



House of Commons
Home Affairs Committee

Counter–Terrorism Measures in British Airports

Ninth Report of Session 2009–10

*Report, together with formal minutes, oral and
written evidence*

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The Home Affairs Committee

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Key Facts

- A full-body scanner of the type being deployed in UK airports costs around £100,000.
- While the introduction of body scanners is a welcome development in airport security, the Government should place greater emphasis on varying the security measures in place rather than relying on one make or model.
- There is a danger that by adopting “proportionate measures” the Government adopts a too reactive stance on the issue of airport security.
- The Government should mandate universal behavioural training for all airport security staff at UK airports.
- The Government should be more willing to refuse direct flights from countries not meeting tougher international security standards and should provide more equipment and training to airports across the globe.
- Privacy concerns should not prevent the deployment of scanners; reports of such concerns are overstated.
- “Transec” which is currently based in the Department for Transport should become the responsibility of the Home Office through the Office for Security and Counter-Terrorism.

1 Introduction

1. As a result of the attempted terrorist attack alleged to have been committed by Umar Farouk Abdulmutallab on Christmas Day 2009, the Prime Minister announced an urgent review of existing security measures at airports.¹ Following this review the Home Secretary made a statement to the House² on 5 January announcing measures to be introduced to strengthen airport security. These measures included:

- an increase in the proportion of passengers to be searched manually or by sniffer dogs and an increase in the number of bags tested for traces of explosives;
- the deployment of full-body scanners “in around three weeks” (i.e. by the end of January 2010) at Heathrow and Manchester airports before being introduced elsewhere;³
- the deployment of “explosive trace detection” equipment by the end of the year;
- the introduction of behavioural analysis training for BAA staff; and
- consideration of the use of “additional targeted passenger profiling”.

2. On 20 January, the Prime Minister announced a further measure designed to enhance aviation security; the extension of Home Office “watch lists” which will form a basis for the introduction of two new lists; a list of those “subject to special measures” before flying and a “no-fly” list.⁴

3. Following these statements we decided to inquire into the counter-terrorism measures currently in place at British airports and the impact of the proposed changes on airport security and passengers. We took oral evidence from Lord West, Minister for Security and Counter-Terrorism and Stephen Smith, Director, Office for Security and Counter-Terrorism, Home Office; and Paul Clark MP, Parliamentary Under-Secretary of State, and Niki Tompkinson, Director, Transec, Department for Transport. We also took evidence from two security experts, Mr Philip Baum, the editor of *Aviation Security International* and the Managing Director of *Green Light Ltd.*, an aviation security consultancy firm, and Colonel Richard Kemp CBE, a security manager in the private sector who has previously acted as a security adviser to the Government of Macedonia and worked in a counter-terrorism capacity for the Cabinet Office. In connection with this inquiry we also visited Smiths Detection in Watford, a manufacturer of airport security devices to receive an informal briefing and a demonstration of some of the new equipment being introduced. We thank everyone who has helped us with our inquiry.

1 See “Gordon Brown orders airport security review”, *BBC News*, 1 January 2010

2 HC Deb, 5 January 2010, col 28

3 Their installation at Heathrow and Manchester Airports was confirmed in a Written Ministerial Statement of 1 February 2010.

4 HC Deb, 20 January 2010, col 303

2 Proposed Measures

4. The Home Secretary told the House that “no one measure will be enough to defeat inventive and determined terrorists, and there is no single technology that we can guarantee will be 100% effective”.⁵ Paul Clark MP agreed, and told us that “the whole approach to security is multi-layered. There is no one operation or process that will guarantee you everything that you need. Having a multi-layered approach actually helps to make sure that you have a much stronger security regime”.⁶ During this inquiry, we have taken evidence on the effectiveness of all of the measures announced by the Home Secretary and Prime Minister, and inquired into what else can be done to improve airport security.

Body Scanners

5. Full-body scanners of the type to be introduced in British airports use high-frequency “millimetre” radio wave or x-ray technology to produce a real-time, rotatable image of individuals as they pass through. The image produced highlights any foreign body hidden beneath clothing or elsewhere which may then require closer examination. Body scanner technology of this type has been used for many years by the customs authorities to scan identified passengers as they disembark at British airports.

6. Paul Clark MP confirmed to us that body scanners such as these “are starting to roll out now and they will continue to roll out throughout this year”.⁷ In subsequent written evidence he confirmed that body scanners had been deployed at Heathrow and Manchester airports on 1 February, and were expected to be deployed at Birmingham airport “over the course of this month”.⁸ In a further letter of 19 February, the Department for Transport confirmed that a timetable to complete the roll-out process had yet to be agreed with the industry.⁹

7. Lord West told us that these scanners were around 50–60% effective at detecting threats but he was confident that they would become more effective as the technology developed.¹⁰ Given the level of effectiveness of the current generation of body scanners, Paul Clark told us that they would only be used as a secondary element of security—in addition to scans by traditional “archway” metal detectors; certain individuals would be selected either at random or after “various other measures [had been] taken into account” to pass through the scanner. He also confirmed that “there will be no right to refuse to go through the

5 HC Deb, 5 January 2010, col 28

6 Q 50

7 Q 65

8 Ev 17

9 Ev 19

10 Q 29

scanner”.¹¹ Press reports have subsequently stated that children would not be exempted from this requirement.¹²

8. Mr Philip Baum is “a long-time proponent of body scanners” as an additional level of aviation security, but he cautioned against relying on one type of scanner, which he said would render airport security predictable:

There are different types of body scanners out there using a variety of technologies, and I would like to see an environment where we deploy a range of different types of body scanner ... so that when we arrive at the airport we do not know which technology is going to screen us.¹³

Richard Kemp agreed that it was “very important that we have multiple sensors; we do not just rely on a particular technology”. He also suggested that rather than concentrating scanning equipment at one area of the airport terminal:

security on an airport’s concourse and routes by which people approach airport security should be stepped up including the potential use of [more advanced] terahertz body scanners around the approach to the check-in point, where people can perhaps be looked at at random.¹⁴

Richard Kemp also suggested that these arrangements and the “unpredictability” of airport security be publicised to provide a level of deterrence, “that does not exist at present because you assume that you are going to get there and you are going to be subject to a specific test”.¹⁵

9. We were disappointed that new technology had not been introduced earlier, and were puzzled why scanners were only now being deployed on a major scale since the technology is already in use at British airports and trials of similar equipment had been carried out in 2006 in the aftermath of the “liquid bomb plot” and Operation Overt. Paul Clark suggested to us that this delay had been caused by the Government’s desire not to “put in place security measures that are deemed to be at that time unnecessary, to create delays or inconvenience for the travelling public ... It is about making a decision about the proportionality of the measures that you put in place to protect those concerned”.¹⁶ He further told us that the Government aimed to bring in measures “that are relevant for the given time” based on the current assessment of the threat.¹⁷

10. The wider introduction of full-body scanners is a welcome development in airport security. We look forward to improvements in technology which will allow more effective and quicker scanners and urge the Government to work closely with industry in developing and introducing newer, improved models that would be more than 60%

11 Q 52

12 See: “Profiling is essential in battle to beat terrorist threat, says Yard Chief”, *The Daily Telegraph*, 30 January 2010

13 Q 78

14 Q 79

15 Q 79

16 Q 64

17 Q 63

effective. We also recommend that the Government place greater emphasis on varying the measures put in place rather than relying on a mass deployment of one make and model Passengers, and terrorists, should not know what regime they will face when they arrive at airports; greater unpredictability and a higher level of deterrence is needed in airport security arrangements.

11. The institution of “proportionate” measures, as described by Paul Clark strikes us as a euphemism for adopting a wholly reactive stance and waiting for terrorists to demonstrate their new capabilities before implementing improved security measures. In view of the ongoing terrorist threat to airline passengers and staff we urge the Government to constantly look for further technological measures to improve airport security, This should be matter of the utmost priority for the Ministers concerned.

Profiling

12. While body scanners can add another layer of security, they are appreciably slower than traditional archway metal detectors. To process every passenger through the equipment would therefore lead to long queues and increase the time passengers spend in airport terminals. Mr Baum told us that this is a problem in itself since it creates a target for suicide bombers within airport terminals and also creates “a lot of unhappy passengers who are perpetrating acts of air rage on board aircraft and they could one day bring down an aircraft”.¹⁸ To complement the deployment of scanners and to prevent long queues forming at airports, the Government’s solution as the Home Secretary confirmed to the House and Paul Clark suggested to us, is greater use of “behavioural analysis techniques” or profiling. A trial of such techniques “is currently under way at Heathrow Airport”. The Department for Transport has confirmed that decisions about whether, and how, behavioural analysis techniques should be rolled out more widely will not be taken until this trial is complete.¹⁹

13. According to Lord West, profiling, as envisaged by the Government, would be a “behavioural, intelligence-based assessment” based on, for example, how the passenger paid for his ticket, his luggage and his behaviour at the airport.²⁰ Lord Adonis confirmed to the House that profiling purely on ethnic or religious grounds would not be used.²¹ Lord West told us that much of the intelligence-based assessment would involve computerised analytical tools to highlight higher-risk passengers before they arrived at the airports and these individuals would be targeted for further security checks.²²

14. Mr Baum was keen to stress the importance of moving passengers through airport terminals quickly and preventing long queues forming. He called for an “intelligent” way to speed up the process. He suggested that the best way to do this would be profiling, “it is

18 See, Q 78 and Q 82

19 Ev 19

20 Q 36–38

21 “Interim Code of Practice for the Acceptable Use of Advanced Imaging Technology (Body Scanners) in an Aviation Security Environment”, January 2010,
<http://www.dft.gov.uk/pgf/security/aviation/airport/bodyscanners/codeofpractice/>

22 Q 29

possible, it is do-able and it has been proven to work many times”.²³ Mr Baum also urged us to view airport security as being “a continuum from the moment somebody makes their reservation until they reach their destination”, and identifying potential threats through profiling “on the basis of somebody’s appearance and behaviour, [and] also on their passport and ticket details and what we know about them,” would be a key part of that. He stressed that many threats, “could be flagged up before they arrive at the airport” and differentiated between identifying threats on the basis of appearance and behaviour, and profiling based on crude racial or ethnic identification, “the best examples of profiling working are not on the basis of race, religion, gender or colour of skin”.²⁴ Richard Kemp stressed that these measures would require greater numbers of better trained and more highly skilled airport security staff:

I would extend it from strict profiling to behaviour pattern recognition to everybody who is involved in the airport security or the check-in process and any staff process being able to identify specific signs of behaviour, not for the colour of the skin or the type of dress but looking for suspicious ways in which they act.²⁵

15. Following the Parliamentary statement of 5 January which announced the introduction of profiling, the Equality and Human Rights Commission wrote to the Home Secretary expressing, “serious concerns that the practice of profiling is, in its operation, likely to be discriminatory, contrary to domestic legislation ... and harmful to community relations”, and they “remain to be convinced that the proposals are an effective response to the current threat, and therefore justifiable”.²⁶ They have echoed these concerns in written evidence to us, raising queries on the impact on specific groups such as the transgender population, the disabled and “people of certain religious beliefs”.²⁷ These comments have been echoed by other groups such as the Quilliam Foundation.²⁸

16. If done correctly, profiling is clearly a powerful tool against terrorism—the earlier and more precisely that a threat can be identified, the easier the security operation will be; terrorist activity does not make a distinction between people of different origins, faiths or nationality. While we therefore cautiously recommend the use of profiling, we note that its use is also fraught with danger, as we have also noted in our Report into *The Cocaine Trade*,²⁹ targeted security should not be perceived to be undertaken on crude racial or ethnic grounds. The code of practice announced by Lord Adonis on 1 February is therefore welcome. The Government should now take steps to publicise its existence and ensure that airport staff adhere to the guidelines. In addition to the requirement in the draft code of practice that security officers must have completed appropriate training,³⁰ the Government, should also mandate universal Behaviour

23 Q 81

24 Q 81–84

25 Q 91

26 Ev 22

27 Ev 20

28 See: “Talal Rajab: Profiling air passengers could make terrorist attacks easier”, *The Independent*, 5 January 2010

29 *The Cocaine Trade*, Home Affairs Committee, Seventh Report of Session 2009–10, HC 74-I

30 “Interim Code of Practice for the Acceptable Use of Advanced Imaging Technology (Body Scanners) in an Aviation Security Environment”, January 2010, <http://www.dft.gov.uk/pgr/security/aviation/airport/bodyscanners/codeofpractice/>

Assessment and Security Screening (BASS) training, or similar, for all airport security staff at all UK airports, not just those operated by BAA, as a condition of employment.

Explosive trace detection equipment

17. Explosive trace detection (ETD) equipment which can detect small particles of explosives is already used in many airports. During our visit to Smiths Detection we were told that using ETD equipment is a quicker process than full body scanning and is considered the most effective way to identify specific substances. Given this we asked Paul Clark why body scanners would be introduced by the “end of the month”, but trace detection equipment would only be operating “by the end of the year”. The Minister agreed that trace detection equipment was an important part of the “multi-layered approach” but gave no firm date by which trace detection equipment will be introduced, or why its introduction would take until the end of 2010.³¹

18. In a subsequent letter to us, dated 4 February, Paul Clark confirmed that the deadline for airports to “have Explosive Trace Detection capability in place and operating” remained 31 December 2010. He also confirmed that many larger airports already possessed ETD technology and in these airports the number of individuals subject to ETD screening had been increased. He said that small airports which did not currently possess the technology were required to subject a greater number of passengers to hand searches as an interim measure.

19. Given the importance of explosive trace detection (ETD) equipment, particularly in conjunction with the introduction of “profiling”, we do not understand why its introduction on a wider scale is not required before 31 December 2010. We still have not received a satisfactory answer as to why there is such a discrepancy in deadlines between the introduction of body scanners and trace detection equipment. We recommend that the Government speed up the deployment of ETD equipment and inform us why wider deployment will take up to 12 months.

