



ASSEMBLY — 38TH SESSION

EXECUTIVE COMMITTEE

Agenda Item 13: Security Policy

**CONSOLIDATED STATEMENT ON THE CONTINUING ICAO POLICIES RELATED TO
THE SAFEGUARDING OF INTERNATIONAL CIVIL AVIATION AGAINST ACTS OF
UNLAWFUL INTERFERENCE**

(Presented by the Council of ICAO)

EXECUTIVE SUMMARY

In 2010, the 37th Session of the ICAO Assembly adopted Resolution A37-17: *Consolidated statement on the continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference*. In accordance with Resolving Clause 2 of Resolution A37-17, the consolidated statement must be reviewed at each ordinary session of the Assembly. Proposed revisions to Resolution A37-17 contained in the Appendix to this working paper are presented for consideration by the Assembly.

Action: The Assembly is invited to adopt the revised Resolution on the *Consolidated statement on the continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference*, to be retitled *Consolidated statement of continuing ICAO policies related to aviation security*, which is provided in Appendix A.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objective B — <i>Security</i>
<i>Financial implications:</i>	The activities referred to in this paper will be undertaken subject to the resources available in the 2014 – 2016 Regular Programme Budget and/or from extra-budgetary contributions.
<i>References:</i>	A38-WP/12 – Outcomes of the High-level Conference on Aviation Security A38-WP/13 – Declaration on Aviation Security and the ICAO Comprehensive Aviation Security Strategy (ICASS) A38-WP/15 – Universal Security Audit Programme (USAP): Transition to a continuous monitoring approach Doc 9958, <i>Assembly Resolutions in Force</i> (as of 8 October 2010) AVSECP/24 Restricted (Yellow Cover) Report (<i>English only</i>)

1. INTRODUCTION

1. As described separately in A38-WP/12 (Outcomes of the High-level Conference on Aviation Security) and A38-WP/13 (Declaration on Aviation Security and the ICAO Comprehensive Aviation Security Strategy (ICASS)), there have been significant developments in the aviation security field since the 37th Session of the Assembly, which should be taken into account in amending the *Consolidated statement on the continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference*.

2. DEVELOPMENTS SINCE THE 37TH SESSION OF THE ASSEMBLY

2.1 Between 2011 and 2012, ICAO in collaboration with host governments, organized conferences on aviation security for all seven ICAO regions in order to promote effective implementation of the Declaration on Aviation Security, which was adopted by the 37th Session of the Assembly. Each of these regional events adopted Joint Statements, which reflect the aviation security issues unique to each region. The High-level Conference on Aviation Security (HLCAS), held in Montréal from 12 to 14 September 2012 considered the outcomes of these regional conferences, and adopted conclusions and recommendations that are summarized in a Communiqué (Appendix B refers), which is available on the ICAO public website (www.icao.int/meetings/avseconf).

2.2 The HLCAS produced a number of important recommendations aimed at strengthening the global aviation security framework, such as the expedited adoption of Amendment 13 to Annex 17, and the worldwide dissemination of the global *Risk Context Statement* as a source of information States may use when undertaking their own national risk assessments.

1.3 The HLCAS supported the transition of the Universal Security Audit Programme (USAP) to a continuous monitoring approach, and generated recommendations regarding the development and implementation of a coordinated, targeted, and effective capacity-building framework. The HLCAS also recognized the critical need to ensure sustainability and passenger facilitation, and to promote innovation in aviation security. Recognizing the need to foster international collaboration in aviation security, the HLCAS endorsed three principles of aviation security cooperation: respect for bilateral/multilateral air services agreements; recognition of equivalent security measures; and focus on security outcomes.

3. PROPOSED AMENDMENTS TO THE CONSOLIDATED STATEMENT

3.1 In light of the developments described above, a number of changes are proposed to Assembly Resolution A37-17, including:

- a) Resolution A37-17, Appendix A (General policy), amended to include text on the High-level Conference on Aviation Security in September 2012 (HLCAS), the continuation of the ICAO Comprehensive Aviation Security Strategy, and text on the threat to landside areas of airport facilities;
- b) Resolution A37-17, Appendix C (Implementation of technical security measures), amended to reflect some of the main policy outcomes of the HLCAS, particularly the need to promote risk-based measures, the need to address the continued threat posed by liquids, aerosols and gels (LAGs) explosives, key principles for strengthening the global air cargo and mail security framework, and the periodic review and updating of the ICAO global *Risk Context Statement*;

- c) Resolution A37-17, Appendix D (Action of States concerned with an act of unlawful interference), amended to refer to the *Convention for the Suppression of Unlawful Acts Relating to International Civil Aviation* (Beijing, 2010) and the *Protocol for the Suppression of Unlawful Seizure of Aircraft* (Beijing, 2010);
- d) Resolution A37-17, Appendix E (The Universal Security Audit Programme), amended to reflect the transition of the Universal Security Audit Programme to a continuous monitoring approach following the completion of the second cycle of audits in 2013;
- e) Resolution A37-17, Appendix F (Assistance to States in establishing aviation security oversight capacity), renamed *The ICAO Implementation Support and Development – Security (ISD-SEC) Programme*, with associated amendments to reflect the ICAO Aviation Security Assistance and Capacity Building Strategy; and
- f) Resolution A37-17, Appendices G (Action by Council with respect to multilateral and bilateral cooperation in different regions of the world) and H (International and regional cooperation in the field of aviation security), amended to further strengthen aviation cooperation among States and organizations.

3.2 The draft text in the Appendix also includes amendments considered necessary to clarify the intent of present policies. Those provisions that are deemed to have served their purpose have been identified for deletion. The proposed changes to Resolution A37-17 appear in shading and strikeout.

4. STATUS OF THE DECLARATION ON AVIATION SECURITY

4.1 In consideration of the continuing and evolving threat to civil aviation, the 37th Session of the Assembly in October 2010 unanimously adopted the *Declaration on Aviation Security*, as part of Appendix H to Resolution 37-17: *Consolidated statement on the continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference*.

