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## **ASSEMBLY — 38TH SESSION**

### **DRAFT TEXT FOR THE REPORT ON AGENDA ITEM 13**

The attached material on Agenda Item 13 is submitted for consideration by the Executive Committee.

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**Agenda Item 13: Aviation Security — Policy**

13.1 At its sixth meeting, the Executive Committee considered the subject of aviation security policy on the basis of a Council report (WP/13) on the implementation of the Declaration on Aviation Security adopted by the 37th Session of the Assembly and the ICAO Comprehensive Aviation Security Strategy (ICASS), as well as a Council report on the outcomes of the High-level Conference on Aviation Security (HLCAS) held in September 2012 (WP/12). Based on this information, the Committee also considered the Council's proposal for updating the *Consolidated statement on the continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference* (WP/14). In addition, there were 17 papers submitted by States and Observers: WPs/64, 104, 124, 128, 129, 133, 136, 138, 158, 159, 172, 178, 197, 235, 273, 276, and 345.

13.2 The Council, in WP/12, summarized the key outcomes of the HLCAS held in Montréal from 12 to 14 September 2012, and described the action being taken to ensure the timely completion of all Conference recommendations over the course of the 2014-2016 triennium, and milestones associated with each action.

13.3 In WP/13, the Council acclaimed the success of the Declaration on Aviation Security in enhancing international cooperation to strengthen aviation security, and stressed the importance of promoting the implementation of effective and sustainable security measures worldwide, in accordance with the Declaration's principles. It underscored the continuing progress made in implementing ICASS endorsed by the 37th Session of the Assembly as a strategic plan for strengthening ICAO's capacity to fulfill its aviation security mandate. The Council also highlighted ICASS priorities for the 2014-2016 triennium and, considering that its activities rely on voluntary contributions, provided a breakdown of ICASS expenses and in-kind contributions to date, as well as requirements for contributions in the next triennium.

13.4 The Council, in WP/14, presented proposals for revising Assembly Resolution A37-17: *Consolidated statement on the continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference*. The proposed revisions are in light of significant developments in the field of aviation security since the 37th Session of the Assembly, including the outcomes of the HLCAS and several Joint Statements adopted by regional aviation security conferences held in 2011 and 2012. The draft Resolution included amendments considered necessary to clarify the intent of current policies and deleted provisions deemed to have served their purpose. It retained the 2010 Declaration on Aviation Security, noting that its principles remain valid in promoting international cooperation.

13.5 Egypt, in WP/178, highlighted efforts to conform with key requirements for securing air cargo and mail and emphasized the importance of implementing the strengthened cargo and mail security provisions introduced by Amendment 13 to Annex 17.

13.6 Indonesia described its processes for the screening of air cargo and mail, and identified related implementation challenges (WP/158). The paper highlighted the importance of accelerating the adoption of Annex 17 provisions for the implementation of secure supply chains and of harmonizing Annex 17 provisions with customs and mail security requirements.

13.7 The Russian Federation, in WP/197, identified a number of ways to improve the ICAO Aviation Security Point of Contact (PoC) Network. The paper cited the need for related operational guidance, and invited States to use information available from the AVSECPaedia secure web-based platform, allocate modern communications equipment, and conduct regular tests to evaluate the network's effectiveness. The paper also provided information on the functioning of the PoC unit within the Russian Federation.

13.8 Venezuela (Bolivarian Republic of), in WP/138, proposed that guidance material be developed to assist States in implementing a results-based approach to aviation security. The paper cited a number of variables that States must consider when implementing outcomes-based security measures and emphasized that they could benefit from guidance on how to apply such measures efficiently and effectively.

13.9 Venezuela (Bolivarian Republic of) enumerated the benefits of e-learning and its positive impact on the training of aviation personnel (WP/235), and cited the need to promote its use in aviation security training.

13.10 In WP/133, Australia, on behalf of 15 Member States and six international organizations, presented a proposed Roadmap to Strengthen Global Air Cargo Security. Intended as a living document, the Roadmap summarizes the status of key activities and initiatives undertaken to strengthen global air cargo security against the threat of unlawful interference.