Watchlists

20. While the Government has operated a transport watch list for many years, the information on it is stored primarily for immigration, not security, purposes.³² The work on “no fly” lists and similar is therefore ongoing, and we received little detail on how the lists would operate in practice. Pending a Home Office-led review on the implementation of such lists, the Government has been unable to tell us—how large the lists would be; whether it would follow the USA model of designating specific countries as “countries of interest” and subjecting all passengers from those countries to tighter security measures; who would take responsibility for updating and enforcing the list; and how it would be applied in practice.³³

31 See Qq 65–68

32 Q 34

33 Ev 18

21. While we appreciate that certain technical measures on the implementation of the proposed lists have yet to be decided, we are surprised that the Government is unable to share some relatively basic information on how the new system will operate. For example, it is disappointing that the Government cannot estimate, even to a low degree of accuracy, how large such lists are intended to be. Pending the results of the Home Office implementation review, we will not comment on the effectiveness of the “watchlist” measures except to suggest that this review should be completed as soon as possible and the results shared with the Committee. While we await this information we note the statement from Colonel Richard Kemp, a security expert, on the general effectiveness of watchlists: “These things are important but are only as good as the intelligence that feeds into them and only as good as the conscientiousness with which the information is spread around the place”.³⁴

International Standards

22. We heard from industry sources that coordinated international action in the area of airport security is difficult because states struggle to agree on a common assessment of the threat and consequently differ in their interpretation of what action needs to be taken. Consequently while states have agreed common standards with regards to the “baseline” requirement of security measures to be taken at airports, they achieve this level by adopting different methods and applying different regulatory standards. This hinders efforts to raise the overall level of security and the development of new equipment by manufacturers.³⁵

23. Niki Tompkinson, Director, Transec, Department for Transport, told us that Britain was a signatory to two sets of international standards governing airport security; the International Civil Aviation Organisation (ICAO) standards which govern 190 states; and slightly more stringent standards set by the European Union which are applicable to all EU Member states.³⁶ Paul Clark said that the Government have been pushing for stronger standards, both within the ICAO and the EU, but “there are limits to what we can insist on”.³⁷ However, According to Mr Baum, both the IACO and the EU standards were misdirected and inadequate:

the problem is that the international standards for aviation security are extremely low and are based on identifying suspect or prohibited items and not looking for intent.³⁸

24. As well as criticising the regulatory standards in place, Mr Baum also cautioned us against placing too much emphasis on viewing increased security standards as the solution to improving aviation security. He told us that the desire for increased security measures will always be tempered by financial reality:

34 Q 88

35 As of 1 March, the European Commission had not introduced “EU-wide measures in response to the Detroit Incident”. See Ev 19

36 Q 55

37 Q 59

38 Q 98

It is all very well trying to increase the standards but somebody has got to pay for it at the end of the day and aviation security is a very expensive business. You have to have a regime in place that can work in the Cote D'Ivoire and in the Solomon Islands and in the United States and in the UK, and in coming up with a baseline it is always going to be significantly lower than we are going to put in place here.³⁹

We asked Mr Clark and Ms Tompkinson what efforts the United Kingdom was making in improving airport security around the world. Mr Clark suggested that the British Government was providing skills and budgetary support to poorer nations:

A very important point in terms of the work that we do ... is working closely with countries where there are issues of concern in terms of security levels ... and through various resources both in the counter-terrorism budgets and with expertise and skills that are within the aviation or security areas.⁴⁰

Ms Tompkinson also told us that in extreme circumstances, while the Government has the power to prevent direct flights from certain countries landing in the UK,⁴¹ the practice when the United Kingdom has serious concerns over the safety of a particular state, is to “negotiate with that country a reasonable outcome ... we work overseas to offer advice, support and assistance to countries where we think the vulnerabilities are greatest ... countries are quite keen to take us up on that”.⁴²

25. The Department for Transport’s capacity building work is funded from the Countering Terrorism and Radicalisation Fund (CTRF) as part of the Countering Terrorism and Radicalisation Programme run by the Foreign Office. This fund is budgeted at £37 million for the period 2009/10 and £38 million for 2010/11. Since 2007 the CTRF has paid for 23 inward visits hosted by the Department to allow the sharing of UK “best practice”; 42 aviation security staff training courses; 14 explosive trace detection machines and 60 “archway” metal detectors or similar, for installation in poorer countries; and the hosting of 4 Regional Aviation Security Workshops.⁴³

26. International standards in aviation security must be made tougher and the Government must push for tighter measures both in the EU and IACO, while reserving the right to unilaterally refuse direct flights from countries which are unwilling to agree tougher standards and encouraging IACO to be more willing to impose sanctions where needed. Rather than merely negotiating a reasonable outcome with the country concerned, the Government should be more willing to refuse direct flights, which in turn would create a commercial incentive for all states to improve their security regime. Help, both financial and technical, should be provided to help all willing states unable to reach the higher baseline. During this inquiry we have heard that a full-body scanner costs in the region of £100,000, it is clear that the funding allocated to the CTRF could therefore provide much in the way of equipment and training.

39 Q 99

40 Q 51

41 On 19 January 2010 direct flights by Yemenea Airways to Britain were suspended by the British Government.

42 Q 57

43 Ev 18

27. More must be done to tackle terrorism at the source; it will not be enough merely to improve security at British airports. Despite the work done by the Department of Transport overseas it is clear that weak points exist in global airport security and the security regime in some countries, through a combination of a lack of resources and training, will be relatively lax. The British Government should do more, more quickly to improve airport security across the globe, particularly in identified “hot spots” of terrorist activity. We therefore welcome the funding allocated through the CTRF and urge the Government to ensure a much greater provision of direct help in the form of body scanners, ETD equipment and training to vulnerable areas.

3 Problems that may hinder tighter security

Privacy Concerns

28. The initial trial of body scanners at Manchester Airport led to privacy and child protection concerns in relation to the images produced. It was reported by the media that the body scans would “show up breast enlargements, body piercings and a clear black-and-white outline of a passenger’s genitals”.⁴⁴ Following the Government’s announcement on the deployment of scanners, the Equality and Human Rights Commission wrote to the Government expressing concern “that these proposals are likely to have a negative impact on individuals’ rights to privacy”, requesting information on how the wider use of body scanners would be compliant with the Human Rights Act⁴⁵ and suggesting that the use of body scanners, “as currently implemented would not be “in accordance with law” as required under Article 8(2)” of the European Convention on Human Rights.⁴⁶

29. Mr Baum told us that the privacy concerns are “over-emphasised, possibly by the media, rather than being a genuine concern”. He told us that “generally the person who sees the screen cannot see the passenger as well, so you are not getting a visual view of the passenger and, on the screen, a visual view of the passenger with no clothes on”,⁴⁷ while the picture itself is not stored and is destroyed once the individual has passed through security.⁴⁸ Mr Baum also suggested that rather than producing a “naked” image of the individual passing through the scanner, “the technology today can show an outline image of somebody without facial features. One of the systems uses a stick figure and can simply superimpose threat items onto that stick figure”.⁴⁹

30. Having witnessed these full-body scanners working at first-hand, we are confident that the privacy concerns that have been expressed in relation to these devices are overstated and that full body scanners are no more an invasion of privacy than manual “pat-downs” or searches of bags. Air passengers already tolerate a large invasion of their privacy and we do not feel that full body scanners add greatly to this situation. Privacy concerns should not prevent the deployment of scanners.

Staffing

31. Technology alone cannot strengthen airport security—it is the human beings who will be operating the new system who remain ultimately responsible.⁵⁰ Both experts we took evidence from warned of placing too great a reliance on technology and ignoring the importance of staff. Mr Baum told us that his concern:

44 See: “Naked Scanner in Airport Trial”, *BBC News*, 13 October 2009

45 Ev 22

46 Ev 20

47 Q 80

48 See: “Body Scanners: X-ray or X-rated?” *BBC News*, 4 January 2010

49 Q 80

50 Q 83

is that we keep looking for another piece of technology to add on to the system and to rely on technology. Ultimately we need to rely on human beings. It is human beings that are going to operate these systems ... it is not simply giving them the equipment; it is training the staff to operate the equipment,⁵¹

while Richard Kemp stressed to us that while “technology is very important ... I believe that the human aspect is even more important”.⁵²

32. Both witnesses, Mr Baum and Richard Kemp expressed concern at the current nature of airport security staffing. Richard Kemp emphasised that airport security is as much a question of the attitude of the employees as of the skills and equipment they possess, “you have got to have the right mentality, you have got to have a constant state of vigilance and you have got to have a constant focus on the problem”.⁵³ Mr Baum was unsure that this “constant state of vigilance” was achievable under the current security arrangements, and contrasted airport security with other work undertaken at airports, “We do not outsource customs or immigration. Those are government agencies, government employees, that carry out those duties. Many airports around the world are relying on contract screening personnel who are relatively low paid ... I think we need to be serious about whom we deploy”.⁵⁴

33. We noted Mr Baum’s comments and were concerned that neither the Home Secretary on 5 January nor the Prime Minister on 20 January mentioned in any great detail improvements in the training requirements of airport security staff and that the Government was pursuing mainly “technology-based” solutions. We were also concerned that insufficient numbers of female airport security staff were being deployed, which would cause problems with the scanning of female passengers. In a letter of 11 February we raised these concerns with the Home Secretary and Transport Secretary, and also asking for detail on what training requirements were to be mandated for airport security personnel.

34. On 19 February we received a reply from Lord Adonis⁵⁵ which confirmed that EC Regulations set a baseline of training standards for aviation security staff training, and these can be supplemented by the UK Government working in consultation with the industry “where we consider this is justified”. While the Department is “not aware of any overarching difficulties in obtaining sufficient female security staff”, they were unable to provide us with statistic information on either staff numbers, or the gender mix of airport security staff. Lord Adonis also confirmed that the Government would not be taking direct action to either increase the proportion of female security staff deployed at security checkpoints or significantly tighten the training requirements of security staff because the Government, does not “seek to interfere in the manner in which airport operators resource the deployment of airport staff, these being operational decisions”.

51 Q 83

52 Q 91

53 Q 88

54 Q 85

55 Ev 19

35. Colonel Richard Kemp, an acknowledged expert in security matters, was correct to place great importance on the human aspect of security measures and, while we would not advocate the Government unilaterally mandating tougher measures and regulations without the cooperation of the industry, we are concerned that Lord Adonis' letter of 19 February suggests a somewhat *laissez-faire* attitude on the part of the Government towards the matter of airport security staff.

36. The fact that the deployment of staff is an “operational decision” should not prevent the Government from imposing improved security measures where it deems them necessary. In particular, the Government should work more closely with airport operators and security contractors to ensure adequate deployment of female security staff at security checkpoints and to develop and institute an universal improved training regime for all security staff deployed at all UK airports.

Security Announcements

37. We asked Lord West whether it was wise to announce the measures that the British Government was taking to improve security at airports as we were concerned that this would just give terrorists the information needed to work around the tightened regime. Lord West told us that the need to reassure the public that measures were in place was tempered by the desire to keep some measures secret, and therefore the Government did not announce every measure it was taking.⁵⁶

38. Richard Kemp argued that while it was important to reassure the public that measures were in place and provide information that would act as a deterrent to terrorists, “it is important that we do not know the technical details of what is happening to us”.⁵⁷ Mr Baum agreed that the technical specifications of the equipment should not be publicised, and he called it “fascinating” that “when we go through an airport security checkpoint we see technology with the manufacturer’s name emblazoned on the side and you can simply go to the internet and find out the spec of that system”.⁵⁸ **The Government is correct not to publicise every measure that it is taking, but should do more to camouflage and hide the technical specifications of security equipment. An initial step that the Government should take would be to insist that, as far as possible, the outside of security equipment is standardised and its technical specifications hidden from passengers.**

56 Q 28

57 Q 94

58 Q 94

4 The Government's Response

39. The threat of terrorist attacks against airports and airplanes, as we noted earlier, is very real and ongoing. We therefore welcome the steps announced in the aftermath of the attempted attack of 25 December and urge the Government to speed up the roll-out of body scanners, and, particularly, Explosive Trace Detection equipment. We are confident that both of these devices and the other announced measures will form a better, “multi-layered” security regime. However, while we are confident that the measures to be implemented will be an improvement on current security levels, we suggest that the Government could go further in strengthening the security process.

40. The Home Office, through the Office for Security and Counter-Terrorism, is responsible for “exercising the UK’s response to the terrorist threat”.⁵⁹ Given this, we were surprised that the Department for Transport, through Transec, remain the “lead department for all transport security issues”, including the introduction of tougher security measures inside British airports in the aftermath of an attempted terrorist attack.⁶⁰ In contrast, security measures to be implemented outside airports (such as watchlists) are the responsibility of the Home Office. **Airport security should not be viewed as something which occurs purely once a passenger steps into an airport terminal, but should begin the moment that a ticket is booked. In this context, the demarcation between transport security (“Transec”) based in the Department for Transport and wider counter-terrorism activity, centred in the Office for Security and Counter-Terrorism, based in the Home Office is unhelpful. We do not understand why transport security remains institutionally separate from wider counter-terrorism work and intelligence-gathering, and we cannot see the benefits of this separation of responsibility. Close collaboration between Government departments is a poor substitute for centralising policy and control under one roof. We recommend that Transec becomes the responsibility of the Home Office under the auspices of the OSCT.**

59 OSCT Website: <http://security.homeoffice.gov.uk/about-us/about-the-directorate/index.html>

60 Ev 17

Conclusions and recommendations

1. The wider introduction of full-body scanners is a welcome development in airport security. We look forward to improvements in technology which will allow more effective and quicker scanners and urge the Government to work closely with industry in developing and introducing newer, improved models that would be more than 60% effective. We also recommend that the Government place greater emphasis on varying the measures put in place rather than relying on a mass deployment of one make and model. Passengers, and terrorists, should not know what regime they will face when they arrive at airports; greater unpredictability and a higher level of deterrence is needed in airport security arrangements. (Paragraph 10)
2. The institution of “proportionate” measures, as described by Paul Clark strikes us as a euphemism for adopting a wholly reactive stance and waiting for terrorists to demonstrate their new capabilities before implementing improved security measures. In view of the ongoing terrorist threat to airline passengers and staff we urge the Government to constantly look for further technological measures to improve airport security. This should be matter of the utmost priority for the Ministers concerned. (Paragraph 11)
3. If done correctly, profiling is clearly a powerful tool against terrorism—the earlier and more precisely that a threat can be identified, the easier the security operation will be; terrorist activity does not make a distinction between people of different origins, faiths or nationality. While we therefore cautiously recommend the use of profiling, we note that its use is also fraught with danger, as we have also noted in our Report into The Cocaine Trade, targeted security should not be perceived to be undertaken on crude racial or ethnic grounds. The code of practice announced by Lord Adonis on 1 February is therefore welcome. The Government should now take steps to publicise its existence and ensure that airport staff adhere to the guidelines. In addition to the requirement in the draft code of practice that security officers must have completed appropriate training, the Government, should also mandate universal Behaviour Assessment and Security Screening (BASS) training, or similar, for all airport security staff at all UK airports, not just those operated by BAA, as a condition of employment. (Paragraph 16)
4. Given the importance of explosive trace detection (ETD) equipment, particularly in conjunction with the introduction of “profiling”, we do not understand why its introduction on a wider scale is not required before 31 December 2010. We still have not received a satisfactory answer as to why there is such a discrepancy in deadlines between the introduction of body scanners and trace detection equipment. We recommend that the Government speed up the deployment of ETD equipment and inform us why wider deployment will take up to 12 months. (Paragraph 19)
5. While we appreciate that certain technical measures on the implementation of the proposed lists have yet to be decided, we are surprised that the Government is unable to share some relatively basic information on how the new system will operate. For example, it is disappointing that the Government cannot estimate, even to a low degree of accuracy, how large such lists are intended to be. Pending the results of the

Home Office implementation review, we will not comment on the effectiveness of the “watchlist” measures except to suggest that this review should be completed as soon as possible and the results shared with the Committee. While we await this information we note the statement from Colonel Richard Kemp, a security expert, on the general effectiveness of watchlists: “These things are important but are only as good as the intelligence that feeds into them and only as good as the conscientiousness with which the information is spread around the place”. (Paragraph 21)