4.2 The Assembly Declaration was shaped by a series of Ministerial-level regional conferences promoted by ICAO in 2010. The conferences held in Abu Dhabi, Abuja, Mexico, and Tokyo, respectively were successful in building international consensus on critical aviation security priorities and issues. Particularly, the conferences represented each Region's response to the attempted sabotage of Northwest Airlines flight 253 on 25 December 2009. Subsequently, Director General-level Regional Conferences were convened in 2011 and 2012 in Caracas, Dakar, Kuala Lumpur, Manama, Moscow, and New Delhi, to consider implementation of the Declaration. The HLCAS considered reports on progress in implementing the Declaration.

4.3 Examination of the Declaration indicates that its substance remains valid in guiding international and regional cooperation in the field of aviation security.

**APPENDIX A
DRAFT RESOLUTION FOR ADOPTION
BY THE 38TH SESSION OF THE ASSEMBLY**

~~A37-17~~ Resolution 13/-xx: Consolidated statement on the of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference security

Whereas it is considered desirable to consolidate Assembly resolutions on the policies related to the safeguarding of international civil aviation against acts of unlawful interference in order to facilitate their implementation and practical application by making their texts more readily available, understandable and logically organized;

Whereas in Resolution ~~A36-20~~A37-17 the Assembly resolved to adopt at each session a consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference; and

Whereas the Assembly has reviewed proposals by the Council for the amendment of the consolidated statement of continuing ICAO policies in Resolution ~~A36-20~~A37-17, Appendices A to H inclusive, and has amended the statement to reflect the decisions taken during the 37~~8~~th Session;

The Assembly:

1. *Resolves* that the Appendices attached to this resolution constitute the consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference, as these policies exist at the close of the 37~~8~~th Session of the Assembly;
2. *Resolves* to request that the Council submit for review at each ordinary session a consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference; and
3. *Declares* that this resolution supersedes Resolution ~~A36-20~~A37-17.

APPENDIX A

General policy

Whereas the development of international civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world, yet its abuse can become a threat to general security;

Whereas acts of unlawful interference against civil aviation have become the main threat to its safe and orderly development;

Whereas the threat of terrorist acts, including those posed by the use of aircraft as a weapon of destruction, by the targeting of aircraft by man-portable air defence systems (MANPADS), other surface-to-air missiles systems, light weapons and rocket-propelled grenades, by carrying on board liquids, gels and aerosols as component parts of an improvised explosive device, by sabotage or attempted sabotage using an improvised explosive device, by the unlawful seizure of aircraft, or by attack on aviation facilities, including in landside areas, and other acts of unlawful interference against civil aviation, has a serious adverse effect on the safety, efficiency and regularity of international civil aviation, endangering

the lives of persons on board and on the ground and undermining the confidence of the peoples of the world in the safety of international civil aviation;

Whereas all acts of unlawful interference against international civil aviation constitute a grave offence in violation of international law;

Recalling Assembly Resolutions A33-1 and A36-19 and the recommendations of the High-level, Ministerial Conference on Aviation Security held in February 2002;

~~*Noting* actions taken so far by the Council, in particular the adoption of the ICAO Aviation Security Plan of Action in June 2002, as well as the new preventive measures, strengthening the means available to the Organization in order to counter new and existing threats to civil aviation; and~~

~~*Endorsing*~~ *Recalling* the Declaration on Aviation Security that was adopted by the 37th Session of the Assembly;

Recalling the Joint Statements adopted at ICAO Regional Conferences on Aviation Security held in 2011 and 2012;

Recalling the Communiqué of the High-level Conference on Aviation Security held in Montréal in September 2012, and the conference conclusions and recommendations; and

Noting with satisfaction the actions taken to implement the ICAO Comprehensive Aviation Security Strategy and its seven strategic focus areas, as adopted by the Council on 17 February 2010, which provides the framework for ICAO's aviation security activities for the ~~next two triennia (2011-2016), to succeed the current Aviation Security Plan of Action;~~ 2011-2016 triennia;

The Assembly:

1. *Strongly condemns* all acts of unlawful interference against civil aviation wherever and by whomsoever and for whatever reason they are perpetrated;
2. *Notes* with abhorrence acts and attempted acts of unlawful interference aimed at the destruction in flight of civil aircraft ~~in commercial service~~ including any misuse of civil aircraft as a weapon of destruction and the death of persons on board and on the ground;
3. *Reaffirms* that aviation security must continue to be treated as a matter of highest priority and appropriate resources should be made available by ICAO and its Member States;
4. *Calls upon* all ~~Contracting~~ Member States to confirm their resolute support for the established policy of ICAO by applying the most effective security measures, individually and in cooperation with one another, to prevent acts of unlawful interference and to punish the perpetrators, planners, sponsors, and financiers of conspirators in any such acts;
5. *Reaffirms* ICAO's responsibility to facilitate the consistent and uniform resolution of questions which may arise between ~~Contracting~~ Member States in matters affecting the safe and orderly operation of international civil aviation throughout the world;
6. *Directs* the Council to continue, as an urgent priority, its work relating to measures for prevention of acts of unlawful interference, on the basis of the strategic direction provided under the

ICAO Comprehensive Aviation Security Strategy, and ensure that this work is carried out with the highest efficiency and responsiveness;

7. Expresses appreciation to ~~Contracting~~ Member States for the voluntary contributions in the form of human and financial resources to the ICAO Comprehensive Aviation Security ~~Plan of Action Strategy~~ during the ~~2008-2010~~2011-2013 triennium ~~and encourages the continuation of such voluntary contributions in order to fund additional aviation security activities beyond those budgeted for under the regular programme;~~ and

8. Urges all ~~Contracting~~ Member States to continue to financially support the Organization's aviation security activities beyond those budgeted for under the regular programme through the ICAO Comprehensive Aviation Security Strategy.

