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ASSEMBLY — 39TH SESSION

DRAFT TEXT FOR THE REPORT ON AGENDA ITEM 19

The attached report on Agenda Item 19 is submitted for consideration by the Executive Committee.

Agenda Item 19: Facilitation and the ICAO Traveller Identification Programme (ICAO TRIP) Strategy

19.1 At its sixth meeting, the Executive Committee considered developments in the areas of the Public Key Directory (PKD), the ICAO Traveller Identification Programme (TRIP) Strategy and Annex 9 — *Facilitation* on the basis of reports by the Council presented in WPs/19, 40 and 42 respectively. In addition, 3 papers were submitted by States and Observers: WPs/191, 203, and 326.

19.2 The Council, in WP/19, described developments pertaining to the ICAO Public Key Directory (PKD) and its use since the 38th Session of the ICAO Assembly, and proposed priorities for the ICAO PKD work programme and the expected outcome of its work during the next triennium.

19.3 In WP/40, the Council, in highlighting the mandate and current priorities of the ICAO TRIP Strategy, reported on developments in the Programme since the last Assembly. It concluded by proposing priorities for the ICAO TRIP Strategy and outlined the expected outcomes of its work during the next triennium.

19.4 The Council, in WP/42, presented a report on developments in Annex 9 — *Facilitation* since the last Assembly and the current priorities of the Facilitation (FAL) Programme's work on Annex 9. It concluded by proposing work priorities for Annex 9, and expected outcomes, for the next triennium.

19.5 In WP/191, South Africa, reporting on an initiative taken by that State to include parents' particulars in children's passports to address the issue of child trafficking, invited the Assembly to note this initiative and agree that the issue of inclusion of parents' particulars in children's passports be included in the ICAO Plan of Action and be referred to the Facilitation Panel (FALP) for consideration.

19.6 Indonesia, in WP/203, in calling for greater implementation of the PNRGOV standards developed by the World Customs Organization (WCO), the International Air Transport Association (IATA) and ICAO in order to have an accurate and swift analysis tool to address an increase of risk and aviation security threat caused by the growth in air traffic, invited the Assembly to promote the full implementation of PNRGOV standards and request the organizations involved to review the PNRGOV message standards, through the PNRGOV Working Group, in order that they become more accessible in various systems, including in an open source environment.

19.7 Brazil, in WP/326, in providing a summary of the Brazilian experience with regulating the quality of service at international airports, taking into account the application of Annex 9 — *Facilitation*, proposed the elaboration of Standard 6.6 of Annex 9 by requesting the Council to adopt actions to encourage the study and promotion of a work programme on facilitation and quality of service at airports in the technical forums of ICAO and urged Member States to note the relevance of the issue.

19.8 The Committee endorsed the work programme for the ICAO PKD as set out in WP/19 and urged all Member States to join and actively use the ICAO PKD to validate and authenticate ePassports.

19.9 With regards to paragraph 2.5 of WP/40 that addressed the development of an ePassport Standard roadmap, some delegations expressed the view that they would be unable to support the introduction of an ICAO Standard for ePassports because of the burden it would place on small States and the overriding priority to instead focus on strengthening identification management to ensure that secure travel documents are issued to the correct person. With regard to priorities and outcomes for the ICAO TRIP Strategy for the next triennium, the view was expressed that prior to developing an ICAO TRIP roadmap, feedback should be gathered from more States to ensure the roadmap is reflective of broad requirements. Following the discussion, the Committee endorsed the proposed priorities for the ICAO TRIP Strategy and expected outcomes for the 2017-2019 triennium, as presented in Appendix D of WP/40.

19.10 With regard to the proposed priorities for the FAL Programme's work on Annex 9 and expected outcomes for the next triennium set out in paragraph 3.3 of WP/42, some delegations expressed the view that it was premature to include the development of a "Global Aviation Facilitation Plan (GAFFP)" as an expected outcome because the FAL Panel has tasked a working group to examine the matter, with a report on its deliberations to be presented to the next meeting of the Panel. As there was broad support for the planned work set out in paragraph 3.3, the Committee endorsed the proposed priorities for the FAL Programme related to Annex 9 – *Facilitation* and expected outcomes for the 2017-2019 triennium.

19.11 The Committee noted the initiative taken by South Africa, as set out in WP/191, to address the issue of child trafficking, although some delegations expressed the view that including parents' particulars in children's passports might create additional complexity in passport-issuance and border clearance processes. The Committee agreed, however, that this issue should be further investigated by ICAO's technical experts, and be referred to the Technical Advisory Group on the Traveller Identification Programme (TAG/TRIP) and the Facilitation Panel (FALP), for consideration.

19.12 The Committee agreed with Indonesia's proposal, made in WP/203, that the Council should consider promoting the full implementation of PNRGOV standards. In noting that the maintenance and control of PNRGOV was the responsibility of the World Customs Organization, that worked jointly with ICAO and the International Air Transport Association on the matter, the Committee also agreed that the organizations should review the PNRGOV message, as required. The Committee also noted that the PNRGOV is fully open-source and available to all States.