6. International standards in aviation security must be made tougher and the Government must push for tighter measures both in the EU and IACO, while reserving the right to unilaterally refuse direct flights from countries which are unwilling to agree tougher standards and encouraging IACO to be more willing to impose sanctions where needed. Rather than merely negotiating a reasonable outcome with the country concerned, the Government should be more willing to refuse direct flights, which in turn would create a commercial incentive for all states to improve their security regime. Help, both financial and technical, should be provided to help all willing states unable to reach the higher baseline. During this inquiry we have heard that a full-body scanner costs in the region of £100,000, it is clear that the funding allocated to the CTRF could therefore provide much in the way of equipment and training. (Paragraph 26)
7. More must be done to tackle terrorism at the source; it will not be enough merely to improve security at British airports. Despite the work done by the Department of Transport overseas it is clear that weak points exist in global airport security and the security regime in some countries, through a combination of a lack of resources and training, will be relatively lax. The British Government should do more, more quickly to improve airport security across the globe, particularly in identified “hot spots” of terrorist activity. We therefore welcome the funding allocated through the CTRF and urge the Government to ensure a much greater provision of direct help in the form of body scanners, ETD equipment and training to vulnerable areas. (Paragraph 27)
8. Having witnessed these full-body scanners working at first-hand, we are confident that the privacy concerns that have been expressed in relation to these devices are overstated and that full body scanners are no more an invasion of privacy than manual “pat-downs” or searches of bags. Air passengers already tolerate a large invasion of their privacy and we do not feel that full body scanners add greatly to this situation. Privacy concerns should not prevent the deployment of scanners. (Paragraph 30)
9. Colonel Richard Kemp, an acknowledged expert in security matters, was correct to place great importance on the human aspect of security measures and, while we would not advocate the Government unilaterally mandating tougher measures and regulations without the cooperation of the industry, we are concerned that Lord Adonis’ letter of 19 February suggests a somewhat laissez-faire attitude on the part of the Government towards the matter of airport security staff. (Paragraph 35)

10. The fact that the deployment of staff is an “operational decision” should not prevent the Government from imposing improved security measures where it deems them necessary. In particular, the Government should work more closely with airport operators and security contractors to ensure adequate deployment of female security staff at security checkpoints and to develop and institute an universal improved training regime for all security staff deployed at all UK airports. (Paragraph 36)
11. The Government is correct not to publicise every measure that it is taking, but should do more to camouflage and hide the technical specifications of security equipment. An initial step that the Government should take would be to insist that, as far as possible, the outside of security equipment is standardised and its technical specifications hidden from passengers. (Paragraph 38)
12. The threat of terrorist attacks against airports and airplanes, as we noted earlier, is very real and ongoing. We therefore welcome the steps announced in the aftermath of the attempted attack of 25 December and urge the Government to speed up the roll-out of body scanners, and, particularly, Explosive Trace Detection equipment. We are confident that both of these devices and the other announced measures will form a better, “multi-layered” security regime. (Paragraph 39)
13. Airport security should not be viewed as something which occurs purely once a passenger steps into an airport terminal, but should begin the moment that a ticket is booked. In this context, the demarcation between transport security (“Transec”) based in the Department for Transport and wider counter-terrorism activity, centred in the Office for Security and Counter-Terrorism, based in the Home Office is unhelpful. We do not understand why transport security remains institutionally separate from wider counter-terrorism work and intelligence-gathering, and we cannot see the benefits of this separation of responsibility. Close collaboration between Government departments is a poor substitute for centralising policy and control under one roof. We recommend that Transec becomes the responsibility of the Home Office under the auspices of the OSCT. (Paragraph 40)

Formal Minutes

Tuesday 16 March 2010

Members present:

Rt Hon Keith Vaz, in the Chair

Tom Brake
Mr James Clappison
Mrs Janet Dean

Gwyn Prosser
Bob Russell
Mr David Winnick

Draft Report (*Counter-Terrorism Measures in British Airports*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 40 read and agreed to.

Resolved, That the Report be the Ninth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Tuesday 23 March 10.15 am

Witnesses

Tuesday 26 January 2010

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Lord West of Spithead , a Member of the House of Lords, Parliamentary Under-Secretary of State, and Mr Stephen Smith , Director, Office of Security and Counter-Terrorism, Home Office	Ev 1
Paul Clark MP , Parliamentary Under-Secretary of State, and Ms Niki Tompkinson , Director of Transport Security, Department for Transport	Ev 7
Mr Philip Baum , Managing Director, Green Light Ltd. & Editor, Aviation Security International, and Colonel Richard Kemp	Ev 11

List of written evidence

1	Letter from Rt Hon Alan Johnson MP, Secretary of State, Home Office, to the Chairman of the Committee	Ev 17
2	Letter to the Chairman from Paul Clark MP, Parliamentary Under-Secretary of State, Department for Transport	Ev 17: 19
3	Letter from Admiral The Lord West of Spithead, Parliamentary Under-Secretary of State, Home Office, to the Second Clerk of the Committee	Ev 18
4	Letter from Lord Adonis, Secretary of State, Department for Transport, to the Chairman of the Committee	Ev 19
5	Equality and Human Rights Commission	Ev 20
6	Letter to Rt Hon Alan Johnson MP, Secretary of State, Home Office, from the Equality and Human Rights Commission	Ev 22

List of Reports from the Committee during the current Parliament

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2009–10

First Report	The Detention of Children in the Immigration System	HC 73 (<i>Cm 7795</i>)
Second Report	The work of the UK Border Agency	HC 105 (<i>HC 370</i>)
Third Report	The E-Borders Programme	HC 170
Fourth Report	Work of the Committee in 2008–09	HC 265
Fifth Report	Police Service Strength	HC 50
Sixth Report	The Home Office's Response to Terrorist Attacks	HC 117 (<i>Cm 7788</i>)
Seventh Report	The Cocaine Trade	HC 74
Eighth Report	The National DNA Database	HC 222

Session 2008–09

First Report	Monitoring of the UK Border Agency	HC 77 (<i>HC 381</i>)
Second Report	The Police and the Media	HC 75
Third Report	The Work of the Committee 2007–08	HC 76
Fourth Report	Policing Process of Home Office Leaks Inquiry	HC 157 (<i>HC 1026</i>)
Fifth Report	Borders, Immigration and Citizenship Bill [HL]	HC 425
Sixth Report	Human Trafficking	HC 23–I
Seventh Report	Knife Crime	HC 217
Eighth Report	Policing of the G20 Protests	HC 418 (<i>HC 201</i>)
Ninth Report	Project CONTEST: The Government's Counter-Terrorism Strategy	HC 212
Tenth Report	The cost of policing football matches	HC 676 (<i>HC 339</i>)
Eleventh Report	Bogus Colleges	HC 595 (<i>Cm 7766</i>)
Twelfth Report	Macpherson Report—Ten Years On	HC 427
Thirteenth Report	Managing Migration: Points-Based System	HC 217 (<i>Cm 7767</i>)
Fourteenth Report	The work of the Serious Organised Crime Agency	HC 730

Session 2007–08

First Report	The Government's Counter-Terrorism Proposals	HC 43
Second Report	Bulgarian and Romanian Accession to the EU: Twelve months on	HC 59
Third Report	Security Industry Authority	HC 144
Fourth Report	Work of the Committee in 2007	HC 226
Fifth Report	A Surveillance Society?	HC 58 (HC 1124)
Sixth Report	Domestic Violence, Forced Marriage and "Honour"-Based Violence	HC 263 (HC 1165)
Seventh Report	Policing in the 21 st Century	HC 364
Special Report	Unauthorised Disclosure of Draft Report	HC 196

Session 2006–07

First Report	Work of the Committee in 2005–06	HC 296
Second Report	Young Black People and the Criminal Justice System	HC 181 (Cm 7217)
Third Report	Justice and Home Affairs Issues at European Union Level	HC 76 (HC 1021)
Fourth Report	Police Funding	HC 553 (HC 1092)

Session 2005–06

First Report	Draft Corporate Manslaughter Bill (First Joint Report with Work and Pensions Committee)	HC 540 (Cm 6755)
Second Report	Draft Sentencing Guideline: Robbery	HC 947
Third Report	Draft Sentencing Guidelines— <i>Overarching Principles: Domestic Violence and Breach of a Protective Order</i>	HC 1231
Fourth Report	Terrorism Detention Powers	HC 910 (Cm 6906)
Fifth Report	Immigration Control	HC 947 (Cm 6910)
Sixth Report	Draft Sentencing Guideline: Sexual Offences Act 2003	HC 1582

Oral evidence

Taken before the Home Affairs Committee on Tuesday 26 January 2010

Members present
Keith Vaz, in the Chair

David T.C. Davies
Mrs Janet Dean
Patrick Mercer

Martin Salter
Mr Gary Streater
Mr David Winnick

Witnesses: **Lord West of Spithead**, a Member of the House of Lords, Parliamentary Under-Secretary of State, and **Mr Stephen Smith**, Director, Office of Security and Counter-Terrorism, Home Office, gave evidence.

Q1 Chairman: Good morning. Could I refer all those present to the Register of Members' Interests where the interests of members are noted. Could I welcome to the dais Lord West, the Counter-Terrorism Minister, and Stephen Smith from the Office of Security. Can I begin by thanking you, Lord West, for giving evidence at such short notice. As you know, the Home Secretary announced the raising of the threat level last Friday, and the Committee felt that it would be helpful if you came to give evidence as to why this had happened or any other information that could be helpful to Parliament. So thank you very much for changing your diary at such very short notice to be with us today. I was phoned by the Home Secretary at 8.15 on Friday, and very courteously he told me he was going to announce at 8.30 on Friday that the threat level was going to be increased from "substantial" to "severe". Could you tell the Committee, when were you informed that the threat level was going to be increased?

Lord West of Spithead: Could I maybe just say a few words before I answer that specifically. First of all, I am delighted to be here before the Committee. I know you are taking evidence from Paul Clark after me in terms of some of the detail on the transport side of things. I am happy to answer any questions about all aspects of security really. I do believe this Committee has a very important role, and that is why I was happy to change my programme. As you are probably aware, I am quite tied into the Afghanistan issue and the Yemen issue, all of which are going on this week as well.

Q2 Chairman: We are very grateful.

Lord West of Spithead: I have to make quite clear that, clearly, I cannot talk about intelligence as such. In terms of intelligence and how that relates to threat levels, clearly I cannot talk about that. The Home Secretary is doing a written ministerial statement today on this specific issue really laying down what can be said about it. I think in terms of your specific question to me, I was aware of it—I cannot remember exactly the time—but shortly after a COBR meeting that was held on Friday. I think it is

best to go back maybe at how one looks at intelligence. Every week there is a weekly security meeting, often chaired by the Home Secretary; in fact last week it was chaired by me. At those meetings we talk in great depth (we have all departments represented; all the agencies represented) about all aspects of counter-terrorism. It became clear at that meeting that we were getting more and more evidence from across the board, all sorts of factors, all sorts of things, which meant we should have a COBR; so that JTAC—who actually make the final assessment on whether there should be a change in threat level—could be aware of every single bit of information from all government departments and agencies. There was a COBR meeting on the Friday afternoon. After that meeting I got a call saying JTAC had decided that they wanted to raise the threat level.

Q3 Chairman: To get the process right—and you have been extremely helpful and we are very grateful for that—COBR meets first?

Lord West of Spithead: No, not necessarily. On this occasion, as I say, that is how it rolled into it because I had the weekly security meeting; there were so many strands of staff and other bits of information, all sorts of things, that I felt it was worth having a COBR so this could be looked at in great detail by everyone involved, and that would give JTAC a chance and opportunity to make an assessment.

Q4 Chairman: Just to get the process right—because I think the public are very interested, and obviously Parliament is interested in the process—you have your Thursday morning meetings of course, which we are aware of. This Committee will be publishing next week our report on counter-terrorism structures, and members of this Committee have been into the COBR room. So you have your weekly meetings on a Thursday morning and on this occasion COBR met on Friday morning?

Lord West of Spithead: Yes, because I felt that it was worth getting all the details of all sorts of things pulled together; but all the time JTAC are always looking at and making assessments as to whether they should change the threat level.

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Q5 Chairman: JTAC then met after the COBR meeting?

Lord West of Spithead: As I understand it, JTAC then made the decision post that meeting and I do not know exactly how they made that. I try to keep out of that as a minister because I do not want this to be a political issue at all, so I do not know exactly how that was done at that stage.

Q6 Chairman: The recommendation to perform a change in the threat level is one for JTAC and not for politicians, is that right?

Lord West of Spithead: That is absolutely correct.

Q7 Chairman: What you are saying is very helpful. JTAC will make the recommendation and this is a body that is exclusively made up of officials?

Lord West of Spithead: Officials, correct.

Q8 Chairman: The security services?

Lord West of Spithead: Yes.

Q9 Chairman: Officials from the Home Office?

Lord West of Spithead: They will take advice from people like OSCT, but it is actually up to JTAC themselves—the head of JTAC and/or the deputies—to say, “Right, we believe we should raise the threat level”.

Q10 Chairman: They would have met on Friday after COBR. What do they then do? Do they then ring the Home Secretary, or ring you and say, “We have considered this very carefully and we believe that the threat level should be raised to the next level up, or the next level down”?

Lord West of Spithead: Yes.

Q11 Chairman: They make that decision?

Lord West of Spithead: Yes, because the Home Secretary decides, “Right, how am I going to announce this so that all the people who need to know—Parliament and other people—know exactly how this is going to be done?” Yes, they contact the Home Secretary; and the Prime Minister is also told of this as well.

Q12 Chairman: Are politicians able to say, “Hang on a minute, we’ve listened to what you’ve had to say but we’re not going to make this announcement”? Are they able to say that, or are they able to second-guess the decision?

Lord West of Spithead: I think in theory the Home Secretary could say, “I’d actually like to delay it for four hours”, or whatever; but I have never ever known that to happen. As soon as it is there then it is promulgated; because it is not just that threat level. Just going back if I can make it clear, on this occasion there was a COBR—that is not the necessity. It is always being assessed all the time. We have our weekly security meetings, as I say, every week. There are other meetings, discussions and dialogues on these issues; so all the time they are

reviewing and looking at these things. I am explaining how on this occasion it just happened in that sequence.

Q13 Chairman: Once the announcement was made at 8.30 by the Home Secretary (this is obviously the first time a minister has come before a committee to explain the process in terms of that decision) clearly the public are not going to be told intelligence, the basis upon which the change is being made; the public is merely told that the threat level had been changed to a higher level. Is that right?

Lord West of Spithead: That is correct. Below that is a whole tapestry of threats and threat levels to specific establishments, to sectors, to all sorts of areas, and these are not promulgated. For example, there might be (and I am giving a “for instance”) a specific change in the threat level (and these threat levels are not always in the same listing as this; they are different—blacks and golds) to Wellington Barracks in London, to Buckingham Palace, to the government security zone, to movement on certain parts of the underground or whatever; and this is a tapestry of threat levels and all of these are adjusted by JTAC as necessary to fit in with this. These are ones which, clearly for very good operational reasons, are not promulgated.

Q14 Chairman: Once the announcement is made obviously there is an expectation that the public will have to do something as a result of the change in threat level. Surely politicians just do not announce an increase and then expect nothing to happen. What were your expectations as to what you wished the public to do as a result of the threat level being increased?

Lord West of Spithead: I think it is very important that we let the public know if we believe there is a higher threat of something happening.

Q15 Chairman: What was the expectation?

Lord West of Spithead: We came to that agreement a couple of years ago when this was first opened up as something that should be told. There was a huge debate, as you know, at the time. Some people say, “Well, actually it’s probably better not to tell people”. I am actually not a believer in that. I think it is best to let people know if that sort of thing is changing.

Q16 Chairman: Absolutely.