APPENDIX B

International legal instruments, enactment of national legislation and conclusion of appropriate agreements for the suppression of acts of unlawful interference with civil aviation

a) International legal instruments

Whereas the protection of civil aviation from acts of unlawful interference has been enhanced by the *Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Tokyo, 1963), by the *Convention for the Suppression of Unlawful Seizure of Aircraft* (The Hague, 1970), by the *Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation* (Montréal, 1971), by the *Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation* (Montréal, 1988), by the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* (Montréal, 1991), by the *Convention for the Suppression of Unlawful Acts Relating to International Civil Aviation* (Beijing, 2010), by the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (Beijing, 2010), and by bilateral agreements for the suppression of such acts;

The Assembly:

1. Urges ~~Contracting~~ Member States which have not yet done so to become parties to the *Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Tokyo, 1963), to the *Convention for the Suppression of Unlawful Seizure of Aircraft* (The Hague, 1970), to the *Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation* (Montréal, 1971) and the 1988 *Supplementary Protocol to the Montréal Convention*, to the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* (Montréal, 1991), to the *Convention for the Suppression of Unlawful Acts Relating to International Civil Aviation* (Beijing, 2010), and to the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (Beijing, 2010). Lists of States Parties to aviation security legal instruments can be found on www.icao.int under the ICAO Treaty Collection;

2. Calls upon States not yet parties to the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* to give effect, even before ratification, acceptance, approval or accession, to the principles of that instrument and calls upon States which manufacture plastic explosives to implement the marking of such explosives as soon as possible; and

3. *Requests* the Council to direct the Secretary General to continue to remind States of the importance of becoming parties to the Tokyo, The Hague, Montréal and Beijing Conventions, to the 1988 *Supplementary Protocol to the Montréal Convention*, to the 2010 *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* and to the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* and to provide assistance requested by States encountering any difficulties in becoming parties to these instruments.

b) *Enactment of national legislation and conclusion of appropriate agreements*

Whereas deterrence of acts of unlawful interference with civil aviation can be greatly facilitated through the enactment by ~~Contracting~~ Member States of national criminal laws providing severe penalties for such acts:

The Assembly:

1. *Calls upon* ~~Contracting~~ Member States to give special attention to the adoption of adequate measures against persons committing, planning, sponsoring, financing or facilitating acts of unlawful seizure of aircraft, acts of sabotage or attempted sabotage or other acts or attempted acts of unlawful interference against civil aviation, and in particular to include in their legislation rules for the severe punishment of such persons; and

2. *Calls upon* ~~Contracting~~ Member States to take adequate measures relating to the extradition or prosecution of persons committing acts of unlawful seizure of aircraft, acts of sabotage or attempted sabotage or other acts or attempted acts of unlawful interference against civil aviation by adopting appropriate provisions in law or treaty for that purpose or by strengthening existing arrangements and by concluding appropriate agreements for the suppression of such acts which would provide for the extradition of persons committing criminal attacks on international civil aviation.

APPENDIX C

Implementation of technical security measures

Whereas protection of civil aviation against acts of unlawful interference requires continued vigilance and development and implementation of positive safeguarding action by the Organization and its Member States;

Whereas a clear need exists for the strengthening of security to be applied to all phases and processes associated with the carriage of persons, their cabin and hold baggage, cargo, mail, courier and express parcels;

Whereas Machine Readable Travel Documents strengthen security by improving the integrity of documents which verify the identity of travellers and air crew;

Whereas such Machine Readable Travel Documents also enable high-level cooperation among States to strengthen resistance to passport fraud, including the forgery or counterfeiting of passports, the use of valid passports by impostors, the use of expired or revoked passports, and the use of fraudulently obtained passports;

Whereas the use of Machine Readable Travel Documents and other passenger information tools can also be employed for security purposes, adding an important layer to the international civil aviation system, in order to detect terrorists and prevent acts of unlawful interference well before the aircraft boarding process;

Whereas threats to the air cargo and mail systems as a whole require a global approach in the development and implementation of security requirements and best practices;

Whereas the responsibility for ensuring that security measures are applied by government agencies, airport authorities and aircraft operators rests with the Contracting Member States;

Whereas the implementation of the security measures advocated by ICAO is an effective means of preventing acts of unlawful interference with civil aviation; and

Whereas countermeasures for protection of civil aviation can only be effective through employment of highly trained security personnel, in addition to background checks, certification and quality control; and
Whereas technology and process innovations are required to achieve effective and efficient aviation security and facilitation measures, and in defining the future of security screening regimes;

The Assembly:

1. Urges the Council to continue to attach the highest priority to the adoption of effective measures for the prevention of acts of unlawful interference commensurate with the current threat to the security of international civil aviation, to take into account the innovative and evolving nature of that threat, and to keep up to date the provisions of Annex 17 to the *Chicago Convention* from a threat and risk perspective;
2. Requests that the Council complete, in addition to the International Explosives Technical Commission (IETC) mandate as prescribed by the *Convention on the Marking of Plastic Explosives for the Purpose of Detection*, studies into methods of detecting explosives or explosive materials, especially into the marking of those explosives of concern, other than plastic explosives, with a view to the evolution, if needed, of an appropriate comprehensive legal regime;
3. Urges all States on an individual basis and in cooperation with other States to take all possible measures for the prevention of acts of unlawful interference, in particular, those required or recommended in Annex 17 ~~to the Convention on International Civil Aviation~~ as well as those recommended by the Council;
4. Urges Contracting Member States to intensify their efforts for the implementation of existing Standards and Recommended Practices (SARPs), and procedures relating to aviation security, to monitor such implementation, to take all necessary steps to prevent acts of unlawful interference against international civil aviation and to give appropriate attention to the guidance material contained in the ICAO *Aviation Security Manual for Safeguarding Civil Aviation Against Acts of Unlawful Interference* (Doc 8973 — Restricted) and available on the ICAO restricted website;
5. Encourages Contracting Member States to promote aviation security as a fundamental component of national, social and economic priorities, planning and operations;
6. Encourages Contracting Member States, pursuant to their domestic laws, regulations and aviation security programmes, and in accordance with applicable SARPs and the capacity of each State, to promote the implementation of aviation security measures in a practical manner to:

- a) broaden existing cooperation mechanisms amongst States and industry, as appropriate, for information exchange and the early detection of security threats to civil aviation operations;
- b) share expertise, best practices and information relating to preventive security measures, including screening and inspection techniques, the detection of explosives, airport security behavioural detection, screening and credentialing of airport staff, human resource development and the research and development of relevant technologies;
- c) utilize modern technologies to detect prohibited materials and to prevent the carriage of such materials on board aircraft while respecting the privacy and safety of individuals; ~~and~~
- d) define aviation security measures that are risk-based, appropriate and proportionate to the threat, effective, efficient, operationally viable, economically and operationally sustainable, and take into account the impact on passengers;
- e) ~~replace restrictions on the carriage of~~ address the continued threat posed by liquids, aerosols and gels (LAGs) ~~by the screening of~~ explosives, including the implementation of technological solutions needed to gradually lift restrictions on the carriage of LAGs ~~when appropriate explosive detection technology becomes more widely available;~~ in cabin baggage;
- f) treat flights arriving from States where LAGs screening is applied in the same way as flights from States where LAGs restrictions are applied;
- g) intensify efforts in securing the air cargo and mail security system by:
 - i. developing a strong, sustainable and resilient air cargo security framework;
 - ii. implementing robust security standards effectively;
 - iii. adopting a total supply chain approach to air cargo and mail security;
 - iv. establishing and strengthening oversight and quality control of air cargo and mail security;
 - v. engaging in bilateral and multilateral cooperative efforts to coordinate actions to harmonize and enhance air cargo and mail security and secure the global air cargo supply chain;
 - vi. sharing best practices and lessons learned with other States to enhance the overall level of air cargo and mail security; and
 - vii. strengthening initiatives to intensify capacity-building in air cargo and mail security; and
- h) give consideration to the potential security vulnerability of unmanned aircraft systems in order to prevent unlawful interference.

7. *Calls upon Contracting Member States to examine information exchange mechanisms including the use of liaison officers and further use of Advance Passenger Information (API) provided by air carriers, to reduce the risk to passengers, while ensuring the protection of privacy and civil liberties;*

8. *Calls upon Contracting Member States, while respecting their sovereignty, to minimize disruption to air travel resulting from confusion or inconsistent interpretation of standards by cooperating and coordinating actions in order to implement SARPs and guidance consistently, efficiently and effectively and by providing clear, well-timed and readily available information to the travelling public;*

9. *Calls upon Contracting-Member States*, when requesting another State to apply security measures to protect aircraft flying into its territory, to take fully into account the security measures already in place in the requested State and, where appropriate, to recognize those measures as equivalent;

10. *Urges those Contracting-Member States* that have not already done so, to begin issuing only machine readable passports in accordance with the specifications of Doc 9303, Part 1;

11. *Requests* the Council to direct the Secretary General to:

- a) ensure that the provisions of Annex 17 and Annex 9 — *Facilitation* are compatible with and complementary to each other, provided that the effectiveness of security measures is not compromised;
- b) where relevant, include items dealing with aviation security on the agenda of ICAO meetings;
- c) continue to promote the *adoption* development of effective and innovative security processes and concepts, through awareness raising regional and subregional aviation security events at the request of States concerned, including in cooperation with industry stakeholders and equipment manufacturers to develop the next generation of passenger and cargo screening processes;
- ~~d) develop and update the ICAO Training Programme for Aviation Security and Aviation Security Training Packages (ASTPs);~~
- ~~e) oversee, develop and promote the aviation security training centres (ASTCs) network within the existing framework to ensure training standards are maintained and sound levels of cooperation are achieved;~~
- ~~f) continue to work with the Aviation Security Panel to address new and existing threats to civil aviation, and to develop appropriate preventive measures, including the screening of airport staff and security control of persons other than passengers with access to secured airport facilities, enhanced screening of passengers and baggage, appropriate security controls for cargo, the supply chain and service providers, as well as the selection and training of persons executing and implementing security measures; and~~
- ~~g) promote the development of mutual recognition processes with the goal of assisting States in achieving mutually beneficial arrangements, including one-stop security arrangements, which recognize the equivalence of their aviation security measures where these achieve the same outcomes, and which are based on an agreed comprehensive and continuous validation process and effective exchange of information regarding their respective aviation security systems; and~~
- f) continue to address other threats and risks, including cyber threats to aviation security, and risks to landside areas of airports and air traffic management security, in consultation with the Aviation Security Panel;

12. *Directs* the Council to require the Secretary General to update and amend at appropriate intervals the Security Manual and develop new guidance material, including detailed guidance material on liquids, aerosols and gels, and human factors, as required, designed to assist *Contracting-Member States* in responding to new and existing threats to aviation and implementing the specifications and procedures related to civil aviation security;

13. *Directs* the Council to instruct the Secretary General and the Aviation Security Panel to ~~identify and develop~~ ensure the periodic review and updating of the ICAO global *Risk Context Statement*, which provides a risk assessment methodology for aviation security which may be considered by Member States for use in further developing their own national risk assessments and to include risk-based assessments with any recommendations for the adoption of new or amended aviation security measures in Annex 17 or in any other ICAO document; ~~and~~

14. *Directs* the Council to instruct the Secretary General and the Aviation Security Panel to ensure that appropriate fields of expertise are engaged in the assessment of aviation security risks and the development of SARPs, specifications, guidance material, and other mean to address issues of aviation security, including coordination with other panels; and

15. *Directs* the Council to instruct the Aviation Security Panel to continually assess its terms of reference and governing procedures to ensure there are no constraints on the Panel's ability to consider the full scope of aviation security issues.

