Airport Police; Customs Police; PNP-Maritime Group (PNP-MARIG); PNP-Aviation Security Group (PNP-ASG); PNP-Traffic Management Group (PNP-TMG); Philippine National Railways Police (PNR Police); Civil Security Unit- Air Transportation Office (CSU-ATO) and all other government agencies having the primary duty and function of providing transportation security shall be under the operational direction and supervision of the Authority.

Provided, that subject to the limitations in this Act; Executive Order No. 277; & Executive Order No. 311, the Office for Transportation Security under the Department of Transportation and Communications (OTS-DOTC) is hereby abolished and the present officers and staff of the said office (OTS-DOTC) are hereby absorbed to the authority and shall serve as the initial personnel complement of the Authority.

Section 11. Entry Level Into the Authority- The entry eligibility of the absorbed (OTS-DOTC) personnel for the Authority, including the Administrator, the Deputy Administrator and the Service Directors, shall be waived by the Civil Service Commission, provided that the absorbed personnel possesses equivalent qualifications in terms of training in basic security of not less than one hundred (100) hours and extensive experience for at least two (2) years in actual investigation, intelligence and security functions or assignments.

Section 12. Promotion and Selection Board- There shall be a promotion Board within the Authority which shall screen and evaluate organic personnel for promotion. Appointment and promotion process shall follow the procedures prescribed in this Act.

All positions in the Authority hereinafter created shall be filled up in accordance with the Authority's organizational/administrative and operational structure/ manual, which shall thereto define the qualification standards consistent with the minimum requirements of the Civil Service Commission.

The Directors shall be appointed by the President of the Philippines upon recommendation of the Secretary of the Department of Transportation and Communications (SOTC). However, the Secretary of the Department of Transportation and Communications may, in the interim and in the exigency of the service, appoint the initial batch of Directors upon the recommendations of the Administrator. These appointed Directors shall be the members of the AD-Hoc Committee for the preparation and development of the Implementing Rules and Regulations (IRR) of the Authority covering all aspects of the administration, management, operations, logistics/finance, legal service & policy research, law enforcements, standard measures and practices of transportation security, transportation security training & development center/institute and all other matters affecting or related to the full operation of the Authority, consistent and updated with prevailing technological breakthrough.

There shall be a Selection and Qualification Committee, which shall recommend to the Administrator, the appointment of all other personnel not herein provided.

Section 13. Transfer of Existing Facilities- All existing facilities, equipment and all other assets and properties, rights, interests and privileges belonging to Office for Transportation Security (OTS) and such other units/ agencies performing transportation security functions that may be absorbed by the Authority, are hereby transferred to the Authority.

Immediately upon appointment and assumption of powers and authority by the Administrator, all financial and logistical resources, facilities, and equipment shall be released and put under the control of the Authority. All organizations and agencies that may be absorbed by the Authority in the future shall use funds and resources of the Authority upon enactment of this Act.

Section 14. Transfer of Personnel, Facilities, Equipment, Property and Other Assets- The Deputy Administrator and the Service Directors of the absorbed agencies shall be the member of the Ad Hoc Committee to draft the Implementing Rules and Regulations of this Act. Provided that Officials and employees of the absorbed agencies may continue to serve in their official capacity with the Authority if duly qualified and appointed in accordance with CSC laws, rules and regulations on eligibility.

Immediately upon completion of the Implementing Rules and Regulations (IRR) of this Act, the absorption process shall commence.

Section 15. Headquarters, Offices, and Location- The Philippine Transportation Security Authority (PTSA) shall have its central office and headquarters at the OTS-DOTC office at corner Andrews Avenue & Aurora Blvd.(formerly Tramo street), Pasay City or to any place in Metro-Manila as the Authority may deem proper and appropriate. The Authority may also establish field offices as may be determined by the Implementing Rules and Regulations (IRR).

The amount of Php50,000,000.00 or at least Ten Percent (10%) of the initial funding of the Authority shall be appropriated OTS-DOTC office into a security center.

Section 16. Appropriation- For purposes of reorganizing and constituting the Authority, and for carrying out the provisions of this Act, the Authority shall have an initial funding of FIVE HUNDRED MILLION PESOS (Php 500,000,000.00). In addition, the appropriation, funding and/or budget of the absorbed agency under Section 13 of this Act, shall be transferred to the Authority. Appropriation for the succeeding years shall be included in the annual General Appropriations Act.

Section 17. Suppletory Effect of the Revised Penal Code- The Revised Penal Code shall have a suppletory effect to the provisions of this Act.

Section 18. Legal Counsel- The Office of the Solicitor General (OSG) shall be the legal counsel of the Authority.

Section 19. Implementing Rules and Regulations (IRR)- The appointed deputy administrator and service directors of the PTSA are hereby designated members of the ad-hoc committee directed to draw the implementing Rules and regulations (IRR) of the authority within 90 days and thereafter the administrator promulgate for submission to the President the IRR within 180 days from the original date of interim appointment of the deputy administrator and the service directors.

Section 20. Repealing Clause- All laws, executive orders, letters of instructions, rules and regulations and other issuances, or provisions thereof, which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Section 21. Separability Clause- The provisions of this Act are hereby declared separable. If any provision or portion thereof shall be held invalid or unconstitutional, the other provisions will remain in full force and effect.

Section 22. Effectivity-This Act shall take effect after fifteen (15) days following its publication in two (2) national newspapers of general circulation, or in the Official Gazette, which ever comes first.

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APPENDIX O-3

INTELLIGENCE DIRECTIVE NUMBER 01-2005

I. REFERENCES:

Executive Order No. 277 issued on 30 January 2004 approving and reconstituting the NCASP, creating the Office for Transportation Security (OTS) within the Department of Transportation and Communications and reconstituting the NCCAS as the NCASC.

Executive Order No, 311 issued on April 26, 2004 designated OTS as the single authority for all modes of transportation security in the Philippines, and expanded the OTS powers and function.

II. BACKGROUND:

The international and domestic catastrophic events are hard evidence and sounding reminders that the nation must always be on guard against terrorism and acts of unlawful interference in the society. We must always be vigilant to prevent international terrorism to spread like virus in the Philippines.

Terrorist acts cover threats or attacks against specific groups or installation by any number of means to disrupt economies and societies. Relatedly, the transport sector has been considered as the most potent target of such violent activities, because of their relative accessibility and the potential for casualties on large scale.

Since the September 11, 2001 terror attack in the U.S. which claimed hundreds of lives, government around the world have introduced security means to combat terrorism.

The October 2002 terrorist bombing attack in Bali, Indonesia reportedly caused a sharp decline in tourist arrivals in the area and has impact on the hotel and travel industry.

In December 2002, Manila's public railways transit system was attacked by Al-Qaeda. Though there are lesser casualties as that in Bali and New York, it has gained tremendous impact. Their attack in Manila and the March 2004 attack in Madrid and the release of toxic gas in the Tokyo subway system in 1991 only demonstrated the vulnerability of the mass transit rail system.

The concluded investigations of the sinking of the super Ferry 14 likewise showed evidence of the vulnerability of the maritime transport system to terror attacks.

Thus, the country, through no less than **Her Excellency, President GLORIA MACAPAGAL ARROYO** committed the Philippine Government to join the fight against global terrorism.

In January 30, 2004, the President issued E.O. 277 creating the Office for Transportation Security (OTS) within the Department of Transportation Communication and reconstituting NCCAS or the NCASC.

Responding to the international mandate calling for a single authority for all modes of transportation security in the Philippines per the ICAO and IMO guidelines, the President issued E.O. 311 on April 26, 2004, designating OTS as the single authority called for and thereto expanding its powers and functions.

III. PURPOSE:

This directive provides for the organizational set up of the Intelligence and Operation Service in the Office for Transportation Security and the mechanics to institutionalize such intelligence organization and ensure a quick and efficient response to the intelligence needs of the different modes of transportation concerning security against acts of unlawful interference.

IV. POLICIES:

General Guidelines:

The Intelligence and Operations Service, OTS shall be informed of all intelligence operations, counter intelligence and security activities of the different transportation security services. Relatedly, IOS can tap/utilize intelligence personnel of the different security services to any intelligence operations as well as counter-intelligence and security activities.