13.11 Australia, Canada, and the United States, in WP/136, reported on a coordinated and multi-phased initiative to introduce technology-based screening for liquids, aerosols and gels (LAGs) within their States and the European Union, with the goal of progressively relaxing restrictions on carry-on LAGs by 31 January 2014. The paper highlighted the possible impact of LAGs screening on third countries, and called for international action and direction on LAGs measures to provide for mutually recognized minimum screening requirements as well as clear and consistent information for passengers.

13.12 In WP/64, Belgium proposed, on behalf of the European Union and its Member States and the other States Members of the European Civil Aviation Conference (ECAC), that certain HLCAS recommendations continue to guide ICAO in carrying out its aviation security mandate and be acted on as policy and work priorities for the coming 2014-2016 triennium. It invited the Assembly to consider these priorities when updating the *Consolidated statement on the continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference*.

13.13 In WP/172, Nicaragua, on behalf of on behalf of 22 Member States, Members of the Latin American Civil Aviation Commission (LACAC), cited the problem of drug trafficking and the illicit transport of narcotic drugs by air, notably via clandestine general aviation operations, as well as ongoing efforts to cooperate at the international level to prevent such activities. The paper proposed that ICAO update Standards and Recommended Practices, develop guidance material, reinforce international cooperation and promote awareness of the issue in order to fulfill prevention objectives agreed upon at previous Assemblies.

13.14 In WP/128, Singapore, on behalf of 25 Member States, highlighted key efforts by ICAO over the past three years to strengthen global aviation security, and stressed the need for ICAO, its Member States, the aviation industry, and other stakeholders to continue individual and collaborative efforts to combat the threat of terrorism to civil aviation.

13.15 WP/129, presented by Singapore on behalf of 26 Member States, set out proposed steps for implementing principles governing international cooperation in aviation security, including the development of an action plan by the Secretariat, with input from relevant stakeholders.

13.16 In WP/276, Airports Council International (ACI) highlighted the importance of cooperation between ICAO and industry partners in developing innovative processes and technologies for improving aviation security and passenger facilitation, and proposed that this be reflected in the *Consolidated statement on the continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference*.

13.17 In an information paper (WP/124), Israel drew attention to its decision to equip the Israeli civil air transport fleet with laser-based systems as a countermeasure for missiles launched via man-portable air defence systems (MANPADS). The paper highlighted progress with the certification process and noted that Israeli air carriers are expected to commence international flights with operational systems in early 2014.

13.18 Indonesia provided an information paper (WP/159) on the implementation of the threat awareness programme at the Ngurah Rai International Airport in Bali. The programme to raise awareness of the airport security community about suspicious activities was launched in June 2011 with Australia's cooperation, and is expected to assist in detecting potential terrorist threats at an early stage. Based on positive results to date, Indonesia plans to introduce the programme at two additional major airports.

13.19 In an information paper (WP/273), the Republic of Korea provided an overview of the best practices implemented at Incheon International and other airports, including the installation of various security systems incorporating advanced information technologies. The paper highlighted how the security of restricted areas has been enhanced, in part through 100 per cent screening of persons other than passengers and automated vehicle access control.

13.20 The United States reported in an information paper (WP/104) on the risk-based security initiatives it has piloted or implemented since August 2011, in a continuing effort to focus resources more efficiently, and improve the security checkpoint experience for the majority of air travellers. Intelligence-driven risk-based security techniques are now used to some degree at all United States airports, and comprise various initiatives, including pre-flight activities.

13.21 Viet Nam advised the Assembly in an information paper (WP/345) about recent national developments in the field of aviation security and highlighted efforts to facilitate air cargo operations and establish a secure supply chain.

13.22 The Committee supported the efforts by the Council to implement the HLCAS recommendations, and acknowledged achievements to date. In particular, it noted with appreciation the prompt action taken by the Council to address air cargo vulnerabilities and the threat posed by insiders by expediting Amendment 13 to Annex 17. Considering that substantial progress had already been made in implementing a considerable number of other Conference recommendations, including the regular updating and dissemination of the ICAO *Global Risk Context Statement* and plans to convene a Symposium on Innovation in Aviation Security in 2014, it endorsed the detailed work plan approved by the Council for the implementation of all HLCAS recommendations by the end of 2016.