APPENDIX D

Action of States concerned with an act of unlawful interference

a) *Acts of unlawful interference*

Whereas acts of unlawful interference continue seriously to compromise the safety, regularity and efficiency of international civil aviation;

Whereas the safety of flights of aircraft subjected to acts of unlawful seizure may be further jeopardized by the denial of navigation aids and air traffic services, the blocking of runways and taxiways and the closure of airports; and

Whereas the safety of passengers and crew of an aircraft subjected to an act of unlawful seizure may also be further jeopardized if the aircraft is permitted to take off while still under seizure;

The Assembly:

1. *Expresses concern* about the challenges posed to security of civil aviation by new and existing threats and the changing modus operandi used in perpetrating acts of unlawful interference;

2. *Recalls* in this regard the relevant provisions of the Chicago, Tokyo, The Hague, ~~and~~ Montréal and Beijing Conventions, ~~and~~ the 1988 Supplementary Protocol to the Montréal Convention and the 2010 *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft*;

3. *Recommends* that States take into account the above considerations in the development of their policies and contingency plans for dealing with acts of unlawful interference;

4. *Urges* ~~Contracting~~ Member States to provide assistance to an aircraft subjected to an act of unlawful seizure, including the provision of navigation aids, air traffic services and permission to land;

5. *Urges* ~~Contracting Member~~ States to ensure that an aircraft subjected to an act of unlawful seizure which has landed in its territory is detained on the ground unless its departure is necessitated by the overriding duty to protect human life;
6. *Recognizes* the importance of consultations between the State where an aircraft subjected to an act of unlawful seizure has landed and the State of the operator of that aircraft as well as notification by the State where the aircraft has landed to the States of assumed or stated destination;
7. *Urges* ~~Contracting Member~~ States to cooperate for the purpose of providing a joint response in connection with an act of unlawful interference, as well as utilizing, if necessary, the experience and capabilities of the State of the operator, the State of manufacture and the State of registration of an aircraft which has been subjected to an act of unlawful interference, while taking measures in their territory to free the passengers and crew members of that aircraft;
8. *Condemns* any failure by a ~~Contracting Member~~ State to fulfil its obligations to return without delay an aircraft which is being illegally detained and to submit to competent authorities or extradite without delay the case of any person accused of an act of unlawful interference with civil aviation;
9. *Condemns* the reporting of false threats to civil aviation and *calls upon* ~~Contracting Member~~ States to prosecute the perpetrators of such acts in order to prevent the disruption of civil aviation operations; and
10. *Calls upon* ~~Contracting Member~~ States to continue to assist in the investigation of such acts and in the apprehension and prosecution of those responsible.

b) *Reporting on acts of unlawful interference*

Whereas official reports ~~filed~~ provided to ICAO in a timely manner by States concerned with acts of unlawful interference should ~~provide~~ contain comprehensive and credible information and constitute the basis for evaluation and analysis of acts; and

Whereas the ICAO online database of acts of unlawful interference is an effective tool for the prompt dissemination of information related to aviation security incidents, and is readily accessible by ~~Contracting Member~~ States; through the ICAO Secure Portal (<https://portal.icao.int>);

The Assembly:

1. *Notes* with concern that many States experiencing acts of unlawful interference often do not provide the Council with the official reports on such acts;
2. *Urges* States to fulfil their obligations under Article 11 of The Hague Convention and Article 13 of the Montréal Convention as well as under Annex 17, following occurrences of unlawful interference, to forward to the Council, as soon as possible, all relevant information required by those Articles and SARPs in order to enable the Secretariat to retain accurate and complete information and to analyse trends and new threats to civil aviation;
3. *Directs* the Council to direct the Secretary General, within a reasonable time from the date of a specific occurrence of unlawful interference, to request that concerned States forward to the Council in accordance with their national law all relevant information concerning such an occurrence, including, particularly, information relating to extradition or other legal proceedings; and

4. *Requests* that the Council direct the Secretary General, in conjunction with the Aviation Security Panel, to monitor, collate, verify and analyse reported acts of unlawful interference, inform States of trends and potential and new threats, and develop appropriate guidance to deter new and existing threats.

APPENDIX E

The ICAO Universal Security Audit Programme

Whereas the ICAO Universal Security Audit Programme (USAP) has been successful in meeting the mandate of Resolution ~~A36-20~~A37-17, Appendix E;

Whereas the primary objective of the Organization continues to be that of ensuring the safety and security of international civil aviation worldwide;

Whereas Member States are committed to compliance with Annex 17 and the security-related provisions of Annex 9;

Whereas the establishment of an effective security oversight system by States supports the implementation of international aviation security Standards and Recommended Practices (SARPs) and contributes to this objective;

Recalling that the ultimate responsibility to ensure both the safety and security of civil aviation rests with Member States;

~~*Recalling* that the 36th Session of the Assembly directed the Council to ensure the continuation of the USAP following the initial cycle of audits at the end of 2007 focusing, wherever possible, on a State's capability to provide appropriate national oversight of its aviation security activities through the effective implementation of the critical elements of a security oversight system; and expanding future audits to include relevant security related provisions of Annex 9 — Facilitation;~~

Considering that the USAP has proven to be instrumental in the identification of aviation security concerns and in providing recommendations for their resolution, and that the programme ~~has validated an increased level of implementation of ICAO security Standards~~ continues to enjoy the support of States, serving as a catalyst for their continued efforts to meet their international obligations in the field of aviation security;

Recognizing that the effective implementation of State corrective action plans to address ~~the~~ deficiencies identified through ~~the audit~~ audits and other USAP-continuous monitoring approach (CMA) activities is an integral and crucial part of the ~~audit~~ monitoring process in order to achieve the overall objective of enhancing global aviation security;

~~*Considering*~~*Recognizing* the ~~introduction~~ importance of a limited level of transparency with respect to ICAO aviation security audit results, balancing the need for States to be aware of unresolved security concerns with the need to keep sensitive security information out of the public realm;

Considering the approval by the Council of a mechanism to address significant security concerns (SSECs) in a timely manner;

Recognizing the importance of a coordinated strategy for facilitating assistance to States through the high-level Secretariat ~~Audit Results~~ Monitoring and Assistance Review Board;

Recognizing that the continuation of the USAP is essential to create mutual confidence in the level of aviation security between Member States and to encourage the adequate implementation of security-related Standards; ~~and~~

Recognizing ~~Recalling~~ that the ~~need to consider the future nature and direction~~ 37th Session of the Assembly requested the Council to report on the overall implementation of the USAP ~~following the completion of the current audit cycle in 2013 and the direction given by the Council~~, including its decision with regard to ~~conduct a~~ the study to assess the feasibility of extending the ~~continuous monitoring approach~~ (CMA) to the USAP after the conclusion of the ~~current audit~~ second cycle of audits in 2013;