Security officers from the different modes of transportation – land and railways, sea transport and maritime infrastructure and civil aviations shall be tapped as intelligence collection agents and organized into effective intelligence units. This structure with direct linkages with Intel Service, OTS should be capable of responding to all OTS intelligence and security requirements and other intelligence directives.

Qualified individuals employed in airports, seaport and rail-based officer maybe utilized to support the collection efforts of OTS intelligence operatives.

Organization:

The Intelligence and Operation Service shall be headed by a Director and assisted by an Assistant Director. The Directorate for Intelligence and Operations, Directorate for Counter-Intelligence and Security, Directorate for Operations Management and the Operations Center will serve as the functional directorates that will be in charge of the day to day intelligence functions of the OTS.

The Intelligence and Operation Service operational units shall be composed of the intelligence personnel assigned with the intelligence division and sections of the different transportation security services.

The different security officers of Ports, Port facilities, airports, mass Rail system and bus companies earlier mentioned shall serve as auxiliary intelligence units being at the grassroots level.

Functions:

1. Prepare and supervise the implementation of intelligence plans and policies in relation to the transportation security.
2. Evaluate and integrate all intelligence programs of the OTS.
3. Provide intelligence for use of the Administrator-OTS security and disseminate same to all major transportation security services.
4. Liaise and coordinate with other intelligence units/agencies especially on matter involving threats to the security of the transportation system.
5. Assist the Administrator of OTS in the assessment of any threat involving acts of unlawful interference against the transportation system.
6. Represent the Administrator of OTS in conferences, meetings or convention involving intelligence and security matter with other government agencies and foreign governments.
7. Establish close coordination and cooperation with the intelligence units of other countries to enable the government to actually participate in the concerned effort to secure the transportation system from global terrorism.

Orchestrate the conduct of training particularly on intelligence and security.

Operations:

Intelligence directives and procedures for the careful planning shall emanate from the OTS central office through the Intelligence and Operation Service. Such directives and procedures to address and check the possibility of future terrorist acts on the transportation systems.

The intelligence personnel/operatives involved in the different transportation system shall be in the forefront to monitor and gather any bit of information vital in the formulation and implementation of counter-terrorism measures to aid our transportation security measure. Timely and accurate reporting of such information is a mandate for the IOS to follow.

Likewise, linkages with other intelligence agencies shall be initiated and maintained by the IOS Central Office for a continuous flow of information concerning threats to security of transport system.

Extended intelligence/information gathering activities shall be underscored by the auxiliary intelligence units manned by the different security officers of the sea transport and maritime infrastructure, the civil aviation and the land and railways transportation system. Any information/intelligence filtered down by those units shall be immediately be reported to the IOS through proper channel.

Command Relationship

The Intelligence and Operations Service is one of the five (5) major services (maritime security service, civil aviation security service, land and railways security service, legal service and intelligence and operations service) under the direct supervision of the OTS, DOTC, and shall report directly to Administrator of OTS for any malfunction relative to transportation security.

The Intelligence and Operations Service shall be in constant coordination with the three (3) other services as its functions. Lateral relationship and coordination shall always be maintained.

The Intelligence and Operations Service shall provide intelligence and counter-intelligence support to the other three (3) major services. The IOS shall likewise receive information from the major services

V. ADMINISTRATIVE AND LOGISTICS:

1. OTS, DOTC shall provide the fund necessary to support the operational and administrative requirements of the Intelligence and Operations Service and the other three (3) major services – Maritime Security Service, Civil Aviation Security Service and the Land and Railways Security Service.
2. All reports concerning intelligence must be forwarded to the IOS which will collate and subsequently publish and furnish copy to the respective head of the major services and all concern who are in the "Need to know".
3. The auxiliary intelligence units (security officers) shall provide own administrative and logical requirements in the implementation of their roles as required by the directive.

VI. COORDINATING INSTRUCTIONS:

This directive takes effect immediately upon approval.

USEC. CECILIO R PENILLA
Administrator

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INTELLIGENCE DIRECTIVE
NUMBER 02-2005

I. REFERENCES:

INTELLIGENCE DIRECTIVE NO. 01-2005, organization of the Intelligence Service, OTS.

EXECUTIVE ORDER # 277 issued on January 30, 2004, approving and reconstituting the NCASP, creating the Office for Transportation Security within the Department of Transportation and Communication and reconstituting the NCCAS as the NCASC;

EXECUTIVE ORDER # 311 issued on April 26, 2004 designated OTS as the single authority for all modes of transportation security in the Philippines, and expanded the OTS powers and functions.

II. BACKGROUND:

Terrorism has been around as a major nuisance to government as long as recorded history.

Terrorism dates back to the Bible. In 44 B.C., it has been an established pattern of political agenda since Julius Caesar. The Zealots in Israel (100 AD) fought Roman occupation with hit-and-run tactics in public places. The assassins of Iraq (1100 AD) fought the Christian Crusaders with suicide tactics. The tactics they still employ today to cause more destruction and casualties. The Thuggees in India in 1300 AD kidnapped travelers for sacrifice to their Goddess of Terror, Kali. The Spanish Inquisition had systematized torture terrorizing a countryside against the Heretics. In 1811-1816, the Luddites destroyed machinery and any symbol of modern technology. A Serb terrorist started World War I in 1914. Genocide catapulted Hitler to power in 1932.

Today is the 21st Century and yet terror still haunts this modern world. The recent international as well as national catastrophe involving thousands of people, their mobilities, their places of work and abodes resulting from terrorist acts has caused an abrupt change in the country's outlook on the importance and imperatives of securing not only the place where they stay but their means of movement as well as the transportation system.

The latest car bombing in Iraq that killed hundreds of people and wounded almost of the same number is a clear manifestation that the terrorist are there to stay. The almost simultaneous Heart Day (Feb. 14) bombing in GSC, Davao City and Makati delivered only one clear message that the Philippines is not free from such inhuman acts. To detect such actions therefore is a pressing duty that OTS must face squarely.

III. PURPOSE AND OBJECTIVE:

Purpose - seeks to develop a proactive, responsive and effective intelligence network to provide the necessary information requirements to support the modes of transportation system against terrorism and acts of unlawful interferences.

To accomplish the purpose following objectives are set forth:

To institutionalize the process of Intel cycle at the grass root base.

To tap and train selected OTS personnel to act as supervisor of the network.

To train the Security Officers of Port, Ports facilities, ships, airports, airlines, railways and bus companies on some basic intelligence concept to enhance information gathering concerning terrorism and acts of unlawful interference etc.

IV. EXECUTION:

Strategic Concept

The value of information in which intelligence is gauged, relies mainly from where the information is sourced. At any level of operation, the intelligence requirements of the user whether for reason of security, are hinged on the availability of basic operational data only a good source or network can provide.

Operational Concept

The Coordinative Intelligence and grass root based (PFSOs and CSOs) information gathering system shall apply the following concepts to enhance intelligence generations.

1. Extensive Intelligence Network - the intelligence collection arms of OTS in coordination with other intelligence agencies concerning the collection of the first level data shall be the responsibility of the OTS network.

2. Intensive Intelligence Network - is the intelligence collection arms task to gather in-depth information on specific target individual, groups and organization that can be obtained through clandestine methods. Intensive intel maybe launched by trained operatives at the grass root level through case operations.

In the implementation of aforesaid concepts, the general approach shall be as follows:

Organization - ANNEX A

The structural organization of the grass root info gathering system shall be formalized, its members documented and trained.

Training - ANNEX B

There shall be two (2) types of training to be conducted; one (1) to OTS Personnel to be designated as supervisors and one (1) for the informants to be recruited. The training shall be conducted in and coordination with the Intelligence Service at the Area Office by the CISD (ie: MMAIO, LAIO, etc.) A standard program of institution shall be followed as presented in Annex B.

Operations

The area where recruitment and organization will be effected shall

be prioritized on the prevailing insurgency/terrorism and criminality situation therein. The parameters will be as follows:

Cat I - LCM/Terror groups in influenced barangay (50% of the population sympathetic to the cause)

II - LCM/Terror groups in infiltrated barangay (50% sympathetic to the cause)

III - Areas where crimes/terrorism are most likely to happen

IV - Areas where crimes/terrorism are least to happen

b) The establishment of the Grass root Intel Gathering system involving the designated Port Facility Security Officers (PFSOs), Airport Security Officers (ASOs) and Security Officers (SOs) of the LRT and MRT and the different bus companies.