Lord West of Spithead: What we expect is greater vigilance. I have always got this balance: one does not want to frighten the horses. If you sit where I am sitting and see every day all the stuff coming across the desk, one could become pretty gloomy; but actually I am not. I am quite an optimist; I am a glass half full person; because over the last two and a half years we have done so much, I believe, to help make the country safer—not safe, but safer.

Q17 Chairman: In making that announcement you expected the public, or the Home Secretary expected the public to be more vigilant as a result of the increase in the threat level?

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Lord West of Spithead: Absolutely. In the summer of 2007, just after I had come into post, I remember talking in fact on a cliff top in Dorset where one of my sons was announcing his engagement, being tracked down by the media; and I said there that what was very important was that this was something that involved the whole nation; and that people needed to be vigilant and needed to report, and at that stage we were at that level.

Q18 Chairman: Is that what the Home Secretary said last week? When he announced the increase in the threat level he actually said, “As a result of the increase in the threat level, we expect you, the public, to be more vigilant”?

Lord West of Spithead: I am afraid I do not know exactly what he said.

Q19 Chairman: That is what your expectation was?

Lord West of Spithead: My expectation is that the public would be more vigilant. Actually I think the public are quite intelligent; I know some people do not assess that, but I do; and if they are told there is a greater threat that they would be more vigilant. We do disseminate actually very clear phone lines for the counter-terrorism hotline; very clear phone lines for how to get hold of the Security Service, so the public can do this. Again, a year ago I spoke to a couple of newspapers and said, “Look, this isn’t grassing up your friends; actually this is as a good citizen. The people we are trying to catch are trying to kill large numbers of innocent people. If there is anything, please make sure you phone and let people know”. It has been a constant theme.

Chairman: We will come on to other aspects. I am just going to ask colleagues to come in and question you on the threat level first.

Q20 Mr Winnick: There must be few people generally who are not aware of the acute terrorist threat, certainly after the atrocities of 7 July 2005. The average person, it is difficult to see what he or she could do further as a result of the increase in the level of danger. Would you agree, Minister?

Lord West of Spithead: I think for the average individual living in his vicarage deep in England probably there is very little that he can do about that; but I still do not think that means we should not tell them if JTAC assess there is a greater threat.

Q21 Mr Winnick: Does that mean that, as far as is possible, people should certainly be even more on their guard when they are going on the trains, underground, buses and the rest. Is that what you are saying?

Lord West of Spithead: I think there is a tendency—and it is a very good tendency; it is very British and I love it—actually that if there has not been a bomb yesterday that you get on with your life. The whole point of defeating terrorism is that we get on with our lives; that we live it; that we work; that we travel; that we have fun and enjoy it. However, there is a threat there and people need occasionally just to think of that. Because we know the threat (and

JTAC have assessed this now) is higher therefore it makes a great deal of sense for people just to be a little bit more vigilant.

Q22 Mr Winnick: The last thing presumably, Minister, that we do not want—the government and the security authorities—is that people should be in such a state of anxiety that they do not go about their ordinary business because of the increased level of the threat to this country?

Lord West of Spithead: Absolutely right, because otherwise you are doing the terrorist’s business. What I want is for people to live their lives; to go to work; to travel; to have fun; and actually not to have this hanging over them but to be aware there is a threat and if the threat gets higher, quite right that JTAC should raise it and say there is a higher threat but they need to get on with their lives but just be a little bit more vigilant. It should not be an oppressive thing. We have a large number of extremely good people I have working for me and across the agencies doing amazing work to help keep us safe. As I say, in the last two and a half years, I think we have become safer, although we are still not safe; we are still under threat.

Q23 Patrick Mercer: We have discussed this before. You and I both lived through the Northern Ireland campaign and we saw a terrorist campaign conducted on a very much higher level of visibility there than the current campaign that we face, but not necessarily a higher level of danger. All I would say is that one of the ways that we managed to deter the terrorists was by stimulating the public level of knowledge to the point where life was able to be conducted relatively normally, despite daily attacks on a largely civilian population. I challenge you on the basis that you say phone lines are well known: they are not. Phone lines are not well disseminated; they are not well understood. We do not know what to do when the threat level goes up. You can see me on the media at the weekend about this. My analogy is the fact if the government were to say, “There is a threat of Aids”; well, that is fascinating and extremely frightening, but what do we do about it? In Ulster we knew what to do about it because the telephone number was everywhere, there was public information and public training without necessarily any compromise of intelligence?

Lord West of Spithead: What I would say is, the general sense of vigilance—I credit the public with quite a lot of common sense—is that if you see something very strange and extraordinary happening, if there is something that looks as though it could be a threat or a danger than you actually make sure you tell someone. You can find these numbers easily. I suppose we could maybe promulgate them better, and I will see if that is able to be done. As I say, I do not want to create a frenzy of things. We want people just to behave in their

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normal way but just to be that little bit more vigilant. I think it is right that we should tell them that JTAC—and this is why it is very important to split from politics—assess there is a higher threat, and then I think it is right we should let the public know. There has been this debate before. Let us not give them these threat levels. You remember in Northern Ireland the threat levels were not actually promulgated to the public. I think the balance is probably right.

Q24 Mr Streeter: Is there anywhere a chart which is akin to, say, a storm force chart so that at level six we know the waves are whipping—and with your background you would be very familiar with that, much more than I am. Is there even internally a chart to say when it is “substantial” this is happening, or this should be done by the public and you go up to “severe”; because that would be helpful, would it not? I know that would perhaps be a little simplistic but I think it would help.

Lord West of Spithead: I think it would. I do not think there are lots and lots of things one wants the public to do. There are lots of things in this tapestry of other threat warnings that are there and that agencies and organisations do. There are lots of things there that happen, and they are all in that huge complex tapestry. There are not lots of things I want the public to do. I certainly do not want the public to be going around thinking, “Oh my God, oh my God, I’m going to be killed”, because it is far from that; but, as JTAC have assessed, there is a higher threat. I think JTAC are very good at making that assessment and that is what they have done. I think it is right that we should let the public know that. As I say, generally, they should be more vigilant and sensible, and understand there is a higher threat. It makes people just keep a better eye out. The British—as I say, it is a trait I love—if there is not a bomb yesterday they forget about that and get on with their lives. I am jolly glad about it; it is one of the strengths of our nation.

Q25 Chairman: Intelligence aside, Minister, I think what the Committee is saying is that you could obviously keep the intelligence confidential but, if you do not give the public information as to what to do, there is the possibility of speculation. The weekend papers were full of speculation that an Indian airline was going to be hijacked and flown into a British city. Other newspapers were speculating on other aspects. Is it not important that as much information ought to be given? I know you want to rely on the great character and traits of the British people, which of course is there, but there is a lot of speculation as to why this was being done. Some have suggested that it was because the conferences were taking place this week. Some were speculating that it was because Mr Blair was giving evidence to the Iraq Inquiry; or that Hillary Clinton was flying in. Is there not a case when the announcement is made for more information to be given, other than intelligence and confidential information, so that the public can know how to react?

Lord West of Spithead: No, I do not think there is. I think the way we want the public to react, as I say, is to be vigilant about what is going on. There will always be all sorts of speculation about things. I think it would be extremely dangerous to even give away one strand. What I want to do, if there is any opportunity at all and someone is trying to do something, is to be able to get the bastards and put them in prison where they belong. I would not want anything that actually had any impact on that whatsoever. That is if they are in this country, or achieve the same result abroad. I think there is a real danger, if one starts to try and explain in any way, you start to creep into intelligence, and I think that is extremely dangerous and I do not think we should do that.

Q26 Chairman: Do you think that what you did on Friday means it is more likely, in your words, “to get the bastards”?

Lord West of Spithead: I think what it means is with the focus and all of those other things in place it is more difficult for them to get us.

Q27 Martin Salter: On the subject of getting the bastards, Lord West—

Lord West of Spithead: Yes, I must stop using that expression. I am a salty seadog, you know, and I get in trouble about this, but you know what I mean. I do not particularly like the people that I am after.

Chairman: I think Mr Salter is very comfortable with that language!

Q28 Martin Salter: No, I am with you. It is slightly mild! Just playing devil’s advocate for a moment, is there actually any point in announcing to terrorists, or groups that would seek to do us harm, what we are seeking to do to counter them? I am looking at the Home Secretary’s statement on 5 January which talks about all these measures that are going to be put into the airport. On the one hand that is obviously designed to be effective in its own right and reassure the public but, on the other hand, it is basically saying to terrorist networks that we need to be more inventive and find ways around these things that the government have very kindly told us we are going to be doing?

Lord West of Spithead: There is obviously a need to reassure the public. That is part of the equation—that actually we are taking the right sort of action. I think it is appropriate we should do that. What we do not do is say everything we are doing. I think what is equally clear is that the people who are trying to kill large numbers of innocent people explore every possibility and are constantly pushing and tweaking at the edges. For example, the issue of not having any metal in their bomb so they can get through metal detectors is not something that came as a huge surprise to us; we have already been doing work on this. Two years ago I was pushing in terms of science and technology and getting linked in with industry so that we could actually start looking at scanners; we could look at whole areas of airports;

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about behavioural patterns; and we have done a lot of work on that as well; but this takes time for this all to get into place. Last summer we produced our science and technologic strategy; in the first brochure of that we particularly pointed to industry and said the area of scanning was one of the key areas we wanted a lot of work on, and there was an opportunity for industry there; and there has been a lot of work there; because we know they are always prodding and trying these things. We are all the time sitting there and thinking, "Now, how are they going to change their methodology?" Well before Mumbai, I was having work done in the Home Office saying, "Right, what if actually they do their attacks rather than using VBIEDs and IEDs, they do this using weapons and grenades; how are we going to counter this?" and that work is ongoing. Constantly we are looking at what other ways can they do this, and constantly they are trying. They are looking, trying to break through and trying to find a way in through the defensive structures we have put in place. So far I think we have been extremely good in putting those in place, but one cannot be complacent. I think some IRA man said some time ago, "I only need to be lucky once". What I am trying to do all the time is to not let them ever be lucky that once, and that is really difficult.

Q29 Martin Salter: It was graffiti on the walls of Derry after the Brighton bombing. "We were lucky this time. We only have to be lucky once". On that theme, the Home Secretary on the 5 January said even if full body scanners were in place, there was still a 50% chance of Mr Abdulmutallab actually getting through with the non-metallic bomb that he had. Are you in a position to tell us if the technology is likely to advance to a stage where any explosive device could be picked up?

Lord West of Spithead: I am sure Paul will talk in more detail about this, but the scanner is just part of a whole complex series of things. Part of it starts with the watch lists; the possibility in the future of a no-fly list; the use of e-Borders; and then there are things like the behavioural intelligence—how people are reacting and doing things like that; and then there is the issue of scanners; the issue of explosive detection equipments, which are getting better and better. In answer to the specific one on scanners, I am sure scanners will get better but at the moment I think we are about 50-60% sure, but you have all these other factors involved as well. I would have to say I personally am a great believer in dogs, because I think dogs are good at this. They need to be trained and they have to be there and you have to rotate them round but, my goodness me, they are very good at discovering explosives and things. If you put that whole package together that is how you get your defence; how you sequence it; where you are actually checking. If you can scan the whole airport concourse—we have had a lot of work done on this—to see how people behave, fed through computer programmes, certain kinds of behaviour flag people up very quickly, even when they arrive at the airport itself, all of these things together will do this.

Q30 David Davies: Lord West, there are 4,000 on the no-fly list in the US and another 14,000 who are set out for special measures. How many of those live in the United Kingdom?

Lord West of Spithead: I have to say I do not know that figure off the top of my head.

Q31 Chairman: Mr Smith, could you help the Minister?

Mr Smith: I do not know off the top of my head.

Q32 Chairman: You do not know how many people are on the no-fly list?

Mr Smith: I do not know how many British people are on the American no-fly list because it changes regularly.

Q33 David Davies: I understand that a number of people who reside in the United Kingdom, although not necessarily British, are on the American no-fly list. In the OSCT do you have no knowledge of this?

Lord West of Spithead: I am sure someone does. I have to say, I have not got it at my fingertips but I am very happy to write to you with that information. I do not know that myself.

Q34 David Davies: That would be very helpful. The British Government are planning a list; do we know how large it is likely to be?

Lord West of Spithead: We do not know that. There is ongoing work, as you know, on this in terms of looking at extending it. There is no doubt that the previous watch list was primarily an immigration watch list. There were terrorist aspects to it.

Q35 David Davies: My final question was going to be whether any of the people on the American no-fly list will also be on the British no-fly list? But if nobody knows whether or not any of the people on the American no-fly list reside in Britain habitually then I do not suppose either of you gentlemen will be able to answer that question?

Lord West of Spithead: I do not know the exact answer to that; but I am absolutely sure that there will be a certain level of consistency between the two. We certainly share data on an individual basis about specifics with America very closely. We do not share the whole package of data with the Americans.

Q36 Mr Winnick: Minister, one or two questions about new equipment to try and prevent terrorism. We have heard that this equipment only works in conjunction with profiling to identify "high risk" passengers. Have you estimated, providing airport staff with the training needed, how much it will cost?

Lord West of Spithead: I am afraid that would be a better question for Paul. I do not know the cost. There is work going on on this behavioural aspect at Heathrow at the moment, so I am sure he has probably got some flavour for what that would be. Looking at intelligence-based assessments I think is very important. If you add on top of that things from the e.Borders information: that he has paid for it in cash; he is going on a long-distance flight and all he is carrying is one book; he has done certain things in

the airport; he is behaving in a certain way; when you add all that together that probably makes you say, "Actually, we probably need a better body search of this chap, not just scanning him". When you put them all together that is what gives you the level of security that you need.

Q37 Mr Winnick: I think to a large extent, Minister, the controversy is: is there going to be a question of profiling people along ethnic or racial lines? In other words, let us be blunt about it, someone who looks like a Muslim, has the orthodox beard, and may be as far removed from terrorism as ourselves, is that person going to find himself in a position where he will be profiled differently from other airline passengers?

Lord West of Spithead: The answer to that is: no. I think a classic example—and I think the Home Secretary mentioned it in the House—was Anne-Marie Murphy who was an Irish woman, Caucasian, white, Irish woman who was pregnant, who was carrying explosives for her boyfriend. The profiling in the sense of maybe, let us say, a South Asian Muslim would not actually have helped at all with stopping her. Therefore, I do not think that form of profiling is at all what we are going for. We are looking at behavioural, intelligence-based assessment. Profiling I think can give the wrong impression at times.

Q38 Mr Winnick: What you have said, Minister, really totally undermines, does it not, what some advocate, and perhaps witnesses later on, about profiling; because obviously, as you have indicated, if indeed profiling along the lines that I have indicated did take place, all the more reason that the terrorists would be those who are converts or white, the people least to be suspected of wishing to carry out and inflict terror?

Lord West of Spithead: As I say, it is intelligence-based assessment and also behavioural assessment. That is the focus and it encompasses a whole mass of things that all come into the package to be able to do that; but it is not on ethnic grounds or on religious grounds; that is not the basis that we are doing this.

Mr Winnick: That is ruled out completely.

Q39 Chairman: I do not suppose you were being profiled when you were stopped outside the Palace of Westminster?

Lord West of Spithead: I was in Birdcage Walk. To be fair to them, as soon as they realised who I was said, "No, we're not going any further". I said, "No, no, you absolutely are because the next thing is I'll

be accused by the media of not being". So they did the whole works; but the seniority of policeman did rise dramatically over the course of the incident!