Considering the approval by the Council of the application of a CMA to the USAP following the completion of the second cycle of audits in 2013; and

Considering the approval by the Council of a transition plan to a USAP-CMA involving full implementation of the new methodology beginning 1 January 2015;

The Assembly:

1. *Notes* with satisfaction that the ~~ICAO Universal Security Audit Programme~~ (first and second cycles of audits conducted under the USAP) ~~have~~ proven to be instrumental in the identification of aviation security concerns and in providing recommendations for their resolution;
2. *Expresses its appreciation* to Member States for their cooperation in the audit process and for making available security experts to be certified as USAP auditors to serve as short-term experts in the conduct of audits, as well as long-term experts to act as USAP audit team leaders;
3. *Endorses* the Council's decision to extend the CMA to the USAP in 2015, following the successful completion of the second cycle of USAP audits in 2013 and a transition period;
4. *Requests* the Council to ~~establish a mechanism to validate the~~ oversee the activities of the USAP-CMA as it monitors States' levels of effective implementation of the critical elements of an aviation security oversight system, compliance with the ICAO SARPs, and implementation of State corrective action plans ~~through the conduct of ICAO coordinated validation missions or other means when sufficient evidence is presented by a State to warrant such a mission~~;
45. *Endorses* the policy of a limited level of transparency of security audit results for the ~~second cycle of the~~ USAP-CMA, particularly relating to the prompt notification of the existence of significant security concerns;
56. *Urges* all Member States to give full support to ICAO by:
 - a) accepting ~~the audit~~ USAP-CMA missions as scheduled by the Organization, in coordination with relevant States;
 - b) facilitating the work of the ~~audit~~ USAP-CMA teams;
 - c) preparing and submitting to ICAO ~~the~~ all required ~~pre-audit~~ documentation; and

- d) preparing and submitting an appropriate corrective action plan to address deficiencies identified during ~~the audit, as well as other post audit documentation~~ USAP-CMA activities;

67. Urges all Member States, ~~if requested by another State,~~ to share upon request, if appropriate and consistent with their sovereignty, the results of ~~the audit~~ audits and other USAP-CMA activities carried out by ICAO and the corrective actions taken by the audited State, ~~as appropriate and consistent with their sovereignty;~~ and

78. Requests that the Council report to the next ordinary session of the Assembly on the overall implementation of the USAP, ~~including its decision with regard to the study to assess the feasibility of extending the CMA to the USAP after the conclusion of the current audit cycle in 2013-~~ CMA.

APPENDIX F

~~Assistance to States in establishing aviation security oversight capacity for the protection of international civil aviation~~ The ICAO Implementation Support and Development – Security Programme (ISD-SEC)

Whereas the implementation of technical measures for prevention of acts of unlawful interference with international civil aviation requires financial resources and training of personnel; and

Whereas notwithstanding assistance given, some countries, in particular developing countries, lack aviation security oversight capacity and still face difficulties in fully implementing preventive measures due to insufficient financial, technical and material resources;

The Assembly:

1. Directs the Council to request the Secretary General to facilitate and coordinate technical assistance and support for States that need to improve their aviation security oversight, through the development of a coordinated, targeted and ~~airport~~ effective international aviation security ~~as identified in the Universal Security Audit Programme (USAP) reports~~ capacity-building framework;

2. Urges Member States to voluntarily contribute financial and in-kind resources to increase the reach and impact of ICAO aviation security enhancement activities;

3. Invites Member States and relevant stakeholders to also contribute to the continued development of ICAO's international aviation security capacity-building framework;

4. Invites developed ~~countries~~ States to give assistance to the ~~countries~~ States which are not able to implement programmes of recommended technical measures for the protection of aircraft on the ground and, in particular, in the processing of passengers, their cabin and hold baggage, and cargo, mail, courier and express parcels;

35. Invites ~~Contracting~~ Member States to consider requesting assistance from ICAO and other international organizations to meet their technical assistance requirements arising from the need to protect international civil aviation;

~~46.~~ *Invites ~~Contracting~~ Member States to take advantage of ICAO's capacity to provide, facilitate or coordinate short-term remedial assistance and longer-term State-assistance projects to remedy deficiencies identified during audits in their implementation of Annex 17 and 9 SARPs, and ICAO's capacity to make best use of USAP audit results for defining and targeting aviation security capacity-building activities for the benefit of Member States in need*

~~57.~~ *Directs the Council to request the Secretary General to assess the quality and effectiveness of ICAO assistance projects;*

~~6.~~ *Urges all States that have the means to do so to increase technical, financial and material assistance to countries in need of such assistance to improve aviation security through bilateral and multilateral efforts, that are fully coordinated, through ICAO;*

~~78.~~ *Urges Member States and relevant stakeholders to enter into partnership agreements for the organization and delivery of capacity-building activities, encompassing all parties concerned and including commitments to be made by all parties;*

9. *Requests the Council to direct the Secretary General to develop and update the ICAO Training Programme for Aviation Security, Aviation Security Training Packages (ASTPs) and Aviation Security Workshops;*

10. *Requests the Council to direct the Secretary General to oversee, develop, promote, and regularly re-evaluate the Aviation Security Training Centres (ASTCs) network to ensure that training standards are maintained and sound levels of cooperation are achieved;*

11. *Urges ~~Contracting~~ Member States to utilize ICAO ASTCs for security training;*

~~812.~~ *Urges ~~Contracting~~ Member States and organizations to share with ICAO information on their assistance programmes and activities in order to promote the efficient and effective use of resources;*

~~913.~~ *Directs the Council to request the Secretary General to facilitate the coordination of assistance programmes and activities by collecting information on such initiatives; and*

~~1014.~~ *Urges the international community to consider increasing assistance to States and enhancing cooperation amongst them, in order to be able to benefit from the achievement of the aims and objectives of the *Convention on the Marking of Plastic Explosives for the Purpose of Detection*, in particular through the International Explosives Technical Commission (IETC).*

APPENDIX G

Action by the Council with respect to multilateral and bilateral cooperation in different regions of the world

Whereas the rights and obligations of States under the international legal instruments on aviation security and under the SARPs adopted by the Council on aviation security could be complemented and reinforced in multilateral and bilateral cooperation between States;