Monitoring and Feedback Mechanism

The Area Intelligence Unit Office shall monitor at all times the effective and efficiency of the networks to ensure that expected output are met and satisfied.

V. TARGETS:

Information gathering will be aimed at identification of organized crime/terrorist groups, suspected personalities, their activities, modus operandi and other related information in barangay.

With LCM, information about the party organization in the barangay, leaders and members, legal organization controlled and organization responsible in mobilization.

Pre Terrorist attacks, etc. are also priority tasks to monitor, while post terrorists attacks to be investigated.

VI. TASKINGS:

IOS, OTS

Provide over all direction, supervision and control to all intelligence operation, counter-intelligence and security activities.

Maintain the implementation and effectiveness of the system relative to respective area of concern.

Conduct studies to further improve plans.

Provide financial support as appropriate.

INTEL UNITS OF MAJOR TRANSPORT SERVICES (CASS, MARSS, LARSS)

a) Assume full responsibility in the implementation and effectiveness of the system relative to respective area of concern.

- b) Coordinates all intelligence operation, counter-intelligence and security activities of the respective transportation security services.
- c) Provide over all direction, supervision and control to such activities.
- d) Perform other functions as may be deemed necessary as higher authorities may require.

3. AREA INTEL UNIT

Provide direction, supervision and control over their respective AORs.

Conduct Training on personnel to be designated supervisors of the networks.

Collate, analyzed and disseminate information gathered to operating units and IS Central Office.

COORDINATING INSTRUCTIONS:

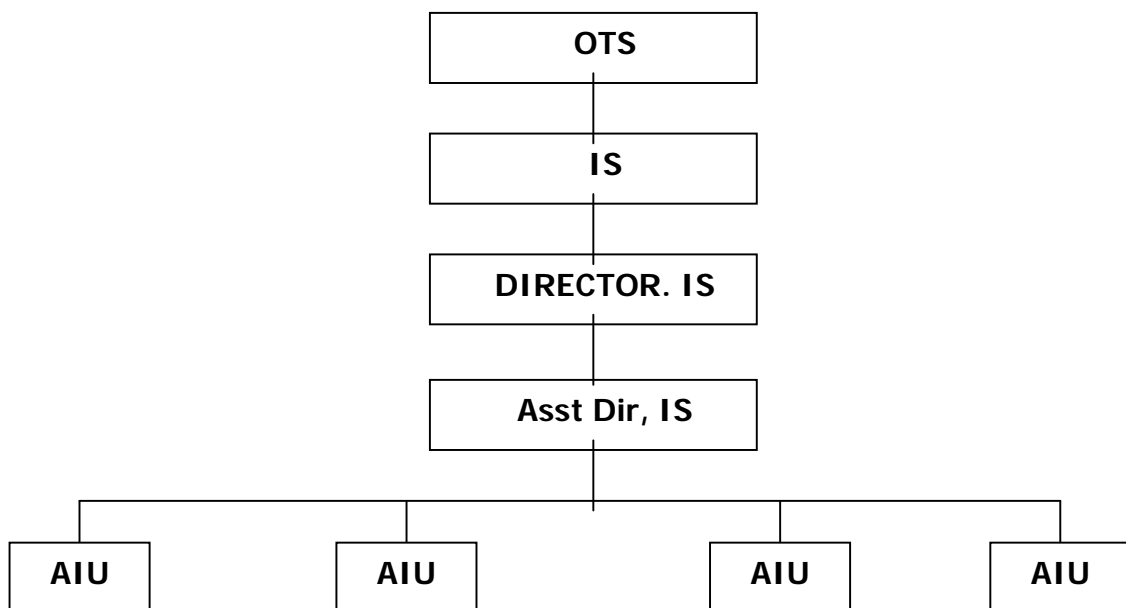
The Directive shall take effect immediately.

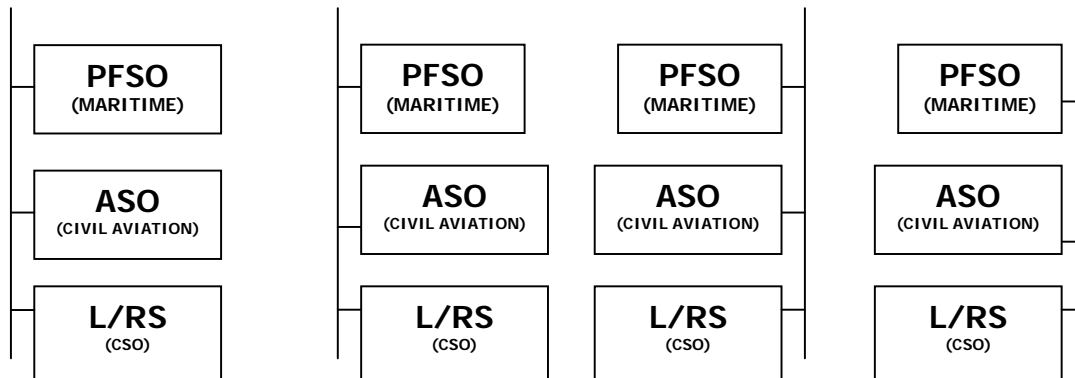
AIU shall submit implementing plan and update the source as needed.

USEC CECILIO R PENILLA
Administrator

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ORGANIZATION GRASSROOT INFO GATHERING SYSTEM





Legend:

- AIU - Area Intelligence Unit
 - PFSO - Port Facility Security Officer
 - ASO - Airport Security Officer
 - CSO - Company Security Officer
- ANNEX "B" - TRAINING

OTS Supervisor

- Intelligence Cycle
- Sources of Information
- Information and Information Net (spotting of potential informant)
- Agent Handling and Management (utilization)
- Case Operation

Informants

- a) Intelligence Cycle (emphasis on collection effort)
- b) Observation and Description

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APPENDIX P
BEST PRACTICES OF RUSSIA

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APPENDIX Q
BEST PRACTICES OF SINGAPORE

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APPENDIX R
BEST PRACTICES OF CHINESE TAIPEI

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APPENDIX S
BEST PRACTICES OF THAILAND

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APPENDIX T
BEST PRACTICES OF THE UNITED STATES OF AMERICA

Website: www.tsa.gov

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APPENDIX U

BEST PRACTICES OF VIETNAM

Appendix N

Final Draft: Land Transport Security Protocol

APPENDIX N-1

BEST PRACTICES OF AUSTRALIA

Website: <http://www.infrastructure.gov.au/transport/security/>

- Appendix N-1a – Strategy for Cross Jurisdictional Coordination of Security-Identified Surface Transport Operations, Version 1, November 2007. *This sets the guiding principles and strategies for coordination between and among the different states with respect to responding to security threats.*
- Appendix N-1b - Transport Precinct Security Guidelines, 2007. *This provides the guidelines for coordination and cooperation between and among the different entities in a transport precinct to enhance security preparedness and responsiveness.*
- Appendix N-1c - Counter – Terrorism Security Planning Guidelines for Mass Passenger Surface Transport Operations, Version 1.8, July 2008.
- Appendix N-1d - Regulatory Philosophy. *This document articulates the Office of Transport Security's (OTS's) approach to regulating preventive security in the transport sector. The philosophy aligns the Australian Government and industry understanding of each others' security responsibilities.*
<http://www.infrastructure.gov.au/transport/security/publications.aspx>
- Appendix N-1e - OTS_Strategic_Plan_2007-2010. *This document sets out the aspirations of OTS to achieve enhanced transport security in partnership with industry and governments. It also articulates the principles of transparency, accountability and fairness, in accordance with the law, that must underpin their approach to transport security regulation in the years ahead.*
http://www.infrastructure.gov.au/transport/security/pdf/OTS_Strategic_Plan_2007-2010.pdf
- Appendix N1-f - Samples of Security Consciousness Posters

APPENDIX N-1f



If you see something, say something.

If you see an unattended bag, package or are witnessing suspicious activity on public transport, don't keep it to yourself.
Tell a bus driver or a transport staff member, or phone the Police on **131 444**.