13.23 The Committee recognized the successful outcomes of the HLCAS in setting out important aviation security principles, and recalled a number of key HLCAS recommendations calling for ICAO and Member States to:

- a) promote a risk-based approach to aviation security;
- b) ensure sustainability of aviation security measures;
- c) encourage mutual recognition arrangements and international cooperation;
- d) promote innovation; and
- e) target assistance activities.

13.24 The Committee agreed these activities should be considered as policy priorities of ICAO's aviation security work programme for the 2014-2016 triennium, while the Organization undertakes specific tasks identified in WP/12, WP/13, WP/64 and WP/128.

13.25 The Committee agreed that the Declaration on Aviation Security remains relevant and should continue to guide States and other stakeholders in efforts to further strengthen aviation security. Having noted with satisfaction the key accomplishments in implementing the aviation security mandate provided by the 37th Session of the Assembly, the Committee reaffirmed the ICASS as the primary strategy for enhancing aviation security in the next triennium, and stressed the importance of continuing to support ICASS activities through financial and in-kind contributions from States.

13.26 Realizing that a technological solution now exists for screening LAGs, the Committee commended efforts by several States to progressively relax the current restrictions by implementing a multi-phase liquids screening technology. However, given the potential impact this may have on third countries, the Committee agreed that a coordinated approach and clear communication lines between States that screen and those that do not yet screen LAGs are necessary, in order to avoid passenger confusion and inconvenience. It invited the Council to consider developing mutually recognized minimum requirements for use by Member States.

13.27 Acknowledging the importance of sustainability in aviation security, the Committee supported the proposal that ICAO develop an action plan to implement the principles of international cooperation in aviation security, as elaborated in WP/129. In this respect, it welcomed efforts by ICAO and Member States to apply a risk-based and outcomes-focused approach to the development of aviation security measures and guidance material, and encouraged all States to reinforce sustainability by such means. The Committee reaffirmed that passenger satisfaction should be a central consideration when designing and implementing aviation security measures.

13.28 Recognizing that the ICAO PoC Network is an effective mechanism for exchanging critical information before, during, or after an incident affecting aviation security, the Committee urged States to use the functionalities of the PoC Network and to enhance the Network's effectiveness by maintaining accurate contact coordinates. It further encouraged States to conduct regular tests among points of contact to maintain effectiveness. In this context, the Committee proposed that ICAO develop guidance material to facilitate States' use of the PoC Network.

13.29 Noting that global supply chain security provisions were strengthened by Amendment 13 to Annex 17, the Committee members acknowledged that the risks to air cargo and mail remain significant. With the availability of updated guidance material on air cargo and mail security, the Committee underscored the need for States to ensure effective implementation of cargo-related Standards, as well as to further improve cargo and supply chain security through collaborative initiatives involving all stakeholders. It further advocated international collaboration as a means to promote mutual recognition of measures while facilitating the movement of goods. The Committee endorsed the proposed Roadmap to Strengthen Global Air Cargo Security and invited States to report to ICAO on related activities, noting that regular updates will help ensure the global harmonization of air cargo security regimes.

13.30 Efforts by some States to implement cargo and mail security provisions in their respective jurisdictions, as well as efforts to align cargo and Customs requirements, were noted by the Committee. The Committee stressed the importance of multilateralism and encouraged all Member States to use the existing ICAO platforms to discuss policy matters with implications to international civil aviation.

13.31 The Committee recognized the exploitation of the aviation sector for a range of criminal activities, including the illicit transport of narcotic drugs and psychotropic substances by air. It stressed the importance of continuing ICAO's active collaboration with the United Nations and its other specialized agencies, including the United Nations Office on Drugs and Crime (UNODC), in addressing narcotic drug-related problems involving international civil aviation.

13.32 A proposal that the Council continue to promote the use of e-learning in aviation security training received support from the Committee.