Q40 Patrick Mercer: We heard during the e.Borders inquiry that in particular Greek airports which only stand up during the summer season for tourist purposes did not intend or could not afford to have the sort of sophisticated devices that we have been describing imposed inside those airports. At the same time we heard from the Prime Minister that this form of sophisticated searching would be required in airports particularly that are flying into this country. That is fine, that is a great aspiration but how are we going to make this happen?

Lord West of Spithead: I think probably it is best if Paul answers that, because I would be treading on his toes in terms of the transport portfolio in that area.

Q41 Mrs Dean: In that case I am not sure whether you will be able to answer my question. In our e-Boards inquiry we were given the impression that UKBA was trying to impose requirements without taking into consideration the impact on the flow of traffic and the transport infrastructure. Do you know what the impact on port traffic—passenger and cargo—of imposing the e-Borders regime on ports by the end of the year as announced by the Prime Minister, will be? Can you answer that, or is that one for Paul?

Lord West of Spithead: Again, all I would say on this one, I think it really is a question for Paul because I am always getting told off for treading on other people's toes—although being Security Minister my portfolio, in a way, runs across lots of departments, so it is a bit tricky. I have been in a lot of dialogue with the Passenger Shipping Association and others, because the issue that was very difficult was coach loads of people arriving on passenger ferries. I know a lot of work has been done on that. It was not so much the flow of individuals coming in; it was not the problem coming through airports and things like that; it was just the scale of those; how that was done; and on Eurotunnel as well. I know there has been a lot of work done on that; I do not know exactly where it has got to. I was involved early on in it but it is very much a transport issue.

Chairman: Minister, thank you very much for giving evidence to us on not only the security threat but also other issues of security. I am sorry we did not have more questions for you, but I am sure you will be back in the future. Thank you. We are now going to see a 30-second demonstration of a new scanner that has been produced by Smiths Industries, which was named by the Home Secretary in a statement.

(There followed a short demonstration of the scanning equipment)

Witnesses: **Paul Clark MP**, Parliamentary Under-Secretary of State, and **Ms Niki Tompkinson**, Director of Transport Security, Department for Transport, gave evidence.

Q42 Chairman: Minister, thank you very much for coming. I am sorry that you were kept waiting. The Committee was also looking at the issue of the decision by the Government to raise the threat level on security at the weekend. Presumably the Department of Transport was informed that it had gone up from “substantial” to “severe”, is that right?

Paul Clark: Yes, of course, Chairman. Let me say right at the beginning, thank you for this opportunity to obviously come here to run through some of the aviation security issues. Yes, you are absolutely right, and obviously there is close working between relevant departments and agencies in terms of the intelligence.

Q43 Chairman: When were you informed? When was your Department informed that the threat level was going to go up?

Paul Clark: Could I, in terms of the specifics, in terms of the time and date we were informed, ask Niki who is head of our transport security side because that is the day-to-day operations.

Q44 Chairman: Ms Tompkinson, when were ministers informed that the threat level had gone?

Ms Tompkinson: We were informed straight away that JTAC had made their decision.

Q45 Chairman: What is “straight away”, on Friday?

Ms Tompkinson: On Friday afternoon.

Q46 Chairman: At what time?

Ms Tompkinson: We were informed that they were actively considering it during Friday afternoon. The decision was taken finally mid/late afternoon and I immediately informed the Secretary of State, who was not in London at the time but was out of town but I conveyed a message to him.

Q47 Chairman: The Committee is not concerned but wants to raise a couple of points about the territory between the Department of Transport and the Home Office, and that is why you are giving evidence to the Home Affairs select committee today. We were keen to have a Home Office minister and we got one in the end, for different reasons. Why is the deployment of full body scanners in response to an attempted terrorist attack a Department of Transport rather than a Home Office responsibility?

Paul Clark: You will appreciate, Chairman, that there needs to be a responsible department for whatever the issue is. In terms of this, we are responsible as the Department of Transport for transport security and the issues arising from that; but of course, as you know, we do not work in isolation and that is why there is working across the National Security Committee. Of course, at official level there is regular contact; and indeed Ms Tompkinson and partners sit on various bodies, including working with JTAC and so on, and a range of intelligence agencies.

Q48 Chairman: You are part of JTAC and part of COBR, are you?

Paul Clark: Certainly in terms of COBR; but in terms of day-to-day workings and so on, we will be involved clearly with the intelligence agencies, and working together with Home Office and, indeed, other colleagues across government and other sectors.

Q49 Chairman: You do not feel it is a little bit fragmented having your Department responsible for security aspects of body scanners, and the Home Office responsible for policy?

Paul Clark: No, I do not believe so. These are complex areas. They raise a number of issues which you have either read in the press, or of course the committee members here are well aware that raise a number of issues across a number of areas of responsibility within government—whether that be issues about privacy, whether that be issues about the health side of issues, as well of course protecting the public in terms of being able to travel safely to and from the United Kingdom.

Q50 Martin Salter: Minister, we have just seen a very brief demonstration of the new explosive detectors which look useful but a simple question: surely now all a would-be bomb attacker would have to do is pack their explosives with gloves on and make sure they do not leave traces on their body?

Paul Clark: What has been raised there, and very clearly, is the need for us to be constantly vigilant about ways that people will attempt to work around security provisions that we put in place; but, having said that, the new equipment which indeed I saw recently in place being utilised as part of the process of checking people has proved effective. I would say, the whole approach of course to security is multi-layered. There is no one operation or process that will guarantee you everything that you need. Having a multi-layered approach actually helps to make sure that you have a much stronger security regime.

Q51 Martin Salter: Obviously there is not a lot of point only installing state-of-the-art equipment in airports like Heathrow and JFK if flights coming into Britain from other countries, perhaps less developed countries, have not got similar equipment. Terrorist outrage can take place over any airspace obviously. What efforts and what steps are the British Government going to make to ensure that countries not as wealthy as us are able to install similarly high-tech equipment in order to protect the travelling public as a whole?

Paul Clark: It is a very important point in terms of the work that we do with other countries, and other countries in terms of their security as well. Indeed, part of that process is working closely with countries where there are issues of concern in terms of security levels coming to this country; and indeed, through various resources both in the counter-terrorism budgets and indeed with expertise and skills that are within the aviation or security areas, and aviation in particular, we actually do help and support countries

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to raise that security level at their airports as well. In fact we have discussions with a number of interested countries. I do not know whether there is anything particularly Niki would want to add.

Ms Tompkinson: No.

Q52 David Davies: Mr Clark, in a letter to you I asked you about whether or not everyone would be selected to go through these machines and I was not quite clear from the response whether that is the case. Are people going to be randomly singled out to go through a body scanner, or will everyone go through?

Paul Clark: The provision at the moment is that it would be used as a secondary level requirement of checking, and it would be on a basis of random approach and of course various other measures that could be taken into account, in terms of selecting people to go through those body scanners. There will be no right to refuse to go through the body scanner.

Q53 David Davies: So some people randomly chosen; some people chosen because they fit certain criteria?

Paul Clark: Yes.

Q54 Mrs Dean: Minister, yesterday members of the Committee heard that airport security is reactive and driven by events and there is a lack of forward planning by governments. Do you think that is a fair assessment?

Paul Clark: No, I do not think it is fair. We obviously do have to respond to information we receive. Indeed, JTAC have clearly done that on the assessment of all the information that is there, with our own agencies as well as at an international level, to have a level of threat that we can clearly respond to, and clearly partners in the transport industry can respond to. In a sense, there is some reaction of course after 25 December events. The way that those explosives were carried on was deliberately in such a way to circumvent clearly the regimes that we have in place; that is exactly why it was done, so we need to respond in that way but there is a great deal of work. Perhaps at this stage, Chairman, I would just put on record thanks to all those, whether government officials, those in the aviation industry, those at the frontline services, and indeed passengers who did experience delay immediately after 25 December, for their patience in the work that has been done and undertaken since 25 December.

Q55 Mr Streeter: Minister, we have also been told that there are no internationally agreed standards in airport security. Do you think that there should be; and what are we trying to do to achieve such things?

Paul Clark: We are working very closely. By nature obviously aviation is an international issue, and indeed the previous question in terms of what work do we do with airports in other countries where there are issues concerning security, and how can we help and support in that way. There are standards within the European Union and we have worked through

that because it is far better that we have an international agreement in terms of security specifics.

Ms Tompkinson: There are standards set by ICAO, so at an international level there are standards; and there are standards set by the European Union which are at a bit of a higher level, and they set a baseline for all of the European Union countries. So there are standards there. The international bodies like ICAO, like the European Union, have teams of inspectors to inspect other countries against those standards.

Q56 Mr Streeter: If you wanted to fly a bomb into Britain, if you were an informed person there presumably would be a number of airports you would chose rather than other airports. If you know that, surely our enemies know that? What are you going to do about it?

Paul Clark: Through JTAC there is a process in terms of looking very carefully at the security levels, and concerns of which airports and countries are of concern. Obviously in terms of the intelligence agencies and so on which respond clearly to that information, that is why a great deal of work that does go on is coordinated not only in this country but in others as well in terms of the assessment of risk; and we continue, as I say, to work with countries in helping to raise the level in terms of security levels that are in existence.

Q57 Mr Streeter: Finally, do you have the power to prevent an airline from taking flights from certain countries if you are concerned about the security of those airports; and have you ever used that power?

Paul Clark: In terms of whether we have ever used that power, I will ask Niki in a moment. You will be well aware of the recent decision in conjunction with the Yemen Government, for example, in terms of no direct flight, which was a weekly flight that was coming here; and of course there is provision and indeed we do have the watch list that exists and, as the Prime Minister announced to the House back on 20 January, the issue about developing the no-fly list and so on, that would be a further development in terms of that. Whether we have ever stopped—

Ms Tompkinson: I do not think in practice we have had to use the powers. Obviously the UK issues permits for airlines to fly into the country. What has happened in practice when we have had concerns about a particular country, the standards, whatever, is to negotiate with that country a reasonable outcome. As the Minister said earlier, we do work overseas to offer advice, support and assistance to countries where we think the vulnerabilities are greatest. In our experience, working through colleagues in the Foreign Office, because we can offer help and advice, usually countries are quite keen to take us up on that. We can normally negotiate a successful outcome that way without having to use these powers.

Q58 Chairman: Is this not the Achilles heel of the present system, which is that we may be doing the best we can with the best scanners and equipment

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and so may the other EU partners, but it is those who come from outside that there is a problem? Should we not be in the forefront of trying to get some firm international standards? Is that not how the problems have occurred, in terms of the Detroit incident? The gentleman came from Nigeria right across to Amsterdam, to Schiphol, and then went to the United States. We have to stop it happening in countries outside the EU, so we should be pressing for better, more firm and stronger international standards, should we not?

Paul Clark: I think you are right in that it should be part of the process that continues. As Niki has indicated, there are international standards, but we need to continue to recognise threats that do exist and the challenges that are placed by ever inventive people who want to circumvent those; we need to continue to keep that under review; and that is why we need to continue to have a multi-layered approach, whether here in the UK or abroad. Equally, part and parcel of that comes through the development of clearly the whole eBorders programme.

Q59 Chairman: Minister, the e-Borders will take time, and part of it, as the Committee has said, is probably illegal in terms of EU law, but we will leave that to one side. The fact is it is ministers who keep telling us that this matter is urgent; nobody can wait for committee papers to be passed around DGs at Brussels. What is this Government doing to try and make sure we have firmer and stronger international standards?

Paul Clark: We have certainly been arguing clearly for stronger standards and so on within the EU, and with our EU partners to be putting pressure on at ICAO level and so on in terms of raising those standards across the board. You will appreciate there are limits to what we can insist on. We have to get that through agreement; but, as we have indicated, clearly there are many countries that are happy to work with us and the expertise, information and skills that we have within this country, and indeed other countries, to actually develop stronger security systems as well. We will continue, the Committee can rest assured, to push for the highest baseline of security levels that are required; and indeed individual countries still have the requirement to then have higher levels of security to reflect their own situations. I am sure all members of the Committee would recognise that there needs to be that flexibility as well in the system, as well as a baseline to have that flexibility for other major stringent measures.

Q60 Chairman: Tomorrow we have a conference on Yemen. It is the Department of Transport that have stopped direct flights from Yemen. Your officials have just arrived back having looked at Sanaa Airport; a report is going to be written which is then going to be put before the Yemeni authorities. Surely one way of helping the situation is for our Government to provide the scanners that a country like Yemen needs in order to search passengers before they get on the aircraft, rather than diverting aircraft through Paris and Cairo?

Paul Clark: You are absolutely right, Chairman, that our officials have just returned from Yemen and have worked with and had great cooperation from the authorities there, both at government, airport and airline level. I say that—a report is being written, as you will appreciate, in terms of what were the issues and concerns there and how we may go forward. Indeed, as I indicated earlier, together with provisions within counter-terrorism funds, together with expertise, for example, from the Department of Transport we are in a position to be able to look at the possibilities of assisting countries who require that assistance, such as Yemen.

Q61 Chairman: It all sounds very long, that is the problem?

Paul Clark: May I just say, they have literally just returned from Yemen, and that report is literally being prepared as we speak.

Q62 Chairman: If you accept what the Prime Minister said, Yemen has been in difficulties for many, many years: why has it all happened in the last week?

Paul Clark: With Yemen we actually have been working across government; and other departments as well have been working with Yemen in terms of a range of issues, not just security but also political and economic.

Q63 Patrick Mercer: Minister, I am flabbergasted by what I am hearing at the moment. I appreciate that scanners and search equipment are not the only answer to this, of course not; and I entirely get your point about concentric rings of security; but since at least 2006 trials have been in place (trials, notice) of various different equipment at various different transport hubs, not just airports; none of this equipment to the best of my knowledge has so far been deployed on a permanent basis; and yet only when the threat develops, only when the President of the United States get ariated at Christmas do we get some form of firm action in this country, which is essentially action this day. Why has it taken four years at least, if not longer, for this to happen?

Paul Clark: The whole basis of the provisions that you put into place of any security need to be proportionate to the risks as then considered to be in existence at that time; because we do not want—and I am sure members of the Committee do not want—to clearly put in place security measures that are deemed to be at that time unnecessary, to create delays or inconvenience for the travelling public generally. That is the first part. It is about making a decision about the proportionality of the measures that you put in place to protect those concerned. I recognise that there have been trials; and there have been trials because, indeed, even on the market today there are different scanners using different means as to what would be the best to provide the best security possible. As I have already said, there is never anything that is 100% and that is why it is a multi-layered approach; but there is different equipment available, and monitoring, and seeing

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and checking what does that mean in terms of the provision and the success that it has, as well as the operational arrangements that need to be in place.

Q64 Patrick Mercer: Minister, I am sorry, that is simply not good enough. May I give you an example: in 2006 a trial was mounted at one of the major stations (I cannot remember immediately which one) for the Gatwick Express where selected passengers were trialled with a particular form of equipment—it does not matter what. That trial went on for a number of weeks; similarly trials went on at Canary Wharf; similarly trials went on at London Victoria; yet none of this equipment has ever been deployed. That obviously was in response to Operation Overt, the aircraft plot in the summer of 2006, and then apparently all goes quiet, until yet again we have another incident where that ghastly phrase is used, this time by the Prime Minister, “this is a wake-up call”. How many wake-up calls do we need? The Christmas Day plot was clearly highly dangerous and now, only now, do we hear that this equipment is going to be deployed. Why?