An initiative of the ACT Government



*See something say something: see details on the view you will provide. The Australian Federal Police and the ACT Government are working together to make our communities safer.



If you see something, say something.

If you see an unattended bag, package or are witnessing suspicious activity on public transport, don't keep it to yourself.
Tell a staff member, or phone the Police on **000**.

A Victorian Government initiative



APPENDIX N-1f

**DO NOT LEAVE
YOUR BAGGAGE
UNATTENDED**



If you see unattended items, please ask other passengers...

then report it to staff or call

Police Emergency 000



APPENDIX N-1f



APPENDIX N-2

BEST PRACTICES OF THE REPUBLIC OF THE PHILIPPINES

Website: www.ots.gov.ph

- Appendix N-2a - Executive Order No. 277 dated 30 January 2004 – *This created the Office for Transportation Security (OTS) within the Department of Transportation and Communications (DOTC).*
- Appendix N-2b Executive Order No. 311 dated 26 April 2004 - *This is the Presidential Order designating OTS as the single authority responsible for the security of transportation systems of the economy.*
http://www.ops.gov.ph/records/eo_no311.htm
- Appendix N-2c - Draft Bill for the Creation of the Philippine Transportation Security Authority. *This is a proposed Congressional bill for the creation of the Philippine Transportation Security Authority upgrading the status of OTS into an authority, and providing it with more power and autonomy.*
<http://www.ots.gov.ph/content/view/103/137/>
- Appendix N-2d - Intelligence Directive No. 01-2005. *This sets the organizational structure of the OTS.*
<http://www.ots.gov.ph/content/view/103/137/>
- Appendix N-2e Intelligence Directive No. 02-2005. *This sets out the objective of the agency to develop a proactive, responsive and effective intelligence network to provide the necessary information requirements to support the modes of transportation system against terrorism and acts of unlawful interferences.*
<http://www.ots.gov.ph/content/view/103/137/>
- Appendix N-2f Canine Accreditation. *This sets forth the guidelines and standards for accrediting providers of canine security services.*
<http://www.ots.gov.ph/content/view/103/137/>
- Appendix N-2g- Samples of Security Consciousness Slogans and Posters

APPENDIX N-2g

AWARENESS is **PREPAREDNESS**

SECURITY should be our **PRIORITY**

NO NEED TO BE SCARED IF YOU'RE PREPARED

Security starts with **ME**

Be your own hero

BE SOUND. LOOK AROUND.

SECURITY - Everyone's concerned for everyone's concerns.

**Security is
Everybody's
Concern.
U
R
Important
Teach and Train
Yourself.**

Who is the focal point of
SECURITY?

You are.

You are our concern in
security.

**Make Sure
That You're
Secure**

What is lacking to make this
complete?
S E C _ _ R I T Y

U R.

You are important in
security. Get involved!

APPENDIX N-3

BEST PRACTICES OF THE UNITED STATES OF AMERICA

Website: <http://www.dhs.gov> and <http://www.tsa.gov/>

- Appendix N-3a - Homeland Security Presidential Directive-1, SUBJECT: Organization and Operation of the Homeland Security Council. *Ensures coordination of all homeland security-related activities among executive departments and agencies and promote the effective development and implementation of all homeland security policies.*
http://www.dhs.gov/xabout/laws/gc_1213648320189.shtm#1
- Appendix N-3b - Homeland Security Presidential Directive-2, SUBJECT: Combating Terrorism Through Immigration Policies. *Provides for the creation of a task force which will work aggressively to prevent aliens who engage in or support terrorist activity from entering the United States and to detain, prosecute, or deport any such aliens who are within the United States.*
http://www.dhs.gov/xabout/laws/gc_1214333907791.shtm
- Appendix N-3c - Homeland Security Presidential Directive-3, SUBJECT: Homeland Security System. *Establishes a comprehensive and effective means to disseminate information regarding the risk of terrorist acts to Federal, State, and local authorities and to the American people.*
http://www.dhs.gov/xabout/laws/gc_1214508631313.shtm
- Appendix N-3d - Homeland Security Presidential Directive-4, SUBJECT: Economy Strategy to Combat Weapons of Mass Destruction. *Applies new technologies, increased emphasis on intelligence collection and analysis, strengthens alliance relationships, and establishes new partnerships with former adversaries to counter this threat in all of its dimensions.*
- Appendix N-3e - Homeland Security Presidential Directive-5, SUBJECT: Management of Domestic Incidents. *Enhances the ability of the United States to manage domestic incidents by establishing a single, comprehensive economy incident management system.*
http://www.dhs.gov/xabout/laws/gc_1214592333605.shtm
- Appendix N-3f - Homeland Security Presidential Directive-6, SUBJECT: Integration and Use of Screening Information. *Provides for the establishment of the Terrorist Threat Integration Center.*
http://www.dhs.gov/xabout/laws/gc_1214594853475.shtm
- Appendix N-3g - Homeland Security Presidential Directive-7, SUBJECT: Critical Infrastructure Identification, Prioritization, and Protection. *Establishes a economy policy for Federal departments and agencies to identify and prioritize United States critical infrastructure and key resources and to protect them from terrorist attacks.*
http://www.dhs.gov/xabout/laws/gc_1214597989952.shtm

- Appendix N-3h - Homeland Security Presidential Directive-8, SUBJECT: Economy Preparedness. *Identifies steps for improved coordination in response to incidents. This directive describes the way Federal departments and agencies will prepare for such a response, including prevention activities during the early stages of a terrorism incident. This directive is a companion to HSPD-5.*
http://www.dhs.gov/xabout/laws/gc_1215444247124.shtm
- Appendix N-3i - Homeland Security Presidential Directive-8 Annex 1, SUBJECT: Economy Planning. *Further enhances the preparedness of the United States by formally establishing a standard and comprehensive approach to economy planning.*
http://www.dhs.gov/xabout/laws/gc_1199894121015.shtm
- Appendix N-3j - Homeland Security Presidential Directive-9, SUBJECT: Defense of United States Agriculture and Food. *Establishes a economy policy to defend the agriculture and food system against terrorist attacks, major disasters, and other emergencies.*
http://www.dhs.gov/xabout/laws/gc_1217449547663.shtm
- Appendix N-3k - Homeland Security Presidential Directive-10, SUBJECT: Biodefense for the 21st Century. *Provides a comprehensive framework for our nation's Biodefense.*
http://www.dhs.gov/xabout/laws/gc_1217605824325.shtm
- Appendix N-3l - Homeland Security Presidential Directive-11, SUBJECT: Comprehensive Terrorist-Related Screening Procedures. *Implements a coordinated and comprehensive approach to terrorist-related screening that supports homeland security, at home and abroad. This directive builds upon HSPD – 6.*
http://www.dhs.gov/xabout/laws/gc_1217614237097.shtm
- Appendix N-3m - Homeland Security Presidential Directive-12, SUBJECT: Policy for a Common Identification Standard for Federal Employees and Contractors. *Establishes a mandatory, Government-wide standard for secure and reliable forms of identification issued by the Federal Government to its employees and contractors (including contractor employees).*
http://www.dhs.gov/xabout/laws/gc_1217616624097.shtm
- Appendix N-3n - Homeland Security Presidential Directive-15, SUBJECT: U.S. Strategy and Policy in the War on Terror.
- Appendix N-3o - Homeland Security Presidential Directive-18, SUBJECT: Medical Countermeasures against Weapons of Mass Destruction. *Establishes policy guidelines to draw upon the considerable potential of the scientific community in the public and private sectors to address medical countermeasure requirements relating to CBRN threats.*
http://www.dhs.gov/xabout/laws/gc_1219175362551.shtm
- Appendix N-3p - Homeland Security Presidential Directive-19, SUBJECT: Combating Terrorist Use of Explosives in the United States. *Establishes a economy policy, and calls for the development of a economy strategy and implementation plan, on the prevention and detection of,*