13.33 Noting several significant developments in the field of aviation security in the past three years, and considering the critical role of ICAO in the global effort to engage the international civil aviation community towards further enhancing aviation security, the Committee endorsed the proposed revised Resolution on the *Consolidated statement on the continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference*, and agreed furthermore to a new Resolution title, the *Consolidated statement of continuing ICAO policies related to aviation security*. Completing its work on this agenda item, it agreed to submit for adoption by the Plenary the revised Resolution.

#### **Resolution 13/xx: Consolidated statement of continuing ICAO policies related to aviation 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 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 A37-17, Appendices A to I inclusive, and has amended the statement to reflect the decisions taken during the 38th 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 38th 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 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;

*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 Joint Communiqué issued by the ICAO-WCO Joint Conference on Enhancing Air Cargo Security and Facilitation – Synergy Through Cooperation, held in Singapore in July 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 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 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 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 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 Member States for the voluntary contributions in the form of human and financial resources to the ICAO Comprehensive Aviation Security Strategy during the 2011-2013 triennium; and
8. *Urges* all 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* 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](http://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 Member States of national criminal laws providing severe penalties for such acts:

*The Assembly:*

1. *Calls upon* 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* 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, including cooperation with relevant international organizations such as the World Customs Organization (WCO), Universal Postal Union (UPU), and International Maritime Organization (IMO);

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

*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 as well as those recommended by the Council;

4. *Urges* 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* (Doc 8973 — Restricted) and available on the ICAO restricted website;

5. *Encourages* Member States to promote aviation security as a fundamental component of national, social and economic priorities, planning and operations;

*5bis. Encourages* Member States to work in partnership with industry to develop, conduct operational trials of, and implement effective security measures;

6. *Encourages* 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;
- 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 and on legitimate trade;
- e) address the continued threat posed by liquids, aerosols and gels (LAGs) explosives, including the implementation of technological solutions needed to gradually lift restrictions on the carriage of LAGs 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* 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* 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* 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 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 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) 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 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;
- e) 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 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 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;

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 means 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, Montréal and Beijing Conventions, 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* 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* 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* 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 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* Member States to prosecute the perpetrators of such acts in order to prevent the disruption of civil aviation operations; and

10. *Calls upon* 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 provided to ICAO in a timely manner by States concerned with acts of unlawful interference should 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 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 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;

*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 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 deficiencies identified through audits and other USAP-continuous monitoring approach (CMA) activities is an integral and crucial part of the monitoring process in order to achieve the overall objective of enhancing global aviation security;

*Recognizing* the 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 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;



*Recalling* that the 37th Session of the Assembly requested the Council to report 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 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 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 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;
5. *Endorses* the policy of a limited level of transparency of security audit results for the USAP-CMA, particularly relating to the prompt notification of the existence of significant security concerns;
6. *Urges* all Member States to give full support to ICAO by:
  - a) accepting USAP-CMA missions as scheduled by the Organization, in coordination with relevant States;
  - b) facilitating the work of the USAP-CMA teams;
  - c) preparing and submitting to ICAO all required documentation; and
  - d) preparing and submitting an appropriate corrective action plan to address deficiencies identified during USAP-CMA activities;
7. *Urges* all Member States to share upon request, if appropriate and consistent with their sovereignty, the results of audits and other USAP-CMA activities carried out by ICAO and the corrective actions taken by the audited State; and
8. *Requests* that the Council report to the next ordinary session of the Assembly on the overall implementation of the USAP-CMA.

## APPENDIX F

### **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 effective international aviation security 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 States to give assistance to the 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;
5. *Invites* 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;
6. *Invites* Member States to take advantage of ICAO's capacity to provide, facilitate or coordinate short-term remedial assistance and long-term assistance to remedy deficiencies 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
7. *Directs* the Council to request the Secretary General to assess the quality and effectiveness of ICAO assistance projects;
8. *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;

9bis. *Invites* Member States to contribute training documentation to aid in the future development and updates of the ICAO Training Programme for Aviation Security, 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* Member States to utilize ICAO ASTCs for security training;

12. *Urges* 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;

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

14. *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;

*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 Member States;
2. *Urges* all 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 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;
5. *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 Member States;
6. *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;
7. *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 International Maritime Organization (IMO), 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 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;

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- 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.
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