Paul Clark: Because of exactly the reason I said in terms of assessing the threat levels that there are at the given time and wanting to bring in measures that are relevant for that given time. As I have already said in terms of the Christmas Day attack, it was deliberately done to actually circumvent the systems that were in place; that is why, clearly through the intelligence work and so on that is undertaken, we need to try and be as ahead as possible in terms of the potential threat but, at the same time, making sure that the provisions that we put into place are proportionate to that threat level.

Q65 Patrick Mercer: Minister, thank you. Without being discourteous, I simply do not accept that. Therefore, could you please answer this question? Yesterday the Chairman and I visited Smiths Detection: a fascinating and extremely well organised visit. We were told that body scanners provided some of the answer but actually the other part of the answer is the trace detectors. Why then are we going to have body scanners in airports by the end of the month and trace detectors only by the end of the year?

Paul Clark: In terms of body scanners, absolutely right, but body scanners, along with trace detection, are all part and parcel of that multi-layered approach. In terms of body scanners, they will be in use at Heathrow and Manchester by Sunday (31 January) with Birmingham coming on stream in February and a national rollout to follow. In terms of trace detection, immediately following the 25 December event we increased the level of detection required, and I will say no more than that, but again that is being further rolled out throughout airports across the country.

Q66 Patrick Mercer: Can you give me, Minister, please, a firm commitment for when this equipment will be in place?

Paul Clark: We have said in terms of the roll-out of body scanners that this will happen progressively and we are working with the industry now; it is starting this month, and then, in terms of the issue about trace detection, it is already there in the vast majority of airports across the country and we are working with the industry in terms of raising the levels of the use of trace detection equipment and have a deadline of the end of this year for that.

Chairman: I think what Mr Mercer is saying is—

Patrick Mercer: There is no answer to that, Chairman, I am sorry.

Q67 Chairman: No; I think what Mr Mercer is saying is that the Committee is very concerned. After all, it was the Government that raised the threat level at the end of last week. We are obviously a target country. We do not believe that having meetings and getting committee reports in the EU is the answer.

Paul Clark: Absolutely.

Q68 Chairman: And we do not accept your statement that you have to look at the inconvenience to the public because, to be perfectly frank, the public put up with a great deal because they know that it is for their security. Overnight Douglas Alexander, when he was Transport Secretary, announced that we had to put all these little liquids in these plastic bags. The public accepted it. I think there is a desire to see something happening urgently. Can you give us an assurance that the Government regards this as an urgent and important issue?

Paul Clark: I think the statements that were made at the beginning of January when the House returned from recess, together with the Prime Minister’s statement last week, show that very clearly we take the matter seriously. I agree with you that the general public, in terms of the inconvenience or the requirements to undertake further security checks, will accept that generally. It is about getting the balance right, but this is important and that is why we have increased the requirements in terms of trace detection; it is why we have increased the levels in terms of random checking that are required. You would not expect me, obviously, in terms of operational reasons, to go through the details of those, but we have done that and that is why we have said about secondary scanning in terms of—

Q69 Chairman: To answer Mr Mercer’s question, what would be very helpful is if you could set out the public --- if it has to be a letter in confidence to this Committee we will accept it, but I think we do need to be reassured. Maybe you could write to us with the measures that you have taken.

Paul Clark: I am more than happy to do that.

Q70 David Davies: Minister, I wondered what steps you were taking to secure the perimeters around airports.

Paul Clark: Perimeters are clearly a highly visible part of security but they are one part of that. There is a requirement and standard that is laid down in

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terms of the perimeter that needs to be provided but, as I say, it is one part of that and it is part of the inspection regime. I believe this may be referring to a statement that was made by, I think, the former head of security at Tel Aviv airport, who made a statement about western airports. Obviously, I will not comment on any other countries. I have to say that the concerns that he was indicating I do not recognise within the UK's provision of airport perimeter security.

Q71 David Davies: What worries me is that half-baked students disguised as environmental protestors seem to have no problem breaking in, but you are confident that al-Qaeda would not be able to manage this?

Paul Clark: I say to you that in terms of perimeter fencing it is one part of the security levels. As I say, when you have very determined people you have to be ever vigilant in terms of the requirements that are needed to ensure that we have a multi-layered approach to the security of the travelling public.

Q72 Chairman: In our meeting on Monday and the visits we have done we heard some very good reports of the Israeli security system at Tel Aviv airport. It is

not just having the equipment; it is also training people to use that equipment; that is also very important, but the Committee, because our remit is counter-terrorism, feel it is extremely important, since you have the portfolio in the Department for Transport, to look at these issues. These are urgent issues, Minister, and we think we have a responsibility to Parliament to raise them with you. **Paul Clark:** Chairman, I agree entirely with you in that way, and indeed yesterday I visited Heathrow Airport to see the equipment and so on that is there, whether it is in terms of trace detection, whether it is in terms of body scanners due to come into being and so on, so I recognise exactly what you mean, and rest assured, as I say, that we want to make sure that people are able to travel to and from the United Kingdom safely.

Chairman: As Mr Salter said in his question, if we can provide this equipment to countries like Yemen, Nigeria and others which we have already looked at carefully, this would help enormously in dealing with this problem. Once they are on the plane and once they have landed it is too late. It is giving them the equipment and the resources, which we have, which will enable them to search their passengers. Minister, thank you so much for coming and seeing us today.

Witnesses: **Mr Philip Baum**, Managing Director, Green Light Ltd. & Editor, Aviation Security International, and **Colonel Richard Kemp**, gave evidence.

Q73 Chairman: Colonel Kemp, Mr Baum, thank you very much for coming to give evidence to the Committee. May I apologise for keeping you waiting. We interposed an evidence session by Lord West following the decision of the Government to raise the threat level. Could I start with a question on that to you, Colonel Kemp, because I know you have been on the radio over the weekend about the Government's position. What concerned you about the decision taken by the Home Secretary to raise the security threat level? Clearly, we did not want the Government to tell us all the intelligence that led to this, but you were concerned about a number of aspects. What were those concerns?

Colonel Kemp: I do not consider that I was concerned by that decision. I think that the Government was right, subject to what the intelligence is, which, of course, I am not privy to, to raise the threat level in the way it did. I agree with you that they should not reveal any more of the intelligence than they have told us; in other words, they should not give us any specifics because, of course, that aids our enemies and also potentially could mislead people if you give them a little bit more but not everything, so I think there are those issues, and also show al-Qaeda the limits of our intelligence. The only thing I would say, which I think is an issue, is that there was no guidance given to people about how they should respond. Yes, they can look on the website, but if you are announcing a change in the threat level perhaps you should tell people in general terms what they should be looking for. That was the only issue that I would like to mention.

Q74 Chairman: Because there was a lot of speculation following this over the weekend. You cannot just say the threat level is going up. You have got to be able to say, "And, as a result of that, we would like you to do X, Y and Z".

Colonel Kemp: I think that would be a sensible thing to do, yes, and it has been done in the past, in particular, in relation to the previous campaign by Irish terrorists against us. We could use that perhaps as more of a model than we do for a response to this situation.

Q75 Chairman: Mr Baum, do you have any comments on the security level?

Mr Baum: I am more concerned when the threat is lowered afterwards because from what we do know about terrorist groups that are out there they do not necessarily carry out their attacks when the threat is at its highest level. It is when it is at its lowest level and when we are not expecting it.

Q76 Chairman: And we rely totally on the character of the British people, which is what the counter-terrorism Minister put to us. It may be that people might feel relaxed as a result of a reduction in the threat level?

Mr Baum: I think the general public has to maintain its vigilance at all times. Obviously, the Minister is privy to information that I am not privy to and has felt the need to increase the threat level, and I think it is a good thing that we are in the know but I do share Colonel Kemp's view that we need to know what to do when that threat level is raised.

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Q77 Patrick Mercer: Colonel, you run the security for a busy estate. What would be useful to you, in charge of security? What measures would be of use for the public to carry out when the threat level rises?

Colonel Kemp: I think the important thing is that they are guided on what to look for, not just in terms of suspicious objects but also suspicious behaviour of people, and that they have a means of communicating those concerns rapidly to the right place. I often get reports of people who report concerns but are not able to find the right person because the local bobby might not be quite the right person to report it, so there does need to be something along the lines of a hotline to report it, which I think I am right in saying we do not have nationally at present, or, if we do, it is not widely known. The other point I would make, which relates to something Philip Baum said, is that I do think it is right that we should vary the threat level. I think the threat level has consistently been as it is now but it has gone up and down a few times and, having been involved in a previous guise in making judgments and decisions on threat levels for the UK, the Government, and JTAC and MI5 in particular, do take extreme care in deciding when to bring the threat level up and down. I think that is important but I think it is important that when possible it is brought down again while at the same time not lulling people into a false sense of confidence. You just cannot maintain a heightened level of vigilance all the time, so I think that is a key point.

Q78 Chairman: Thank you. Could I now move on to body scans and could I ask you both individually, when and in what circumstances should body scanners be deployed?

Mr Baum: I have been a long-time proponent of body scanners. The technology has been around for many years, but I think we need to be very careful about how we use them. We need to use them intelligently and to decide, based on some form of passenger profile, which technology we are going to use to screen which passenger. We need to be very careful but there are different types of body scanners out there using a variety of different technologies, and I would like to see an environment where we deploy a range of different types of body scanners at the checkpoint and, particularly with regard to airport security, make security unpredictable so that when we arrive at the airport we do not know which technology is going to screen us. However, what we must make sure of is that we start to process passengers more quickly through the airport. My biggest concern at the moment is that we are creating long queues. Body scanners are significantly slower than their predecessors in “archway” metal detection, so we have got to speed up the process but we have got to do it intelligently, and we need a range of solutions that can look at current threats and future threats. I would just point out that body scanners have been installed at airports, including UK airports, for a few years. Customs authorities use body scanners. There are to my knowledge four through-body, that is, transmission x-ray, body scanners at London Heathrow; there are 7 millimetre

wave systems in UK airports screening passengers at airports when they get off aeroplanes, so customs authorities are profiling passengers. Customs authorities are using body scanners and have been doing so for many years, and we are doing all these checks after people have got off aircraft. We need to do it before they get on.

Q79 Chairman: Thank you. Colonel Kemp?

Colonel Kemp: I agree with pretty much all of that. I think it is very important that we have multiple sensors; we do not just rely on a particular technology. Airports have the advantage of being able to carry out point scanning checks on every single person that is going to board an aircraft, which other security regimes do not necessarily enjoy to the same extent, but I do think that in addition to that there should be a wider level of security so that on an airport’s concourse and routes by which people approach airports security should be stepped up in those areas, including the potential use of terahertz body scanners around the approach to the check-in point, where people can perhaps be looked at at random. It would be publicised and known so that it would provide a level of deterrence that does not exist at present because you assume that you are going to get there and you are going to be subject to a specific test. There should be a wider level of checking carried out against all people coming into an airport. It is obviously very important that the privacy issue is addressed but I think technology does exist—I know it exists—where that issue can be addressed and privacy can be maintained, even using these very detailed scanners. I would like to come on to this perhaps later on in another question, but I think we must not rely on technology alone.

Q80 Mr Davies: On this issue of privacy and body scanners, I cannot understand why nobody seems to have suggested two body scanners, two queues, one for men, one for women, and let the women go through one which is monitored by women. That is more or less what happens with “pat downs”. I have not seen it suggested anywhere. Would this not be a solution that overcomes this?

Mr Baum: First of all, with regard to the body scanners, generally the person who sees the screen cannot see the passenger as well, so you are not getting a visual view of the passenger and, on the screen, a visual view of the passenger with no clothes on. Secondly, I would point out that the technology today can show an outline image of somebody without any facial features. One of the systems uses a stick figure and can simply superimpose threat items onto that stick figure, so a lot of the privacy issues are over-emphasised, possibly by the media, rather than being a genuine concern.

Q81 Mr Winnick: Mr Baum, you are in favour—we have seen some articles written by you—of profiling passengers. In fact, you dismiss objections as political correctness. Would it really be possible to accurately profile passengers along the lines you have advocated?

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Mr Baum: It is possible, it is doable and it has been proven to work many times, which is possibly what we cannot say about, for example, x-ray technology for screening for explosives. People have been identified carrying out attacks using a profiling system. Some of them were referred to by Lord West earlier, like Anne-Marie Murphy. Even Richard Reid, the shoe bomber, was identified the day before he boarded his American Airlines flight as a possible threat to the flight because of his appearance and behaviour. It has proven to work on a regular basis and the best examples of profiling working are not on the basis of race, religion, gender or colour of skin.

Q82 Mr Winnick: As I understand from your answer, he would not be a person, obviously a Muslim, dressed as such and with an orthodox beard? You are not suggesting that sort of person should be profiled as such?

Mr Baum: Absolutely not. Again, these questions that are often put by the media perpetuate the idea that that is what it is going to be about. We should be profiling on the basis of somebody's appearance and behaviour, also on their passport and ticket details and what we know about them, but we must also recognise that aviation security is not just about counter-terrorism. It is about preventing any unlawful attack against civil aviation perpetrated by criminals, psychologically disturbed individuals and the terrorist community. We are creating a lot of unhappy passengers who are perpetrating acts of air rage on board aircraft and they could one day bring down an aircraft. We need to identify all threats on the ground, and profiling caters for that and for the future threats. That is the beauty of profiling. It looks to the possibility of a chemical or biological weapon. It looks to the possibility of an internally carried device.

Q83 Mr Winnick: Could I put this to you, Mr Baum, that the necessity to take every form of precaution for everybody, including Muslims or Jews or anybody else, Hindus, Sikhs, Christians, is obviously absolutely essential? That is hardly in dispute. Do you not think you are being somewhat provocative when you talk about profiling because inevitably that is seen as ethnic or religious profiling, which is not only totally undesirable but you yourself said would serve no purpose as such?

Mr Baum: I do not think it is being provocative; I think it is simply stating that it is a system and process that has been proven to work for very many years, and we have got to decide what we want. Do we want an effective security regime or do we want just something that is a deterrent? Deterrence is an important part of the process. My concern is that we keep looking for another piece of technology to add on to the system and to rely on technology. Ultimately we need to rely on human beings. It is human beings that are going to operate these systems, including if we were to start supplying equipment to Nigeria, which is a country I am going to tomorrow, working on a consultancy project

there, including in Yemen. It is not simply giving them the equipment; it is training the staff to operate the equipment.

Chairman: Absolutely.

Q84 Mr Streeter: Do you think enough is being done to outsource security away from airport terminals and concourses? Are we over-focusing on that particular place?

Mr Baum: I have long felt that we tend to view aviation security as something that happens at the security checkpoint rather than it being a continuum from the moment somebody makes their reservation until they reach their destination. Air crew are part of the security web but there are a lot of people that could be flagged up before they arrive at the airport. For example, Mr Abdulmutallab should have already been identified as somebody who would have warranted greater screening before he even arrived at Lagos Airport and before he arrived certainly at Schiphol. He had paid for his ticket in cash in Ghana for a journey that started in Nigeria. He had no luggage for a two-week trip. His visa was issued in the United Kingdom and he was not even travelling through the UK. There should have been loads of alarms.

Q85 Mr Streeter: You want us to rely on human beings. It is human beings that made these mistakes; they did not spot him.