Whereas the multilateral and bilateral agreements on air services represent the main legal basis for international commercial carriage by air of passengers, baggage, cargo and mail; ~~and~~

Whereas provisions on aviation security should form an integral part of the multilateral and bilateral agreements on air services; and

Whereas focussing on security outcomes, recognition of equivalence and one-stop security, and respecting the spirit of cooperation defined in multilateral and/or bilateral air services agreements are policy principles whose implementation can contribute significantly to aviation security sustainability;
The Assembly:

1. Recognizes that success in eliminating threats to civil aviation can only be achieved through the concerted effort of everyone concerned and a close working relationship between national agencies and aviation security regulators of all Contracting Member States;

2. Urges all Contracting Member States to insert into their multilateral and bilateral agreements on air services a clause on aviation security, taking into account the model clause adopted by the Council on 25 June 1986 and the model agreement adopted by the Council on 30 June 1989;

3. Urges all Member States to adopt the following key principles as the basis for international cooperation in aviation security and to ensure effective aviation security cooperation amongst States, ICAO and other relevant international organizations:

a) respect for the spirit of cooperation defined in bilateral and/or multilateral air services agreements;

b) recognition of equivalent security measures; and

c) focus on security outcomes;

4. Urges all Contracting Member States, who have not yet done so, to participate in the ICAO Aviation Security Point of Contact (PoC) Network, established for the communication of imminent threats to civil air transport operations, with the objective of providing a network of international aviation security contacts within each State, and to intensify their coordination and cooperation to ensure the exchange of best practices through the AVSECPaedia;

45. Urges the Council to request the Secretary General to promote initiatives which enable the establishment of technological platforms for the exchange of aviation security information among Contracting Member States;

56. Requests that the Council continue to:

a) gather the results of States' experience in cooperating with each other to prevent acts of unlawful interference with international civil aviation;

b) analyse differing circumstances and trends in preventing threats to international civil aviation in different regions of the world; and

c) prepare recommendations for strengthening measures to deter and prevent such acts of unlawful interference; and

67. Directs the Council to act with the requisite urgency and expedition to address new and existing threats to civil aviation, seeking to mitigate unnecessary disruption to air travel as a result of confusion or inconsistent implementation or interpretation of necessary measures, facilitating a common

and consistent response by States, and encouraging clear communication by States to the travelling public.

APPENDIX H

International and regional cooperation in the field of aviation security

Recognizing that the threat posed to civil aviation requires development of an effective global response by States and concerned international and regional organizations;

The Assembly:

1. *Invites* the Civil Air Navigation Services Organization (CANSO), the International Atomic Energy Agency (IAEA), the International Criminal Police Organization (ICPO/INTERPOL), the Organization for Security and Cooperation for Europe (OSCE), the United Nations Counter-Terrorism Committee Executive Directorate (UNCTED), the United Nations Counter-Terrorism Implementation Task Force (UNCTITF), the United Nations Office on Drugs and Crime (UNODC), the Universal Postal Union (UPU), the World Customs Organization (WCO), the European Union (EU), the European Civil Aviation Conference (ECAC), the International Air Transport Association (IATA), Airports Council International (ACI), the International Federation of Airline Pilots' Associations (IFALPA), the International Business Aviation Council (IBAC), the International Coordinating Council of Aerospace Industries Associations (ICCAIA), the Global Express Association (GEA), the International Federation of Freight Forwarders Associations (FIATA), The International Air Cargo Association (TIACA) and other stakeholders to continue their cooperation with ICAO, to the maximum extent possible, to safeguard international civil aviation against acts of unlawful interference;

2. *Directs* the Council to take into account the G8 Secure and Facilitated International Travel Initiative (SAFTI) and to continue its collaboration with this group and other relevant groups of States such as the Asia-Pacific Economic Cooperation Secure Trade in the Asia and Pacific Region (STAR) initiative in its work relating to development of countermeasures against the threat posed by man-portable air defence systems (MANPADS) and encourage their implementation by all **Contracting Member States**; and

3. *Directs* the Council to continue its cooperation with the United Nations Counter-Terrorism Committee (CTC), in the global effort to combat terrorism.

Declaration on Aviation Security

The Assembly, *recognizing* the need to strengthen aviation security worldwide, in light of the continuing threat to civil aviation, including the attempted sabotage of Northwest Airlines flight 253 on 25 December 2009; and *acknowledging* the value of the joint declarations on civil aviation security emanating from regional conferences held with a view to enhancing international cooperation, hereby *urges* Member States to take the following actions to enhance international cooperation to counter threats to civil aviation:

- 1) strengthen and promote the effective application of ICAO Standards and Recommended Practices, with particular focus on Annex 17 — *Security*, and develop strategies to address current and emerging threats;

- 2) strengthen security screening procedures, enhance human factors and utilize modern technologies to detect prohibited articles and support research and development of technology for the detection of explosives, weapons and prohibited articles in order to prevent acts of unlawful interference;
- 3) develop enhanced security measures to protect airport facilities and improve in-flight security, with appropriate enhancements in technology and training;
- 4) develop and implement strengthened and harmonized measures and best practices for air cargo security, taking into account the need to protect the entire air cargo supply chain;
- 5) promote enhanced travel document security and the validation thereof using the ICAO Public Key Directory (PKD) in conjunction with biometric information, and the commitment to report on a regular basis, lost and stolen passports to the INTERPOL Lost and Stolen Travel Documents Database to prevent the use of such travel documents for acts of unlawful interference against civil aviation;
- 6) improve Member States' ability to correct deficiencies identified under the Universal Security Audit Programme (USAP) by ensuring the appropriate availability of audit results among Member States, which would enable better targeting of capacity-building and technical assistance efforts;
- 7) provide technical assistance to States in need, including funding, capacity building and technology transfer to effectively address security threats to civil aviation, in cooperation with other States, international organizations and industry partners;
- 8) promote the increased use of cooperation mechanisms among Member States and with the civil aviation industry, for information exchange on security measures in order to avoid redundancy, where appropriate, and for early detection and dissemination of information on security threats to civil aviation, including through the collection and transmission of advance passenger information (API) and passenger name record (PNR) data, as an aid to security, whilst ensuring the protection of passengers' privacy and civil liberties; and
- 9) share best practices and information in a range of key areas, such as: screening and inspection techniques, including assessments of advanced screening technology for the detection of weapons and explosives; document security and fraud detection; behaviour detection and threat-based risk analysis; screening of airport employees; the privacy and dignity of persons; and aircraft security.