- protection against, and response to terrorist use of explosives in the United States.*
http://www.dhs.gov/xabout/laws/gc_1219260981698.shtm
- Appendix N-3q - Homeland Security Presidential Directive-20, SUBJECT: Economy Continuity Policy. *Establishes a comprehensive economy policy on the continuity of federal government structures and operations and a single Economy Continuity Coordinator responsible for coordinating the development and implementation of federal continuity policies.*
http://www.dhs.gov/xabout/laws/gc_1219245380392.shtm
- Appendix N-3r - Homeland Security Presidential Directive-20 Annex A, SUBJECT: Continuity Planning. *Assigns executive departments and agencies to a category commensurate with their COOP/COG/ECG responsibilities during an emergency.*
http://www.dhs.gov/xabout/laws/gc_1215544078004.shtm
- Appendix N-3s - Homeland Security Presidential Directive-21, SUBJECT: Public Health and Medical Preparedness. *Establishes a economy strategy that will enable a level of public health and medical preparedness sufficient to address a range of possible disasters.*
http://www.dhs.gov/xabout/laws/gc_1219263961449.shtm
- Appendix N-3t - Homeland Security Presidential Directive-23, SUBJECT: Economy Cyber Security Initiative.
- Appendix N-3u - Homeland Security Presidential Directive-24, SUBJECT: Biometrics for Identification and Screening to Enhance Economy Security. *Establishes a framework to ensure that Federal executive departments use mutually compatible methods and procedures regarding biometric information of individuals, while respecting their information privacy and other legal rights.*
http://www.dhs.gov/xabout/laws/gc_1219257118875.shtm
- Appendix C-21- Media Room of Transportation Security Administration, contains news items, speeches and testimonials, and archive briefings
<http://www.tsa.gov/press/index.shtm>

APPENDIX N-4

BEST PRACTICES OF JAPAN

Website: http://www.mlit.go.jp/english/2006/n_director-general/index.html

Appendix N-4a - The Ministry of Land, Infrastructure and Transport (MLIT) Citizens' Protection Plan. *This outlines all possible measures MLIT will implement to develop an armed attack response systems to ensure the protection of Japan's citizens.*

http://www.mlit.go.jp/english/2006/n_director-general/02_protection/index.html

APPENDIX N-5

BEST PRACTICES OF SINGAPORE

Website: http://www.lta.gov.sg/public_transport/pt_security.htm

Appendix N-5a - LAND TRANSPORT SECURITY WORKSHOP - LAND TRANSPORT SECURITY IN SINGAPORE CURRENT REALITIES, FUTURE POSSIBILITIES. *This contains the Report of a workshop jointly organized by the Centre of Excellence for Economy Security and the Homeland Security and Engineering Centre held on 05 February 2007 in Singapore.*

http://www.rsis.edu.sg/publications/conference_reports/Land%20Transport%20Security.pdf

Appendix N

Final Draft: Land Transport Security Protocol

THE 2009 LAND INTERNATIONAL SECURITY AND COMMUTERS' ADVOCACY PROTOCOL

PREAMBLE

1. Asia-Pacific Economic Cooperation, or APEC, is the premier forum for facilitating economic growth, cooperation, trade and investment in the Asia-Pacific region. Free and open trade and investment help create jobs and provide greater opportunities for economic growth.
2. APEC also works to create an environment for the safe and efficient movement of goods, services and people across borders in the region through policy alignment and economic and technical cooperation. APEC Economies strive to mitigate direct threat from terrorism to its vision of secure, open and prosperous economies.
3. APEC Leaders have pledged to help secure the region's people and its economic, trade, investment and financial systems from terrorist attack or abuse and trade-based money laundering. Their commitments to undertake individual and joint actions to counter terrorism are expressed in two principle statements - the 2001 APEC Leaders Statement on Counter-Terrorism and the 2002 Statement on Fighting Terrorism and Promoting Growth - and in every subsequent annual Leaders' Declaration.
4. The Transport Ministers of APEC economies, in their fourth meeting in Bali, Indonesia on 27 to 29 July 2004, recognized that transnational organized crimes are increasingly posing threats to transport security, and have therefore placed a priority on the improvement of transport security and safety in the region.
5. A meeting of transport ministers from like-minded economies held in Tokyo, Japan in January 2006 recognized the need to address rail and mass transit security issues and agreed that the sharing of best practices and enhanced global cooperation in passenger land/rail transport security should be facilitated.

1. GENERAL

1.1 Introduction

- 1.1.1 Each Participating Economy has as its primary objective the safety, security and protection of the whole land transport system, viz. passengers, staff, the general public, goods, vehicle, infrastructure, technology, communication and information.
- 1.1.2 This Land International Security and Commuters' Advocacy Protocol (Land ISCAP) contains functional principles and examples of best practices for consideration by APEC economies.

1.2 Objectives

The objectives of this Protocol are:

1. To promote co-operation between Participating Economies and the land transport stakeholders in the detection of security threats and implementation of appropriate preventive and response measures against security incidents affecting land transport;
2. To promote sharing of best practices¹ in the:
 - a. Determination of the respective roles and responsibilities of the agencies and entities within the Participating Economies and land transport stakeholders for ensuring security of land transport;
 - b. Provision of a methodology for security assessments;
 - c. Development of corresponding security plans based on the security assessments;
 - d. Development of systems to ensure that measures are implemented;

¹ Examples of best practices are shown at the end of the applicable section.

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- e. Real-time and efficient collection and exchange of security-related information; and
- f. Design, publication and broadcasting of commuter advocacy programs to heighten the awareness of the populace on the need for land transport security

Human Factors Principles Principles that apply to design, certification, training, operations and maintenance and which seek safe interface between the human and other system components by proper consideration of human needs and performance.

Human Performance Human capabilities and limitations that have an impact on the safety, security, reliability and efficiency of land transport operations.

Interference Acts, intended acts, or omissions directed upon any land transportation system, infrastructures, terminals, vehicles, services or facilities, that jeopardize the security or interferes with the secured, efficient, smooth and regular operation of land transportation systems, infrastructures, terminals, services or facilities, that may be reasonably expected to or do cause death, physical injury, danger and property damage or loss in great waste or ruin.

Land Transport The use of road and rail vehicles in moving people or cargo over land.

Land Transport Facility A location where the vehicle – passenger interface takes place.

Land Transport Facility Operator An entity that operates a land transport facility.

Land Transport Vehicle Refers to any conveyance designed to be used or capable of being used as a means of land transport using its own power or that of others.

Land Transport Vehicle Operator A person/company who assumes responsibility for the operation of a land transport vehicle.

Personal Intrusion Inappropriate search invading an individual's private body parts.

Rail Transport The transport of passengers and cargo along railways or railroads

Road Transport The transport of passengers and cargo on roads.

Screening The procedures and measures undertaken to identify and/or detect weapons, explosives or other dangerous devices that may be used to commit an act of interference.

Security A combination of measures and human and material resources intended to safeguard land transport against acts of interference.

Security Control A means to prevent the introduction of weapons, explosives or other dangerous items or devices that may be used to commit an act of interference.

1.3 Functional Principles

In order to achieve its objectives, this Protocol recognizes a number of functional principles. These include, but are not limited to:

1. There should be an appropriate Authority/Administration in each Participating Economy duly authorized to develop and implement regulations, practices and procedures that are capable of responding expeditiously to meet any security threat taking into account the safety, security, reliability and efficiency of land transport services;
2. Intensified intelligence gathering is important in deterring and preventing the occurrence of security incidents;
3. Information with respect to security threats should be gathered and assessed and such information should be securely shared with appropriate agencies within the economy and/or other concerned Participating Economies;
4. Only authorized and inspected personnel and equipment should be allowed access to land transport vehicles, land transport facilities and their restricted areas;
5. The introduction of unauthorized weapons, incendiary devices or explosives to land transport vehicles or land transport facilities should be prevented;
6. A system for raising the alarm and response to security threats or security incidents should be in place;
7. Operators of land transport vehicles and/or land transport facilities should formulate security plans based upon security assessments;
8. The promotion of continuing research and development in the field of land transport security is necessary and should also take into consideration Human Factors Principles, such as respect of dignity and personal intrusion;
9. Regular trainings, drills and exercises should be undertaken to ensure familiarity with security plans and procedures; and
10. Public awareness and vigilance are important factors in any land transport security programme.

2. DEFINITIONS

For the purpose of this Protocol, the following terms have their meanings as given, unless expressly provided otherwise:

Cargo Any property carried on a land transport vehicle other than mail.