Mr Baum: First of all, there are different component parts of the jigsaw puzzle. For that we could have used a computer-based system, an analytical tool, to flag up that passenger and that should have happened, but I also believe that we are depriving a lot of the screeners of the information that we used to be privy to. We do not have tickets now. People are using e-tickets. They are arriving at check-in with less information. Everything is becoming automated. I think we also need to look at who is performing the security duties. We do not outsource customs or immigration. Those are government agencies, government employees, that carry out those duties. Many airports around the world are relying on contract screening personnel who are relatively low paid to perform duties that could ultimately prevent a war in which thousands of people could die, and I think we need to be serious about whom we deploy.

Q86 Patrick Mercer: Your earlier answer, Colonel Kemp, I thought was fascinating. I asked you what you would appreciate being imposed or what measures would be helpful. Why do you imagine the Government does not require these things?

Colonel Kemp: Does not require ---?

Q87 Patrick Mercer: You said spotting dangerous articles, reporting them. You talked about the fact that you were not aware of the existence of a hotline. There is a hotline, actually. The fact that you do not know it and I do not know it I find quite remarkable. I think you served in Northern Ireland. You will remember that the hotline there was everywhere: the

sides of vehicles, the sides of police stations, et cetera. Why do you imagine our Government does not take these sensible and basic precautions?

Colonel Kemp: Interestingly, I had a discussion with the equivalent of our police head of counter-terrorism from New York who was saying to me, "Do you have a problem with the number of measures that the Government imposes upon you as a commercial organisation and forces you to do and forces you to pay for?", and I said, "The opposite is true. The Government does not really impose very much in the security world", and I think that is an issue. I think the Government perhaps has not really fully accepted the real seriousness of the situation we are in compared, for example, to the US Government, which in a sense is understandable given the relative devastation of the attacks the US has suffered compared with us, but I do think there ought to be more regulation and control over counter-terrorism measures throughout the whole country, not just in government institutions.

Q88 Patrick Mercer: Thank you, and how useful, gentlemen, do you find the concept of watchlists and no-fly lists?

Colonel Kemp: They are very useful if applied correctly. In terms of the point that Mr Streeter made earlier on about we are using human techniques, some of this is human, some of it is automated. You have got to have the right mentality, you have got to have a constant state of vigilance and you have got to have a constant focus on the problem. We have seen, both in terms of the US security regimes and our own as well and other countries', that the foot sometimes comes off the accelerator here. These things are important but are only as good as the intelligence that feeds into them and only as good as the conscientiousness with which the information is spread around the place.

Q89 Patrick Mercer: Interestingly, and Mr Baum I am sure will pick this up, when we were at Smiths Detection yesterday the point that Smiths made to us was that one of the reasons that Israeli airport security is so very successful is the amount of time, training and selection they invest in the individuals who are security operators.

Mr Baum: Certainly in Israel they tend to use university students to perform the profiling techniques, so, rather than going to work in a coffee shop to earn their extra keep, they go and work at the airport for a couple of years. One of the aims is not to retain staff; they want them to leave after two years, and they go on to be doctors or lawyers or whatever it is they are going to go on and do. It is a different calibre of person.

Q90 Chairman: It is a kind of national service, is it?

Mr Baum: It is not national service. This is after the army when people have gone to university. They are simply trying to earn some extra money. You are therefore recruiting intelligent people and you know you are only going to have them for a short time, so

they are not going to get bored. I am not so sure we would necessarily want to go to our university students here to recruit them at airports.

Colonel Kemp: I think the key point is post-military service. They are all experienced security people in many ways.

Q91 Mr Davies: Is there a danger that all this technology is going to do away with the human element of "pat downs" and so on? Is that something we should be concerned about?

Colonel Kemp: I think you have got to use both. Technology is very important but I believe that the human aspect is even more important and that is why the profiling that Philip Baum has described is very crucial, but also I would extend that. I think it is what he means anyway, but I would extend it from strict profiling to behaviour pattern recognition to everybody who is involved in airport security or the check-in process and any staff process being able to identify specific signs of behaviour, not for the colour of the skin or the type of dress but looking for suspicious ways in which they act.

Q92 Mr Davies: Perhaps you are aware but British Transport Police insist that all officers, including special constables like myself, undergo a one-day training, something called BASS, Behaviour Assessment and Security Screening, which is precisely that, not through ethnicity or anything like that but looking at body language.

Mr Baum: And we are not only looking at passengers; we are looking at airport employees as well because I think that is one of the major concerns that we also need to address. Many airports are like cities and there is a criminal element that works airside at airports. We need to be evaluating not only the passengers but the people who have access to the airside areas and profiling carried out effectively evaluates situations as well as people.

Q93 Mrs Dean: Can I ask you both, do you think it is wise that the Government announced the measures that it is taking?

Mr Baum: I think that aviation security is all too predictable. I find it fascinating that when we go through an airport security checkpoint we see technology with the manufacturer's name emblazoned on the side and you can simply go to the internet and find out the spec of that system. I think that we should not know what is going to happen to us. I think we should know what we are allowed to carry but that ultimately the aviation security system should be unpredictable. The problem is that the vast majority of the general public do want to know, and in fact everybody has got their own aviation security story and their own aviation security experience, and I am concerned that it is because they have certain expectations.

Q94 Mrs Dean: Colonel Kemp?

Colonel Kemp: I agree with that. I think the really important issue, though, is that it is important that we do not know the technical details of what is happening to us but I think at the same time there is

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obviously a need for reassurance about whether these ray machines are going to harm us and also it is essential that information is put out with a view to deter. For example, if I go on an aircraft I have got no idea if any of my hold baggage is ever scanned. I do not know if the airport authorities make any announcement about that, whether they scan a proportion or whether they admit to that or not, but I think it would be useful to have that kind of information put out, not necessarily the proportion but the fact that either it is all scanned or some is scanned, because again that might deter me.

Mr Baum: It is an international requirement now.

Chairman: A very good point.

Q95 Mr Streeter: I am sitting here worried not so much about what is going on in airports but in our ferry ports, which is slightly outside the scope of this inquiry. If I take my car on board a ferry from Dover or Plymouth or somewhere, is anything screened? Does anyone know if I have got bombs in my boot? Are we not leaving the back door open?

Colonel Kemp: I am not by any means an expert on port security but I do know that there is certainly screening for radiological devices as you come into ports.

Q96 Mr Streeter: For every car?

Colonel Kemp: For every vehicle coming through, as I understand it. Obviously, I could not swear to that but I believe it is the case, and I know that technology exists where you can carry out, for example, explosive particle detection tests on vehicles coming through if you desire, and also, of course, the technology exists to carry out x-rays of vehicles.

Q97 Mr Streeter: But they do not.

Colonel Kemp: I do not know what they do in ports but I know what is perfectly possible.

Chairman: But it is a good question. I think we should write to ports authorities to find out precisely what the security is.

Q98 Martin Salter: Similar comments were made after 9/11, I remember, by congressmen and senators in the United States, but does the attempted attack on Christmas Day represent a failure of security or of intelligence or both, in so far as that system failed at all?

Colonel Kemp: It is a combination of the two because there was some intelligence about the man which was known to the authorities and that was not acted upon, which I think represents to an extent a failure of security. Also, on the point that Philip Baum made about profiling and behaviour pattern indication, this is just one example. There are so many comparisons between the Christmas Day attack and Richard Reid. For example, neither of them had hold baggage at all. Why were they not examined further because of that? The lessons were not learned from Richard Reid on that particular issue. I think the other problem with intelligence is that there is not enough focus in our national apparatus, and I say this from experience. There is

only focus on one aspect of intelligence and that is the hard intelligence you have. Not enough focus is given to understanding and learning lessons from what has happened in the past because we know that with Islamist terrorism, the same way as with Irish terrorists, they tend to repeat successful, or in some cases unsuccessful, attacks, and the third area at the other end of the spectrum is that not enough work is done on what could happen. There is not enough what we call "red-teaming" done whereby potential scenarios, even if there is no intelligence about them but the things that could happen, are looked at with real rigour and then, if necessary, security measures are introduced to counter them.

Mr Baum: Could I just interject to say that on a positive note I think that Britain can be very proud of its approach to aviation security. It has one of the most highly respected aviation security regimes in the world. The problem is at international level, that the international standards for aviation security are extremely low and are based on identifying suspect or prohibited items and not looking for intent. That is the paradigm shift that we need to make. We have got to remember when we are dealing with terrorists and any other types of threats to civil aviation that we are dealing with people and we need to identify which people are going to carry out the attack.

Q99 Chairman: This is one of the problems. That is why we were pressing the Minister, some may believe too harshly but I think properly, to say that the international standards are just not there and it is all taking far too long waiting for some document to come out of Brussels. It is absolutely vital that we have these international standards, not necessarily within the EU, but take a country like Yemen or Nigeria, which is where the Detroit bomber started his journey. The fact is they need help, do they not?

Mr Baum: One of the challenges is that it is all very well trying to increase the standards but somebody has got to pay for it at the end of the day and aviation security is a very expensive business. You have got to have a regime in place that can work in the Côte d'Ivoire and in the Solomon Islands and in the United States and in the UK, and in coming up with a baseline it is always going to be significantly lower than possibly we are going to put in place here.

Q100 Chairman: In the end who is to blame for this person arriving all the way across three continents and almost landing in Detroit? Who was to blame for that?

Mr Baum: I do not think one can put the blame on any one individual. I think that it was—and this is to use President Obama's saying—a systemic failure of the aviation security system. It is because of our reliance on certain technologies, the checkpoint that was introduced in the 1960s to combat hijackers armed with guns and grenades that wanted to go to Cuba. We have moved on since then and yet the aviation checkpoint has not changed much since then.

Q101 Chairman: Colonel Kemp, can we put the blame on anyone for Christmas Day?

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Colonel Kemp: I think in some ways it comes back to this business about the human being not being able to sustain focus. In the American intelligence service we saw problems. We should take it on our own shoulders for perhaps not passing on all the information we have available. Every single little thing feeds into a big picture and one little piece of information could tip the balance between someone preventing you from flying or not, so I think it is a large number of different areas of failure.

Q102 Mr Winnick: Colonel Kemp, those of us who are laymen find it somewhat difficult to understand that the father of the person who is accused of wishing to commit mass murder alerted the American authorities but no action was taken. When we talk about security co-ordination and the

rest of it in the system and what matters is political correctness, at the end of the day the absolute efficient steps that were necessary to protect people from being murdered simply were not being taken.

Colonel Kemp: I agree with that. We have made significant progress here, in the US and in other countries in security and counter-terrorism security since 9/11, huge amounts of progress, but, of course, it is not perfect. I just would repeat what I said before, that it comes down to the human factor and the regime they are operating under and people keeping their foot on the accelerator. You cannot afford to let up, and, particularly within the US, clearly that happened.

Mr Winnick: Using one's intelligence as well.

Chairman: Indeed. Colonel Kemp, Mr Baum, thank you very much indeed for coming to give evidence to us today. It has been extremely useful.

Written evidence

**Letter from Rt Hon Alan Johnson MP, Secretary of State, Home Office,
to the Chairman of the Committee**

I am advised that you and the Home Affairs Select Committee are disappointed with the decision of the Home Office to decline to give evidence to you on the 26 January following my statement to the House on 5 January on Aviation and Border Security.

As you are aware the content of my statement to the House outlined the response to the incident of 25 December 2009 from across government. This response was being led jointly by the Home Office and the Department for Transport. The Secretary of State for Transport repeated the statement in the House of Lords later that afternoon.

When the Home Office was invited to attend the Committee on 26 January, we were advised that this was to be a joint session, as Lord Adonis had also been invited to attend the session. We were also advised that the focus of the session was to be the introduction of body scanners and the use of profiling together with wider aspects of aviation security.

The Department of Transport is the lead department for all transport security issues and they are therefore the most appropriate department to provide you with the information you require. I understand that the Department for Transport are discussing with the Committee clerk the best way to facilitate your request.

I hope that you will understand our decision to decline this invitation.

This is based purely on the fact that others invited to provide evidence are better placed to supply the most timely and accurate information on the areas that you wish to cover.

18 January 2010

**Letter to the Chairman from Paul Clark MP, Parliamentary Under-Secretary of State,
Department for Transport**

Thank you for your kind invitation to appear before the Home Affairs Select Committee on 26 January 2010. It was most interesting to hear the Committee's views on aviation security. I should like to repeat the assurance that I gave you at the time, relating to the importance of transport security. It is of paramount importance to me and to the Government that people are able to travel freely and safely. As I stated to the Committee the aviation security regime must be proportionate and effective. It is for this reason that we have encouraged a layered approach.

I agreed to inform you of the steps that have been taken in the area of aviation security since the incident on NWA 253 on 25 December 2009.

MEASURES TO IMPROVE SCREENING

This Department has directed all regulated airports to have Explosive Trace Detection (ETD) capability in place and operating no later than 31 December 2010. Many airports already possess this technology, particularly the larger ones, so for them this will not constitute any change. Those airports without ETD will need to undertake compensatory measures, which should serve as an incentive to obtain the technology. Trace detection relies on directly picking up small particles or "trace" amounts of an explosive material. Such systems already provide a very good capability for detecting a range of explosives.

Where this technology is already available we have increased the proportion of individuals who have an item subject to explosive trace detection; where it is not we have increased the number of passengers subject to hand search. We have also requested that airports submit proposals on how and when they could apply further screening activity. Security measures are delivered by the airport operators and we are keen to tap into their frontline expertise and operational knowledge of these matters.

We are currently looking at whether targeting certain passengers for additional security measures at airports would be more effective than selecting a proportion of passengers at random. We have taken no decisions yet. And any decision would have to be defensible on both security and equalities grounds. We are aware of the work being done by BAA to introduce behavioural detection techniques and we look forward to receiving further information on the outcome of this.

A Direction was issued on 31 December 2009 obliging all transit passengers to disembark the aircraft upon landing and to be screened to UK standards before rejoining the aircraft (transit passengers are those who arrive on an aircraft at an airport and intend to depart on the same aircraft).

BODY SCANNERS

The requirement to deploy Advanced Imaging Technology machines (AIT more commonly known as body scanner) machines at Heathrow and Manchester airports came into effect on Monday 1 February and I expect additional scanners to be deployed at these airports and to be introduced at Birmingham Airport over the course of this month. This will be followed by a wider roll-out of scanners in the coming months. These scanners are designed to give airport security staff a much better chance of detecting explosives or other potentially harmful items hidden on a passenger's body.

The Department for Transport has introduced an Interim Code of Practice covering privacy, health and safety, data protection and equality issues. The Code will require airports to undertake scanning sensitively, having regard to the rights of passengers. This is available in the libraries of the House and on the Department's website.

Given the current security threat level, the Government believes it essential to start introducing scanners immediately. However we wish to consult widely on the long-term regime for their use, taking full account of the experience of the initial deployment. The Department will, therefore, shortly be launching a full public consultation on the requirements relating to the use of scanners as set out in the Interim code of Practice and will consider all representations carefully before preparing a Final Code of Practice later in the year.

INTERNATIONAL WORK

As I made clear to the Committee we seek wherever possible to work to drive up standards; that said it is not our role to "police" the world's skies but rather, where possible, to work with the EU and International Civil Aviation Organisation (ICAO) to drive up standards. We also work with other countries directly.