APPENDIX B

COMMUNIQUÉ OF THE ICAO HIGH-LEVEL CONFERENCE ON AVIATION SECURITY

The High-level Conference on Aviation Security, convened by the International Civil Aviation Organization (ICAO) at its Headquarters in Montréal, was held from 12 to 14 September 2012. The Conference was attended by over 700 participants representing 132 Member States, and 23 international and regional organizations and industry associations. Acknowledging the critical role of civil aviation in global economic development and the various security challenges which the international air transport sector faces today, the Conference highlighted:

- a) that credible threats exist and need to be addressed effectively to protect civil aviation;
- b) that terrorism does not respect borders and if not mitigated, can cause the loss of life and injury to persons, seriously disrupt international air transport operations, result in significant damage to civil aviation equipment and facilities, and undermine public confidence in air transport;
- c) Resolution A37-17, the Declaration on Aviation Security, and the ICAO Comprehensive Aviation Security Strategy (ICASS), which further enhance aviation security for the safeguarding of international civil aviation against acts of unlawful interference;
- d) the Joint Statements adopted at ICAO Regional Aviation Security Conferences held in Bahrain, India, Malaysia, Russian Federation, Senegal and Venezuela;
- e) the importance of the cooperation and coordination between ICAO, its Member States, international and regional organizations, industry and all other stakeholders to achieve a sustainable level of aviation security;
- f) that all ICAO Member States are committed to compliance with the aviation security Standards and Recommended Practices in ICAO Annexes 17 — *Security* and 9 — *Facilitation* to the *Convention on International Civil Aviation*, and other aviation security conventions; and
- g) that a balance should be maintained between the needs of security, facilitation, efficiency and effectiveness.

Mindful of these points, the Conference:

- 1) encouraged ICAO Member States and industry stakeholders to adopt a risk-based approach to aviation security;
- 2) welcomed the initiative taken by ICAO to establish a *Risk Context Statement* which provides valuable information to its Member States and offers a robust methodology for States to use in further developing their own national risk assessments, should they choose to use this methodology;

- 3) requested ICAO and its Member States to consider developing a more outcomes-based approach when regulating aviation security, as this would help them better define the security objectives of their measures;
- 4) strongly encouraged ICAO to expedite the adoption of new security Standards and Recommended Practices to mitigate the risk to air cargo and mail, based on the implementation of secure supply chain systems, common baseline security measures for both passenger and all-cargo aircraft, and enhanced security measures for cargo and mail considered to be high risk;
- 5) requested ICAO, the World Customs Organization, the Universal Postal Union and industry stakeholders to identify further synergies between aviation security, Customs and postal security requirements, with the objective of facilitating trade while assuring the security of air cargo and mail;
- 6) acknowledged that threats posed by insiders are real, and therefore urged ICAO Member States to implement effective mitigation measures, and to adopt a revised ICAO Standard on the screening of persons other than passengers as soon as practicable;
- 7) acknowledged the need for ICAO and its Member States to address the continued threat to international civil aviation posed by liquid, aerosol and gel (LAG) explosives, including the implementation of technological solutions needed to gradually lift restrictions on the carriage of LAGs in cabin baggage;
- 8) requested ICAO Member States to treat flights arriving from States where LAGs screening is applied in the same way as flights from States where LAGs restrictions are applied;
- 9) supported the transition of the ICAO Universal Security Audit Programme (USAP) to a Continuous Monitoring Approach that combines a risk-based approach to auditing and continuous monitoring, while considering national and regional organization oversight capabilities;
- 10) requested ICAO to make the best use of USAP audit results for defining and targeting aviation security capacity-building activities for the benefit of Member States in need;
- 11) encouraged Member States to share USAP audit results in an appropriate and secure manner in order to target capacity-building and technical assistance efforts on those areas where they would do most good;
- 12) acknowledged the progress made in the implementation of the ICAO Aviation Security Strategy on Capacity Building, and requested ICAO to strengthen its efforts, with additional focus to be given to air cargo and mail security capacity-building activities;
- 13) encouraged ICAO Member States and relevant stakeholders such as regional organizations to enter into partnership agreements for the organization and delivery of capacity-building activities, encompassing all the parties concerned and including commitments to be made by all partners;
- 14) highlighted the importance of defining security measures which are effective, efficient, operationally viable, economically sustainable, and take into account the impact on passengers;
- 15) strongly encouraged ICAO Member States to explore with each other mutual recognition arrangements, including one-stop security, which recognize the equivalence of their aviation security measures where these achieve the same outcomes, and which are based on an agreed comprehensive and

continuous validation process and effective exchange of information regarding their respective aviation security systems;

16) endorsed as key principles governing international aviation security cooperation: a) respect for the spirit of cooperation defined in bilateral and/or multilateral air services agreements; b) recognition of equivalent security measures; and c) focus on security outcomes;

17) encouraged ICAO Member States to enhance aviation security by standardizing formats for travel documents and for the electronic transmission of passenger data to State authorities while ensuring the protection of passengers' privacy and civil liberties, and to enhance travel document security by participating in the electronic passport validation service known as the ICAO Public Key Directory (PKD);

18) requested ICAO to further address emerging issues such as air traffic management security (i.e., the security of air navigation services and facilities), landside security, and cyber threats;

19) supported initiatives undertaken by ICAO, in cooperation with industry stakeholders and equipment manufacturers, to develop the next generation of passenger and cargo screening processes, taking into account technology developments and desired security outcomes, and to make recommendations for the modernization of regulatory frameworks as necessary; and

20) strongly encouraged States to ratify the latest aviation security international legal instruments, namely the Beijing Convention and the Beijing Protocol of 2010.

— END —