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WORKING PAPER

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ASSEMBLY — 38TH SESSION

EXECUTIVE COMMITTEE

Agenda Item 16: Facilitation and Machine Readable Travel Documents

**CONSOLIDATED STATEMENT OF CONTINUING ICAO POLICIES AND PRACTICES
RELATED TO FACILITATION**

(Presented by the Council of ICAO)

EXECUTIVE SUMMARY

In 2010, the 37th Session of the Assembly adopted Resolution A37-20 – *Consolidated statement of continuing ICAO policies in the air transport field*, which requests that the Council of ICAO keep this statement under review and advise the Assembly when changes are needed. Accordingly, a substantive review of Resolution A37-20, Appendix D – Facilitation, was undertaken and it was determined that matters pertaining to facilitation which, to date, have appeared in the Consolidated statement of continuing ICAO policies in the air transport field, should be removed so as to present a stand-alone draft Resolution.

Action: The Assembly is invited to review and adopt the draft Assembly Resolution presented in the Appendix.

<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>	Doc 9958, <i>Assembly Resolutions in Force</i> (as of 8 October 2010) Doc 10008, <i>Report of the Economic Commission of the 37th Session of the Assembly</i> A38-WP/3, Developments Pertaining to Annex 9 — Facilitation and Proposed Work Programme for the Next Triennium A38-WP/4, Developments Pertaining to the Machine Readable Travel Documents (MRTD) Programme and the Public Key Directory (PKD) A38-WP/11, Proposal for an ICAO Traveller Identification Programme (ICAO TRIP) Strategy

1. **PROPOSED AMENDMENTS TO THE CONSOLIDATED STATEMENT**

1.1 Taking into account the new Strategic Objectives approved by the ICAO Council, it is proposed that the current Consolidated statement of continuing ICAO policies in the air transport field be revised with a view to establishing a statement of continuing ICAO policies and practices related specifically to facilitation.

1.2 The proposed Consolidated statement related to facilitation presented in the Appendix to this paper follows the same three-part structure as Appendix D of Resolution A37-20, with the addition of introductory clauses.

1.3 Aside from editorial updates and improvements, the proposed Consolidated statement reflects recent developments as well as the future focus of ICAO's work in this field, including planned activities for the Facilitation (FAL) Programme during the next triennium and key elements of the ICAO Traveller Identification Programme (TRIP) Strategy which relate to the identity management and the security and integrity of travel documents.

APPENDIX

DRAFT RESOLUTION FOR ADOPTION BY THE 38TH SESSION OF THE ASSEMBLY

Resolution 16/x: Consolidated statement of continuing policies and practices related to facilitation

APPENDIX D

Facilitation

Section I.—Development and implementation of facilitation provisions

Whereas Annex 9 — *Facilitation*, was developed as a means of articulating the obligations of Contracting States under Articles 22, 23 and 24 of the Convention and standardizing procedures for meeting the legal requirements referred to in Articles 10, 13, 14, 29 and 35;

Whereas implementation of the Standards and Recommended Practices in Annex 9 is essential to facilitate the clearance of aircraft, passengers and their baggage, cargo and mail and manage challenges in border controls and airport processes so as to maintain the efficiency of air transport operations; and

Whereas it is essential that Contracting Member States continue to pursue the objective of maximizing efficiency and security in such clearance operations;

The Assembly:

1. *Resolves* that the Appendices attached to this resolution and listed below constitute the consolidated statement of continuing ICAO policies related to facilitation, as these policies exist at the close of the 38th Session of the Assembly:

Appendix A — Development and implementation of facilitation provisions

Appendix B — National and international action in ensuring the security and integrity of traveller identification and border controls

Appendix C — National and international action and cooperation on facilitation matters

2. *Requests* the Council to keep the consolidated statement related to facilitation under review and advise the Assembly as appropriate when changes are needed to the statement; and

3. *Declares* that this resolution supersedes Resolution A37-20 (Appendix D – Facilitation).

APPENDIX A

Development and implementation of facilitation provisions

Whereas the Convention on the Rights of Persons with Disabilities and its Optional Protocol, that had been adopted in December 2006 by the United Nations General Assembly, entered into force on 3 May 2008;

Whereas the development of specifications for machine readable travel documents by the Organization has proved effective in the development of systems that expedite the movement of international passengers and crew members through clearance control at airports while enhancing immigration compliance programmes; and

Whereas the development of a set of standard signs to facilitate the efficient use of airport terminals by travellers and other users has proved effective and beneficial;

The Assembly:

1. Urges Contracting Member States to give special attention to increasing their efforts to implement Annex 9 Standards and Recommended Practices;
2. Urges Member States to give due regard to Doc 9984, *Manual on Access to Air Transport by Persons with Disabilities*, in their implementation of the relevant provisions of Annex 9;
- 2.3. Requests the Council to ensure that Annex 9 — *Facilitation*, is current and addresses the contemporary requirements of Contracting Member States with respect to administration of border controls, cargo and passengers; advances in technologies related to such administration; cargo facilitation; the handling of and responses to health-related and other disruptive events to aviation; and unaccompanied minors ~~the protection of passenger and crew health and the accessibility to air transport by persons with disabilities;~~
4. Requests the Council to ensure that relevant guidance material is current and responsive to the requirements of Member States;
- 3.5. Requests the Council to ensure that the provisions of Annex 9 — *Facilitation*, and Annex 17 — *Security*, are compatible with and complementary to each other; and
- 4.. ~~Requests the Council to ensure that its specifications and guidance material in Doc 9303, *Machine Readable Travel Documents*, remain up to date in the light of technological advances and to continue to explore technological solutions aimed at improving clearance procedures; and~~
- 5.6. Requests the Council to ~~ensure that~~ update Doc 9636, *International Signs to Provide Guidance to Persons at Airports and Marine Terminals*, to ensure that it is current and responsive to the requirements of Contracting Member States.

APPENDIX B**Section II.****National and international action cooperation in ensuring protecting the security and integrity of passports-traveller identification and border controls**

Whereas States recognize the relevance of traveller identification and border control management to aviation security and facilitation;

Whereas States recognize that the ability to uniquely identify individuals requires a holistic and coordinated approach, which links the following five interdependent elements of traveller identification and border control management into a coherent framework:

- a) Foundational documents, tools and processes required to ensure authentic evidence of identity;
- b) The design and manufacture of standardized Machine Readable Travel Documents (MRTDs), including e-Passports, that comply with ICAO specifications;
- c) Processes and protocols for document issuance by appropriate authorities to authorized holders, and controls to combat theft, tampering and loss;
- d) Inspection systems and tools for the efficient and secure reading and verification of MRTDs at borders, including use of the ICAO PKD; and
- e) Interoperable applications that provide for timely, secure and reliable linkage of MRTDs and their holders to available and relevant data in the course of inspection operations.

Whereas States require capacity to uniquely identify individuals and require tools and mechanisms available to establish and confirm the identity of travellers;

Whereas the ICAO Traveller Identification Programme (ICAO TRIP) Strategy provides a framework for achieving the maximum benefits of travel documents and border controls by bringing together the elements of identification management, and building on the success of the ICAO MRTDs Programme;

Whereas the passport is the main-basis official document that denotes a person's identity and citizenship and is intended to inform the State of transit or destination that the bearer can return to the State which issued the passport;

Whereas international confidence in the integrity of the passport is essential to the functioning of the international travel system;

Whereas the security of traveller identification and border controls veracity and validity of machine readable travel documents (MRTDs) depends on a robust identification management system and the integrity of the travel document issuance process the documentation used to establish identity;

~~confirm citizenship or nationality and assess entitlement of the passport applicant (i.e. “breeder” documentation);~~

Whereas Member States of the United Nations have resolved, under the Global Counter-Terrorism Strategy adopted on 8 September 2006, to step up efforts and cooperation at every level, as appropriate, to improve the security of manufacturing and issuing identity and travel documents and to prevent and detect their alteration or fraudulent use;

Whereas Resolution 1373 adopted by the United Nations Security Council on 28 September 2001 decided that all States shall prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents;

Whereas ~~enhanced and intensified high-level cooperation among States is required in order to combat and prevent identification and travel document strengthen resistance to passport fraud; including the forgery or counterfeiting of passports, the use of forged or counterfeit passports, the use of valid passports by impostors, the use of expired or revoked passports, and the use of fraudulently obtained passports;~~

Whereas the ~~criminal focus worldwide has been increasingly shifting from travel document fraud to identification fraud; use of stolen blank passports, by those attempting to enter a country under a false identity, is increasing worldwide; and~~

Whereas ICAO ~~provides assistance to States in all matters related to MRTDs including project planning, implementation, education, training and system evaluation services, and has set up the Public Key Directory (PKD) to verify, validate and authenticate strengthen the security of biometrically-enhanced MRPs (ePassports), thereby strengthening their security and the integrity of border controls; and~~

Whereas Member States request from ICAO Programmes technical assistance and capacity-building support in strengthening their traveller identification and border control programmes;

The Assembly:

1. *Urge* States, through their travel document and border control programmes, to uniquely identify individuals to maximize security and facilitation benefits, including preventing acts of unlawful interference and other threats to civil aviation;

~~1.2.~~ *Urges Contracting Member States* to intensify their efforts in developing and implementing to a robust identification management system and safeguard the security and integrity of the travel document issuance process ~~the breeder documentation;~~