The Department has been delivering aviation security capacity building overseas since 2005 using the Countering Terrorism and Radicalisation (CTR) Funding (previously the Global Opportunity Fund (GOF)). We are working with a wide range of countries including North and East Africa, the Middle East and Asia where there is a heightened threat and where weaknesses in aviation security could pose a risk to the UK. This work is ongoing and will be kept under review as the threat evolves.

The capacity building undertaken has consisted of:

- Inward Visits: to provide security counterparts with an opportunity to discuss and observe UK practice.
- Aviation Security Training: X-ray Screening, Physical Search techniques, Supervisory, Training the Trainers, Security Management and Compliance Inspection (Quality Assurance).
- Equipment: Test pieces for X-ray and Walk Through Metal Detectors (WTMD), X-ray trays and Explosive Trace Detection Equipment (including training and consumables).
- Regional Aviation Security Workshops.

Direct flights to the UK from Yemen have been suspended with immediate effect pending enhanced security. DfT Aviation security officials were in Yemen on 19 and 20 January to observe local security standards. Co-operation with the Yemeni Government has been excellent and we are working closely with them to agree what security measures need to be put in place before flights are resumed. In the interim, this is likely to involve a requirement for flights from Yemen to operate via a third country with additional security checks, combined with a package of capacity building measures to assist Sana's airport to improve its security operations. The DfT expect to provide a report to the Yemen Government later this week.

I hope that this later makes it clear to you the ongoing work being undertaken on aviation security and explains what we have done, but also what we are planning to do in the slightly longer term.

4 February 2010

**Letter from Admiral The Lord West of Spithead, Parliamentary Under-Secretary of State,
Home Office, to the Second Clerk of the Committee**

WATCHLISTS AND "NO-FLY" LISTS

Thank you for your letter, received on 3 February, which asked a number of follow up questions on the application and administration of a UK no-fly list.

Following the Prime Minister's statement to the House on 20th January, in which he announced the Government's intention to use the watchlist as the basis for no-fly and enhanced screening lists, the Home Office is considering how best to implement these measures; our review incorporates some of the issues you raise in your letter. However, this work is still being developed, and it will not be possible to share findings with you at this point.

I may be able to answer some of your questions once the review is complete, and will correspond further on these matters at this time, however it is likely that much of the information regarding the watchlist will remain confidential on the grounds of national security, as it includes highly classified information from our stakeholders, including the security and intelligence agencies.

9 February 2010

**Letter from Lord Adonis, Secretary of State, Department for Transport,
to the Chairman of the Committee**

Thank you for your letter of 11 February 2010 following the Home Affairs Select Committee meeting. As most of the issues raised fall to the Department for Transport, I have agreed with the Home Office that I will provide the substantive response.

As you have stated, the requirement to deploy Advanced Imaging Technology machines, more commonly known as body scanners, at Heathrow and Manchester airports came into effect on Monday 1 February. I expect additional scanners to be deployed at these airports and to be introduced at Birmingham Airport soon. This will be followed by a wider roll-out of scanners in the coming months. I am not able at the moment to give a firm timetable for this process, which is currently under discussion with the aviation industry. I will be happy to let the Committee have more information once these discussions have concluded.

I should, however, make clear that the implementation of body scanners is quite separate from issues of profiling. As stated in the interim code of practice, passengers will not be selected for scanning on the basis of personal characteristics (ie on a basis that may constitute discrimination such as gender, age, race or ethnic origin). I am committed to ensuring that all security measures are used in a way which is legal, proportionate and non-discriminatory.

You have also requested information on the training of staff, in particular in “behavioural analysis”. We are currently looking at whether targeting certain passengers for additional security measures at airports would be more effective than selecting a proportion of passengers at random but no decisions on this issue have yet been taken.

A trial of behavioural analysis techniques is currently underway at Heathrow airport. We are following this closely, and will look very carefully at the results. At that point, we will be able to make a considered judgement about whether, and how, such training should be rolled out more widely.

Training for UK aviation security staff is governed by EC Regulations which can be, and are, supplemented where we consider this is justified. Officials from the Department regularly meet with industry stakeholders to review the effectiveness of security training. Where the need for improvements is identified these are introduced in consultation with industry.

On the subject of the recruitment of female staff, I would say that recruitment is primarily the responsibility of the employer, therefore no statistics are held centrally on staff numbers of their breakdown. Any recruitment, for a particular gender is covered by existing employment legislation which would need to be carefully considered by an employer. We are not aware of any overarching difficulties in obtaining sufficient female security staff.

The Department expects airports to resource security checkpoints adequately, and the evidence suggests that this is generally the case. Some airports are subject to independent regulation by the CAA, and this includes waiting times at security queues with a target of reducing queuing times to 5 minutes or less for 95% of the time at their airports. We do not, however, seek to interfere in the manner in which airport operators resource the deployment of airport staff, these being operational decisions.

I am copying this letter to the Home Secretary.

19 February 2010

**Letter from Paul Clark MP, Parliamentary Under-Secretary of State, Department for Transport, to the
Chairman of the Committee**

Thank you for your letter of 25 February seeking further information on the work the Department for Transport (DfT) undertakes to improve aviation security overseas.

The Countering Terrorism and Radicalisation (CTR) Fund used by the DfT in delivering overseas capacity building is part of the Countering Terrorism and Radicalisation Programme (CTRP). This programme is run by the Foreign and Commonwealth Office and is one of the FCO’s Strategic Programme Funds. The CTRP supports capacity building work across the four strands of CONTEST and operates in North and East Africa, the Middle East and South and South East Asia. The size of the fund in the last three years has been:

FY 2009–10—£36.9 million

FY 2008–09—£35 million

FY 2007–08—£16 million

Before 2007–08 the programme did not exist in its current form, but was made up of two separate Programmes. In FY 2010–11, the CTRP is expected to increase to £38 million.

Since 2007 the DfT has hosted 23 inward visits (not all are funded by CTR, some states have funded their own visits), delivered:

- 60 test pieces for X-ray equipment and Walk Through Metal Detectors (WTMD).
- 14 Explosive Trace Detections (ETD) Machines.
- 42 aviation security courses overseas (with 18 planned for 2010–11).
- Four regional aviation security workshops.
- Some 5,900 X-ray trays.

ICAO member Governments will meet later this month under the auspices of its Aviation Security Panel. This is the competent ICAO committee that develops and agrees ICAO security policy and responses to emerging threats, as well as strategies aimed at preventing future acts of unlawful interference. The panel next meets at the end of March 2010, where, inter alia, it will consider approving amendments to Annex 17 of the Chicago Convention. This is the annex that establishes the international framework that governs ICAO Member States' obligations on the security of aircraft arriving or departing their territory. Once the amendments to Annex 17 have been adopted ICAO Member States will need to give effect to the new rules.

The DfT also participates and frequently leads or chairs discussion in a number of European Civil Aviation Conference (ECAC) and ICAO technical meetings held throughout the year, for example, developing testing methodologies for new types of security equipment. The meetings include ECAC's Technical Task Force, Liquid Explosives Study Group and also the group that developed the draft testing methodology for body-worn-threat detection systems.

The European Commission has not introduced EU-wide measures in response to the Detroit incident. EU Member States will determine what more stringent measures, if any, will apply within their respective territory. The UK has been calling for the Commission to review the standards applicable across Europe and that work is ongoing. The UK, for example, increased the ratio of physical search at search combs and we are phasing in Advanced Imaging Technology/the consultation on "the acceptable use of AIT in the aviation security environment" should be published within the next 28 days.

1 March 2010

Memorandum submitted by the Equality and Human Rights Commission

INTRODUCTION

The Commission welcomes the opportunity to present evidence to the Home Affairs Select Committee on the implications of the introduction of full body scanning equipment at UK airports.

The Commission recognises the significant risk posed by terrorist activities in particular in relation to air transport, and the need for government to take urgent and effective steps to protect the travelling public.

The Commission has previously raised its concerns regarding implications for use of the equipment with the Home Secretary, the Rt Hon Alan Johnson MP. In its letter of 15 January 2010, the Commission raised its concerns that use of the body scanners might breach Article 8 privacy rights, that selection for the scanning process might be discriminatory, and that there is a need for safeguards to be introduced to ensure that the system is operated in a lawful, fair and non discriminatory manner.

Subsequently, the Secretary of State for Transport, the Rt Hon Andrew Adonis, introduced full body scanners at two airports and has issued an interim Code of Practice. No consultation has been carried out on this code; however the Government has announced its intention to conduct a full consultation on the issue, with a view to production of a final code later this year.

The Commission has subsequently sought leading Counsels advice on the human rights and equalities implications of the introduction of the full body scanners in this way. A copy of the advice is attached to this submission at annex A.

In summary, Counsel has advised that the implementation of body scanners under the current regime potentially breaches Article 8 of the European Convention on Human Rights. In particular, Counsel have advised that the provision cannot be argued to have occurred in accordance with the law, as required under Article 8(2)2 of the convention.

Additionally, Counsel have advised that there is a serious risk that implementation of the scanning will occur in a way that will discriminate directly or indirectly on the grounds of race or sex, (in particular) and that their use will have an adverse effect on community relations.

The Commission shares these concerns and have developed these in more detail below.

Article 8 privacy concerns

The Commission considers that the use of body scanners engages Article 8 of the Convention.¹ In particular, the Commission notes that body scanners show the whole of a person's physical identity, including gender, the precise details of a person's body, including physical features that might otherwise not be apparent including features, which the Government's Questions and Answer guidance refers to as "anomalies".

The Commission is concerned that revealing of such details that are otherwise private to a person, and about which they may not even have chosen to make their closest friends and family aware, has the potential to significantly impact on the privacy of individuals. In particular, the Commission is concerned as to the potential impact on specific groups including transgender people, disabled people, children, women and people of certain religious beliefs.

The Commission notes that the interim Code provides that the security officer conducting analysis of the image must not be able to see the person whose image they are viewing, that the person being viewed may request a person of the same sex to read the screen, and that the screen image is not retained.

The Commission accepts that the current circumstances of terrorist threats to air transport provide a legitimate aim under Article 8 (2) for invasion of the privacy rights.

Further, the Commission at this time takes a provisional view that it is likely that use of the scanners would be a proportionate response to such a threat, albeit there are concerns regarding the effectiveness of scanners. The Commission notes that there is currently lack of evidence as to the effectiveness of scanners, or the impact of their use. As such, the Commission considers that these issues need to be monitored, in order to fully assess whether the implementation of body scanners is proportionate, and whether the measures outlined by the Government are sufficient to meet the privacy concerns outlined above.

However, the Commission is of the opinion that the use of body scanners, as currently implemented, would not meet the test of "in accordance with law" as required under Article 8(2), and is therefore unlawful.

The statutory basis of the provisions is unclear. The Government has made no reference to the statutory basis for the scheme, and in particular no reference is made in the interim Code. Without clear reference to the statutory basis it is difficult to ascertain the basis in law for body scanners and therefore whether such provisions are in accordance with the law.

Further, the Commission is concerned as to how selection for body scanning will occur, and the very real risk that this will be arbitrary and either directly or indirectly discriminatory in practice.

The interim Code does not indicate the basis for selection of people to be scanned.

The Home Secretary referred to random selection in his statement to the House on 5 January 2010. However, this was not repeated in the later statement by the Secretary of State for Transport, and is not referred to in the guidance. The guidance explicitly rules out personal characteristic for selection including age, gender race or ethnic origin (but notably religion is not specifically excluded). The guidance does not say whether selection will be based on behaviour. The guidance refers to protocols which include selection criteria, and states that these are not published for reasons of national security.

The Commission understands the national security reasons given by the Government for not making the selection criteria public. However, the Commission is concerned that as the guidance stands there is too much scope for arbitrariness and wrongful discrimination in the process of selection for scanning. As such, the Commission does not consider that the Code of Practice provides a sufficient quality of law to be compliant with Article 8 of the European Convention on Human Rights.

Discrimination concerns.

The Commission is concerned that it is very likely in practice that use of the scanner may be discriminatory on protected grounds, in particular race, religion, nationality or ethnic origin. Further, the Commission is concerned that some criteria for selection, for example, religious dress, destination, nationality or national origin, would also have a discriminatory effect. Finally, the Commission is concerned that any perceived discrimination against particular groups may have an adverse effect on good relations, in particular between people of different racial or religious groups

The Commission is concerned that there is not a proper monitoring mechanism to ensure that this is non-discriminatory in practice.

We have yet to see sufficient evidence that this decision complies with the general or specific equality duties under the Race Relations Act 1976, the Sex Discrimination Act 1975 or the Disability Discrimination Act 1995. These duties require a Secretary of State, in the performance of his or her functions, to give "due regard" to both the elimination of unlawful discrimination and the promotion of equality of opportunity and good relations between members of different racial groups.

¹ *S and Marper vs the United Kingdom*, (apps 30562/04 and 30566/04, 4 December 2008.

Without careful and formal consideration of the equality implications of this decision, for example through a full equality impact assessment, there is a serious risk that a measure introduced to protect the travelling public will have unintended discriminatory consequences, and damage community relations. If these risks had been considered, and steps taken to guard against them, then the Commission believes that an Interim Code of the sort we now have would not have been introduced.

The Commission would urge the Government to demonstrate how it will ensure that measures put in place to protect the travelling public are in compliance with equalities and human rights law.

Letter to Rt Hon Alan Johnson MP, Secretary of State, Home Office, from the Equality and Human Rights Commission

I am writing to you regarding the Government's proposals to introduce body scanning equipment at airports in response to the recent terrorist attack, as announced by you in the House recently.

Can I say at the outset that the Equality and Human Rights Commission recognises the significant threat posed by terrorist activities, in particular in relation to air transport, and the need for the government to take urgent and effective steps to protect the travelling public. We are sure that the Government shares the Commission's view that counter terrorism policies must be justifiable, non discriminatory, fully respect human rights, and work to enhance, not damage community relations.

The Commission has a formal statutory remit to promote and protect human rights in Britain, to work towards the elimination of discrimination, and to promote good relations between groups. We note that concerns have been raised, both in the House and elsewhere, not least by yourself, at the impact of these measures, in particular in relation to privacy rights and discrimination.

In relation to the potential impact of these measures on privacy rights, the Commission is concerned that these proposals are likely to have a negative impact on individuals' rights to privacy, especially members of particular groups including disabled people, transgendered people, children, women and religious groups. Under the Human Rights Act, any infringement of the right to privacy must be justified, necessary and proportionate. We welcome that you acknowledged these concerns in your statement to the House and have made some commitments as to how the Government will seek to ensure that these proposals meet them. We would welcome further details from you as to what measures will be put in place and how you will evidence that implementation is compliant with the right to privacy.

In your statement to the House, you also raised the issue of profiling. In the absence of evidence that we have seen, we remain to be convinced that the proposals are an effective response to the current threat, and are therefore justifiable.

We have serious concerns that the practice of profiling is, in its operation, likely to be discriminatory, contrary to domestic legislation and international standards, and harmful to community relations. We note that you recognise these concerns and the need for further careful consideration of these issues. We consider that the Government should proceed with the utmost caution in relation to any policy of profiling and fully evaluate whether implementation of such policies can be carried out in a way that does not amount to unlawful discrimination. We are not convinced that if the proposals are implemented profiling can occur in a way that will not amount to unlawful discrimination and following the House of Lords decision in *R (European Roma Rights Centre) v Immigration Officer at Prague Airport* [2005] we are of the view that there is a real risk that such policy of profiling would not amount to a lawful, or proportionate response to the current threat.

15 January 2010