Commuter One that travels regularly from one place to another

Dangerous Goods/ Substance Any solid, liquid, or gas that can harm people, other living organisms, property, or the environment. Dangerous goods include materials that are radioactive, flammable, explosive or corrosive, oxidizers or asphyxiants, biohazardous, toxic, pathogen or allergen substances and organisms, but also physical conditions as compressed gases and liquids or hot materials, including all goods containing such materials or chemicals, or may have other characteristics that render it hazardous in specific circumstances.

Unauthorized Weapons

The following guidelines are provided to assist in making a reasonable determination of what personal property of a person may be considered as a weapon or a dangerous article, but should not be considered an exclusive list:

Bludgeons – Blackjacks, Billy clubs, or similar instruments;

Explosives/Ammunition – Any type of explosives, ammunition, incendiaries, or fireworks, whether commercially manufactured, home-made, or any combination of these components;

Explosives/Incendiary Devices – Any combination of explosives, incendiaries, or other components that can result in an explosion or fire;

Firearms – Any weapon from which a shot may be fired by force of an explosion, including starter pistols, compressed air or BB guns, and flare pistols;

Gases and Chemical Agents – Tear gas, mace, and similar chemicals and gases, whether in a pistol, canister or other container;

Knives – Sabers, swords, hunting knives, and other cutting instruments that are considered dangerous

Other Dangerous Articles – Items such as ice picks, straight razors, elongated scissors, even though not commonly thought of as deadly or dangerous weapons but which could be used as a weapon, including toy or "dummy" weapons/grenades.

Unattended Baggage

Baggage at a land transport facility, with or without a baggage tag, which is not under the control of or identified as belonging to a passenger.

3. BEST PRACTICE CHARACTERISTICS**3.1 ORGANIZATION****3.1.1 Appropriate Authority/Administration**

3.1.1.1 To effectively implement the functional principles stated herein, the Participating Economies understand that a written land transport security programme is essential to secure and protect land transport operations, through regulations, practices and procedures that take into account the safety, security, reliability and efficiency of land transport.

3.1.1.2 In support of the this programme, an appropriate authority/administration that is responsible for developing and implementing regulations, practices and procedures to provide the security and protection necessary for the operation of a land transport vehicle/facility in normal operating conditions and that is capable of responding expeditiously to meet any security threat should be duly established by legislative action, executive order or by whatever legal instrument, taking into account the distinct political, social and economic situation in the Participating Economy.

3.1.1.3 The land transport security programme should be reviewed and updated regularly in response to the level of threat to land transport operations within its relevant jurisdiction.

3.1.1.4 To ensure proper coordination between and among all land transport stakeholders, a written version of the appropriate parts of the land transport security programme should be made available to its stakeholders, as necessary and appropriate.

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3.1.15 To ensure the effectiveness of its land transport security programme, the development and implementation of capacity building and training programmes, including training of land transport security personnel in human performance, should be continuously pursued.

3.1.2 Land Transport Facility Operations

3.1.2.1 Cognizant of its role in the overall security of land transport operations, the land transport facility operator is expected to develop a written land transport facility security programme appropriate to meet the requirements of the land transport security programme.

3.1.2.2 The land transport facility operator should review its existing or proposed facilities to ensure that the architectural and infrastructure-related requirements necessary for the optimum implementation of land transport security measures are integrated into the design and construction of new facilities and alterations to existing facilities at its land transport facilities.

3.1.3 Land Transport Vehicle Operations

3.1.3.1 Cognizant of its role in the overall security of land transport operations, the land transport vehicle operator is expected to develop a written land transport security programme appropriate to meet the requirements of the land transport security programme.

3.1.3.2 The land transport vehicle operator should review its systems and procedures to ensure that optimum implementation of land transport security measures are integrated into their systems and procedures.

Best Practices: See Appendices A-1, A-2, A-3, B-1, B-2 and C-1 to C-20.

3.2 PREVENTATIVE SECURITY MEASURES

3.2.1 Preventative security measures in line with the land transport security programme should be implemented with respect to dangerous goods/substances, unattended baggage, security screening of cargo and access to critical areas.

Best Practices: See Appendices A-1, A-2, A-3, A-4, A-5, B-3, B-4 and C-1 to C-20.

3.3 MANAGEMENT OF MEASURES TO SECURE AND PROTECT LAND TRANSPORT SYSTEM**3.3.1 Deterrence and Prevention**

3.3.1.1 Land transport security programmes should be based on intelligence-led and risk-based decision processes. Based on intelligence information and risk assessments, land transport participants implement preventative security measures commensurate with the risks.

3.3.1.2 Based on intelligence-led assessment of the threat, vulnerabilities may be identified and prioritized and the Participating Economies are expected to provide land transport facility and vehicle operators necessary guidance to develop measures and programmes to respond to and mitigate identified security risks in land transport.

3.3.1.3 Arrangements should also be made for the investigation and disposal, if necessary, of suspected devices or other potential hazards posing security risks at land transport facilities.

3.3.2 Response

3.3.2.1 The safety of the general public, passengers, staff and personnel of a land transport vehicle or facility that is the target of a security threat is the primary concern and objective of any response effort. Adequate measures are expected to be taken to achieve this objective and concern.

6

3.3.3 All pertinent information on the land transport vehicle or facility that is the subject of a security threat should be collected. Timely dissemination of this information will allow for appropriate security and protective actions to be taken.

Best Practices: See Appendices A-1, A-2, A-3, B-3, B-4, B-5 and C-1 to C-20.

3.4 COMMUTERS' AWARENESS AND ADVOCACY PROGRAMME**3.4.1 Rationale**

3.4.1.1 The success of any security programme depends on the awareness and acceptance of the general public of such a programme.

3.4.1.2 There is a continuing need to re-orient the culture of commuters in order to inculcate the importance of vigilance and concerted preventative efforts to deter and thwart security threats.

3.4.1.3 The responsibility and benefits of a diligent security and vigilant peoples' perspective towards the total land transport system transcends all types of businesses and institutions of the economy.

3.4.1.4 A lower risk factor in trade and investment climate due to active stakeholder participation is expected to facilitate and promote an "investment-led, demand-driven economy."

3.4.2 Programme

3.4.2.1 To pursue the objectives of this Protocol, the Participating Economies should explore the development of commuters' advocacy programmes that would include: the display of slogans in conspicuous places throughout land transport facilities and vehicles, and airing of such slogans in radio programs; using television infomercials to highlight various aspects of the land transport security programme in order to heighten the security awareness of commuters; and developing regularly updated inter-active websites maintained and regularly updated to keep the general public well-informed and updated on the on-going programs and services of the Participating Economy in respect of transport security.

3.4.3 Intra- and International Cooperation

3.4.3.1 Guidelines on best practices for developing and implementing public awareness and advocacy programmes should be developed by the Participating Economies to ensure continuing information and communication streams between and among the government, the transport industry and the community to achieve the objectives of the land transport security programme.

3.4.3.2 The Participating Economies intend to exchange information on best practices on public awareness and advocacy programmes between and among Participating Economies in the spirit of APEC cooperation.

Best Practices: See Appendices A-6, B-6, and C-21

7

APPENDICES

COMPENDIUM OF BEST PRACTICES

Note:

The contents of the Appendices are compiled in the attached Compact Disk (CD).