3. *Requests* the Council to direct the Secretary General to implement the ICAO TRIP Strategy to assist Member States to uniquely identify individuals, and to enhance the security and integrity of their travel documents and border controls;

- 2.4. ~~Requests Urges Contracting Member States~~ to intensify their efforts to safeguard the security and integrity of traveller identification and border controls ~~their passports, to protect their passports against passport fraud,~~ and to assist one another in these matters;
- 3.5. ~~Urges those Contracting Member States~~ that have not already done so, to issue machine readable passports in accordance with the specifications of Doc 9303, Part 1;
- 4.6. ~~Urges Contracting Member States~~ to ensure that the expiration date of non-machine readable passports falls before 24 November 2015;
- 5.7. ~~Urges those Contracting Member States~~ requiring assistance in building effective and efficient traveller identification and border control systems ~~implementing MRTD standards and specifications~~ to contact ICAO without delay;
6. ~~Requests the Council to take appropriate measures to establish guidance on breeder documentation;~~
8. ~~Requests the Council to ensure that specifications and guidance material contained in Doc 9303, Machine Readable Travel Documents, remain up to date in the light of technological advances, and to continue to explore technological solutions aimed at enhancing security and facilitation of border controls;~~
- 7.9. ~~Requests the Council to continue the work on further strengthening the security and integrity of traveller identification and border controls, enhancing the effectiveness of controls on passport fraud by implementing the related SARPs of Annex 9 and developing guidance material to assist Contracting Member States to further those objectives; in maintaining the integrity and security of their passports and other travel documents;~~
10. ~~Urges the Council to explore ways of intensifying assistance and capacity-building support to Member States in the traveller identification and border control areas, including a proactive leadership role for ICAO in facilitating and coordinating such assistance in the international community;~~
- 8.11. ~~Urges those all States issuing ePassports~~ to join the ICAO PKD; and all receiving States to verify the digital signatures associated with ~~the ePassports;~~ and
- 9.12. ~~Urges those Contracting Member States~~ that are not already doing so to provide routine and timely submissions of lost and stolen passport data to ~~the~~ Interpol's Automated Search Facility/Stolen and Lost Travel Document Database.

APPENDIX C

Section III.

National and international action and cooperation on facilitation matters

Whereas there is a need for continuing action by Contracting Member States to improve the effectiveness and efficiency of clearance control formalities;

Whereas the establishment and active operation of national facilitation committees is a proven means of effecting needed improvements;

Whereas cooperation on facilitation matters amongst Contracting Member States and with the various national and international parties interested in facilitation matters has brought benefits to all concerned; and

Whereas such cooperation has become vital in the light of the proliferation of non-uniform passenger data exchange systems that adversely affect the viability of the air transport industry;

The Assembly:

1. Urges Contracting States to establish and utilize national facilitation committees and adopt policies of cooperation on a regional basis among neighbouring States;

2. Requests the Council to develop relevant guidance material on the establishment of national facilitation programmes and/or committees, as appropriate, as supplementary to the provisions of Annex 9;

2.3. Urges Contracting Member States to participate in regional and subregional facilitation programmes of other intergovernmental aviation organizations;

3.4. Urges Contracting Member States to take all necessary steps, through national facilitation committees or other appropriate means, for:

a) regularly calling the attention of all interested departments of their governments to the need for:

1) making the national regulations and practices conform to the provisions and intent of Annex 9; and

2) working out satisfactory solutions for day-to-day problems in the facilitation field; and

b) taking the initiative in any follow-up action required;

4.5. Urges Contracting Member States to encourage the study of facilitation problems by their national and other facilitation committees and to coordinate the findings of their committees on facilitation problems with those of other Contracting Member States with which they have air links;

~~5.6.~~ *Urges* neighbouring and bordering States to consult one another about common problems that they may have in the facilitation field whenever it appears that these consultations may lead to a uniform solution of such problems;

~~6.7.~~ *Urges Contracting Member States, to encourage their* aircraft operators and airport operators to continue to cooperate intensively ~~with their governments~~ as regards:

- a) identification and solution of facilitation problems; and
- b) developing cooperative arrangements for the prevention of illicit narcotics trafficking, illegal immigration and other threats to national interests;

~~7.8.~~ *Urges Contracting Member States* to call upon international operators and their associations to participate to the extent possible in electronic data interchange systems in order to achieve maximum efficiency levels in the processing of passenger and cargo traffic at international terminals;

~~8.9.~~ *Urges Contracting Member States, in their use of electronic data interchange systems, to ensure that their passenger data requirements conform to international standards adopted by relevant United Nations agencies for this purpose; and*

~~9.10.~~ *Urges* States and operators, in cooperation with interested international organizations, to make all possible efforts to speed up the handling and clearance of air cargo, while ensuring the security of the international supply chain.

— END —