8

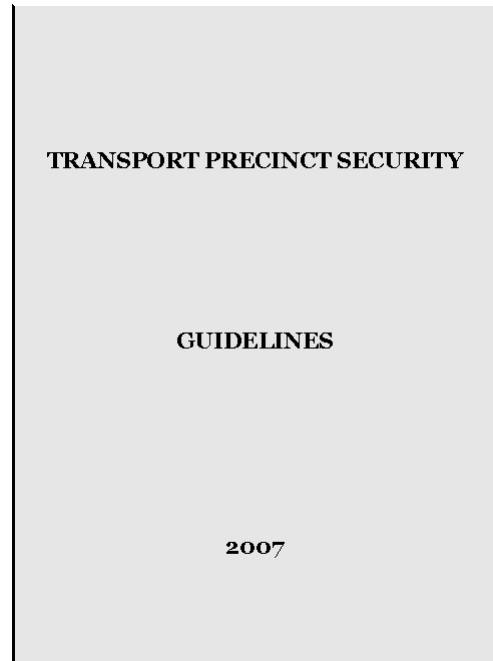
APPENDIX A

BEST PRACTICES OF AUSTRALIA

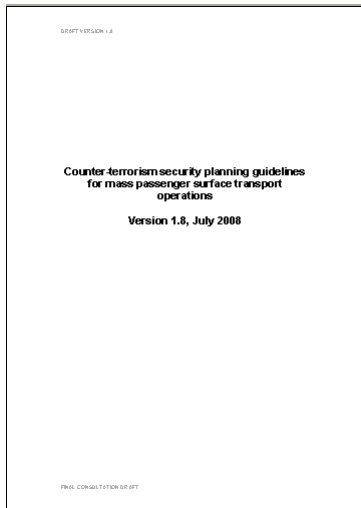
Website: <http://www.infrastructure.gov.au/transport/security/>

- Appendix A-1 – Strategy for Cross Jurisdictional Coordination of Security-Identified Surface Transport Operations, Version 1, November 2007
- Appendix A-2 - Transport Precinct Security Guidelines, 2007
- Appendix A-3 - Counter – Terrorism Security Planning Guidelines for Mass Passenger Surface Transport Operations, Version 1.8, July 2008
- Appendix A-4 - Regulatory Philosophy
<http://www.infrastructure.gov.au/transport/security/publications.aspx>
- Appendix A-5 - OTS_Strategic_Plan_2007-2010
http://www.infrastructure.gov.au/transport/security/pdf/OTS_Strategic_Plan_2007-2010.pdf
- Appendix A-6 - Samples of Security Consciousness Posters

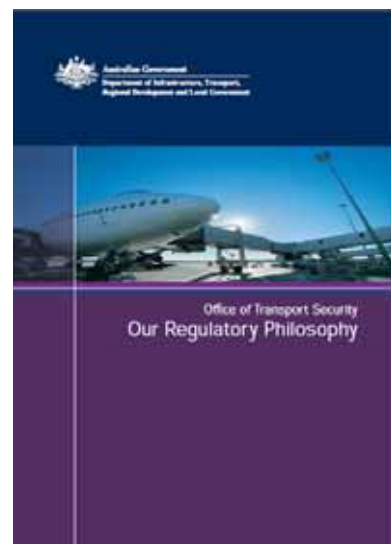
APPENDIX A-2



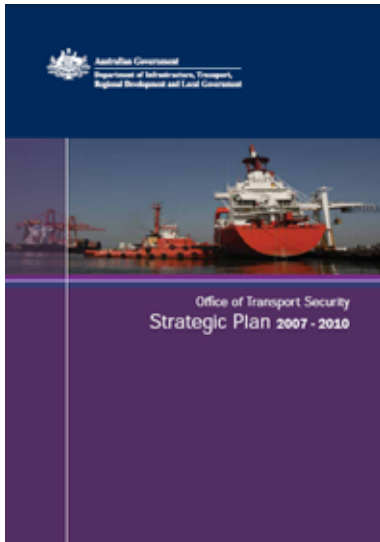
APPENDIX A-3



APPENDIX A-4



APPENDIX A-5



APPENDIX A-6



APPENDIX A-6



APPENDIX A-6



APPENDIX B

BEST PRACTICES OF THE REPUBLIC OF THE PHILIPPINES

Website: www.ots.gov.ph

- Appendix B-1 - Executive Order 311 - DESIGNATING THE OFFICE FOR TRANSPORTATION SECURITY AS THE SINGLE AUTHORITY RESPONSIBLE FOR THE SECURITY OF THE TRANSPORTATION SYSTEMS OF THE COUNTRY, EXPANDING ITS POWERS AND FUNCTIONS AND FOR OTHER PURPOSES
http://www.ops.gov.ph/records/eo_no311.htm
- Appendix B-2 - Draft Bill for the Creation of the Philippine Transportation Security Authority
<http://www.ots.gov.ph/content/view/103/137/>
- Appendix B-3 - Intelligence Directive No. 01-2005
<http://www.ots.gov.ph/content/view/103/137/>
- Appendix B-4 - Intelligence Directive No. 02-2005
<http://www.ots.gov.ph/content/view/103/137/>
- Appendix B-5 - Canine Accreditation
<http://www.ots.gov.ph/content/view/103/137/>
- Appendix B-6 - Samples of Security Consciousness Slogans and Posters

APPENDIX B-1

MALACAÑANG

Manila

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 311

DESIGNATING THE OFFICE FOR TRANSPORTATION SECURITY AS THE SINGLE AUTHORITY RESPONSIBLE FOR THE SECURITY OF THE TRANSPORTATION SYSTEMS OF THE COUNTRY, EXPANDING ITS POWERS AND FUNCTIONS AND FOR OTHER PURPOSES

WHEREAS, the State is committed to the maintenance of safe and dependable transportation systems as effective instruments for national recovery and economic progress;

WHEREAS, recent international and domestic events are stark reminders that the nation must constantly be vigilant to prevent weapons, explosives, other dangerous elements or devices, hazardous materials and cargoes, which may be used to commit an act of terrorism and the carriage or bearing of which is not authorized, from being introduced into and carried on board a public transport system;

WHEREAS, it is necessary to formulate, implement and coordinate transportation security measures, programs, plans and activities which will enhance the security and safety of the transportation systems of the country;

WHEREAS, to address the range of transnational crimes affecting our country, Executive Order No. 62 issued on 15 January 1999 creating the Philippine Center on Transnational Crime to formulate and implement a concerted program of action of all law enforcement intelligence and other agencies for the prevention and control of transnational crime;

WHEREAS, to ensure the effective and efficient implementation and coordination of transportation security measures, programs, plans and activities which will enhance the security and safety of the transportation

APPENDIX B-2

1 House of Representatives
2 Committee on Transportation
3 Draft Consolidated Bill (As of 12 March 2006)
4
5
6
7

Republic Act No. _____

8 AN ACT
9 TO BE KNOWN AS THE "TRANSPORTATION SECURITY ACT OF 2006",
10 CREATING THE PHILIPPINE TRANSPORTATION SECURITY AUTHORITY
11 (PTSA) AND AUTHORIZING THE APPROPRIATIONS OF FUNDS
12 THEREFORE AND FOR OTHER PURPOSES.
13

14
15 *Be it enacted by the Senate and House of Representatives of the Philippines in*
16 *Congress assembled:*

17 Title I

18 GENERAL PROVISIONS

19
20 Section 1. Short Title- This Act shall be known as the "Philippine
21 Transportation Security Act of 2006".

22
23 Section 2. Declaration of Policy- The State recognizes the vital role of public

APPENDIX B-3

INTELLIGENCE DIRECTIVE
NUMBER 01-2005

I. REFERENCES:

- 1. Executive Order No. 277 issued on 30 January 2004 approving and reconstituting the NCASP, creating the Office for Transportation Security (OTS) within the Department of Transportation and Communications and reconstituting the NCCAS as the NCASC.
- 2. Executive Order No. 311 issued on April 26, 2004 designated OTS as the single authority for all modes of transportation security in the Philippines, and expanded the OTS powers and function.

II. BACKGROUND:

The international and domestic catastrophic events are hard evidence and sounding reminders that the nation must always be on guard against terrorism and acts of unlawful interference in the society. We must always be vigilant to prevent international terrorism to spread like virus in the Philippines.

Terrorist acts cover threats or attacks against specific groups or installation by any number of means to disrupt economies and societies. Relatedly, the transport sector has been considered as the most potent target of such violent activities, because of their relative accessibility and the potential for casualties on

APPENDIX B-4

INTELLIGENCE DIRECTIVE
NUMBER 02-2005

I. REFERENCES:

1. INTELLIGENCE DIRECTIVE NO. 01-2005, organization of the Intelligence Service, OTS.
2. EXECUTIVE ORDER # 277 issued on January 30, 2004, approving and reconstituting the NCASP, creating the Office for Transportation Security within the Department of Transportation and Communication and reconstituting the NCCAS as the NCASC;
3. EXECUTIVE ORDER # 311 issued on April 26, 2004 designated OTS as the single authority for all modes of transportation security in the Philippines, and expanded the OTS powers and functions.

II. BACKGROUND:

Terrorism has been around as a major nuisance to government as long as recorded history.

APPENDIX B-5

Canine Accreditation to be Launched by the End of First Quarter

The state is committed to the maintenance of safe and dependable transportation systems as an effective tool for national recovery and economic progress. With recent international and domestic events as stark reminders, the nation must constantly be vigilant to prevent weapons, explosives and other dangerous elements or devices, hazardous materials and cargoes that may be used to commit acts of terrorism from being brought in transportation facilities and/or vehicles. Along this line, it is the declared policy of the Office for Transportation Security under the Department of Transportation and Communications to safeguard and secure all the transportation systems in the country against all acts of unlawful interference and other similar threats.

In the interest of securing all modes of transportation, the OTS has launched the Canine Accreditation Program with the end in view of enhancing our efficiency in detecting dangerous and hazardous articles that may be introduced into and

APPENDIX B-6

AWARENESS is *PREPAREDNESS*

SECURITY should be our PRIORITY

NO NEED TO BE SCARED IF YOU'RE PREPARED

Security starts with ME

Be your own hero

BE SOUND. LOOK AROUND.

SECURITY - Everyone's concerned for everyone's concerns.

Security is
Everybody's
Concern.
U
R
Important
Teach and Train
Yourself.

Who is the focal point of
SECURITY?

You are.

You are our concern in
security.

Make Sure
That You're
Secure

What is lacking to make this
complete?
S E C _ _ R I T Y

U R.

You are important in
security. Get involved!

APPENDIX C

BEST PRACTICES OF THE UNITED STATES OF AMERICA

Website: <http://www.dhs.gov> and <http://www.tsa.gov/>

- Appendix C-1 - Homeland Security Presidential Directive-1, SUBJECT: Organization and Operation of the Homeland Security Council. Ensures coordination of all homeland security-related activities among executive departments and agencies and promote the effective development and implementation of all homeland security policies. http://www.dhs.gov/xabout/laws/gc_1213648320189.shtm#1
- Appendix C-2 - Homeland Security Presidential Directive-2, SUBJECT: Combating Terrorism Through Immigration Policies. Provides for the creation of a task force which will work aggressively to prevent aliens who engage in or support terrorist activity from entering the United States and to detain, prosecute, or deport any such aliens who are within the United States. http://www.dhs.gov/xabout/laws/gc_1214333907791.shtm
- Appendix C-3 - Homeland Security Presidential Directive-3, SUBJECT: Homeland Security System. Establishes a comprehensive and effective means to disseminate information regarding the risk of terrorist acts to Federal, State, and local authorities and to the American people. http://www.dhs.gov/xabout/laws/gc_1214508631313.shtm
- Appendix C-4 - Homeland Security Presidential Directive-4, SUBJECT: Economy Strategy to Combat Weapons of Mass Destruction. Applies new technologies, increased emphasis on intelligence collection and analysis, strengthens alliance relationships, and establishes new partnerships with former adversaries to counter this threat in all of its dimensions.
- Appendix C-5 - Homeland Security Presidential Directive-5, SUBJECT: Management of Domestic Incidents. Enhances the ability of the United States to manage domestic incidents by establishing a single, comprehensive economy incident management system. http://www.dhs.gov/xabout/laws/gc_1214592333605.shtm
- Appendix C-6 - Homeland Security Presidential Directive-6, SUBJECT: Integration and Use of Screening Information. Provides for the establishment of the Terrorist Threat Integration Center. http://www.dhs.gov/xabout/laws/gc_1214594853475.shtm
- Appendix C-7 - Homeland Security Presidential Directive-7, SUBJECT: Critical Infrastructure Identification, Prioritization, and Protection. Establishes an economy policy for Federal departments and agencies to identify and prioritize United States critical infrastructure and key resources and to protect them from terrorist attacks http://www.dhs.gov/xabout/laws/gc_1214597989952.shtm
- Appendix C-8 - Homeland Security Presidential Directive-8, SUBJECT: Economy Preparedness. Identifies steps for improved coordination in response

- to incidents. This directive describes the way Federal departments and agencies will prepare for such a response, including prevention activities during the early stages of a terrorism incident. This directive is a companion to HSPD-5.
http://www.dhs.gov/xabout/laws/gc_1215444247124.shtm
- Appendix C-9 - Homeland Security Presidential Directive-8 Annex 1, SUBJECT: Economy Planning. Further enhances the preparedness of the United States by formally establishing a standard and comprehensive approach to an economy planning.
http://www.dhs.gov/xabout/laws/gc_1199894121015.shtm
- Appendix C-10 - Homeland Security Presidential Directive-9, SUBJECT: Defense of United States Agriculture and Food. Establishes an economy policy to defend the agriculture and food system against terrorist attacks, major disasters, and other emergencies.
http://www.dhs.gov/xabout/laws/gc_1217449547663.shtm
- Appendix C-11 - Homeland Security Presidential Directive-10, SUBJECT: Biodefense for the 21st Century. Provides a comprehensive framework for our nation's Biodefense.
http://www.dhs.gov/xabout/laws/gc_1217605824325.shtm
- Appendix C-12 - Homeland Security Presidential Directive-11, SUBJECT: Comprehensive Terrorist-Related Screening Procedures. Implements a coordinated and comprehensive approach to terrorist-related screening that supports homeland security, at home and abroad. This directive builds upon HSPD - 6.
http://www.dhs.gov/xabout/laws/gc_1217614237097.shtm
- Appendix C-13 - Homeland Security Presidential Directive-12, SUBJECT: Policy for a Common Identification Standard for Federal Employees and Contractors. Establishes a mandatory, Government-wide standard for secure and reliable forms of identification issued by the Federal Government to its employees and contractors (including contractor employees).
http://www.dhs.gov/xabout/laws/gc_1217616624097.shtm
- Appendix C-14 - Homeland Security Presidential Directive-15, SUBJECT: U.S. Strategy and Policy in the War on Terror.
- Appendix C-15 - Homeland Security Presidential Directive-18, SUBJECT: Medical Countermeasures against Weapons of Mass Destruction. Establishes policy guidelines to draw upon the considerable potential of the scientific community in the public and private sectors to address medical countermeasure requirements relating to CBRN threats.
http://www.dhs.gov/xabout/laws/gc_1219175362551.shtm
- Appendix C-16 - Homeland Security Presidential Directive-19, SUBJECT: Combating Terrorist Use of Explosives in the United States. Establishes an economy policy, and calls for the development of an economy strategy and implementation plan, on the prevention and detection of, protection against, and response to terrorist use of explosives in the United States.
http://www.dhs.gov/xabout/laws/gc_1219260981698.shtm

- Appendix C-17 - Homeland Security Presidential Directive-20, SUBJECT: Economy Continuity Policy. Establishes a comprehensive economy policy on the continuity of federal government structures and operations and a single Economy Continuity Coordinator responsible for coordinating the development and implementation of federal continuity policies.
http://www.dhs.gov/xabout/laws/gc_1219245380392.shtm
- Appendix C-18 - Homeland Security Presidential Directive-20 Annex A, SUBJECT: Continuity Planning. Assigns executive departments and agencies to a category commensurate with their COOP/COG/ECG responsibilities during an emergency.
http://www.dhs.gov/xabout/laws/gc_1215544078004.shtm
- Appendix C-19 - Homeland Security Presidential Directive-21, SUBJECT: Public Health and Medical Preparedness. Establishes an economy strategy that will enable a level of public health and medical preparedness sufficient to address a range of possible disasters.
http://www.dhs.gov/xabout/laws/gc_1219263961449.shtm
- Appendix C-20 - Homeland Security Presidential Directive-23, SUBJECT: Economy Cyber Security Initiative.
- Appendix C-21 - Homeland Security Presidential Directive-24, SUBJECT: Biometrics for Identification and Screening to Enhance Economy Security. Establishes a framework to ensure that Federal executive departments use mutually compatible methods and procedures regarding biometric information of individuals, while respecting their information privacy and other legal rights.
http://www.dhs.gov/xabout/laws/gc_12192657118875.shtm
- Appendix C-22 - Media Room of Transportation Security Administration, contains news items, speeches and testimonials, and archive briefings
<http://www.tsa.gov/press/index.shtm>