19.13 With regard to subject-matter of WP/326, presented by Brazil, the Committee agreed to the proposal that Member States be urged to note the relevance of the issue. The Committee also requested the Council to encourage study of the quality of service at airports in the technical forums of ICAO, taking into consideration the work already accomplished in this area by Airports Council International and the International Air Transport Association.

19.14 Completing its work on this agenda item, the Committee considered the proposed revisions to the *Consolidated statement of continuing ICAO policies and practices related to Facilitation* as presented in WP/41, which contained a revised version of a draft resolution for adoption by the Assembly (Resolution 19/1).

19.15 Having reviewed the revised version of the draft resolution, and having amended Appendices B, C and D, the Committee agreed to recommend to the Plenary to adopt the following resolution which should supersede Resolution A38-16.

Resolution 19/1: Consolidated statement of continuing ICAO policies related to facilitation

Whereas Annex 9 — *Facilitation*, was developed as a means of articulating the obligations of Member 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 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 39th 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

Appendix D — Passenger Data Exchange Systems

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 A38-16: Consolidated statement of continuing policies related to 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* 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;
3. *Requests* the Council to ensure that Annex 9 — *Facilitation*, is current and addresses the contemporary requirements of 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;
4. *Requests* the Council to ensure that relevant guidance material is current and responsive to the requirements of Member States;
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
6. *Requests* the Council to 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 Member States.

APPENDIX B

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

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

Whereas Member 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), especially 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 Member 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 the global 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 Member States of the United Nations have resolved, under Resolution 70/1 adopted on 25 September 2015 to adopt a 2030 Agenda for Sustainable Development that includes a set of 17 Sustainable Development Goals (SDGs) supported by 169 targets, the target 16.9 being to provide legal identity for all, including birth registration by 2030;

Whereas the veracity and validity of machine readable travel documents (MRTDs) depends on the readability and protection of these documents, physical securities contributing to them, and electronic securities guaranteeing them;

Whereas the limitation of the number of possible civil status for a person depends on the documentation used to establish identity, confirm citizenship or nationality and assess entitlement of the passport applicant (i.e. breeder documentation);

Whereas the passport is the main 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 use of stolen blank passports, by those attempting to enter a country under a false identity, is increasing worldwide;

Whereas the security of traveller identification and border controls depends on a robust identification management system and the integrity of the travel document issuance process;

Whereas high-level cooperation among Member States is required in order to 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 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 Member 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 cooperation among Member States is required in order to combat and prevent identification and travel document fraud;

Whereas the criminal focus worldwide has been increasingly shifting from travel document fraud to identification fraud;

Whereas Convention Travel Documents (CTDs) are travel documents that States Parties to the 1951 Convention Relating to the Status of Refugees ("the 1951 Convention) and the 1954 Convention Relating to the Status of Stateless Persons ("the 1954 Convention") shall issue to refugees or stateless persons lawfully staying on their territory (see respective Article 28 of both Conventions), and as such are travel documents foreseen in two international treaties for persons benefitting from an internationally recognized status;

Whereas ICAO has set up the Public Key Directory (PKD) to verify, validate and authenticate 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. *Urges* Member 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;
2. *Urges* Member States to implement rigorous processes and tools to safeguard the security and integrity of breeder documentation;
3. *Urges* Member States to intensify their efforts in developing and implementing a robust identification management system and safeguard the security and integrity of the travel document issuance process;
4. *Urges* Member States to intensify their efforts in establishing and implementing a solid verification system of the integrity of electronic passports, in particular by reading their electronic signatures and verifying their validity;
5. *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;
6. *Requests* Member States to intensify their efforts to safeguard the security and integrity of traveller identification and border controls, and to assist one another in these matters;
7. *Urges* those Member States that have not already done so, to issue machine readable passports in accordance with the specifications of Doc 9303, Part 4;
8. *Reminds* Member States to ensure that non-machine readable passports are withdrawn from circulation;
9. *Reminds* Member States to ensure that when issuing travel documents for refugees and stateless persons (“Convention Travel Documents (CTDs)”), these CTDs are machine readable, in accordance with the specifications of Doc 9303;
10. *Reminds* Member States to establish controls to safeguard against the theft of blank travel documents and the misappropriation of newly issued travel documents;
11. *Urges* those Member States requiring assistance in building effective and efficient traveller identification and border control systems to contact ICAO without delay;

12. *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;
13. *Requests* the Council to continue to explore technological solutions aimed at enhancing security and facilitation of border controls while improving clearance procedures, such as the Automated Border Control (ABC) gates;
14. *Requests* the Council to update the ICAO/United Nations High Commissioner for Refugees (UNHCR) *Guide for Issuing Machine Readable Convention Travel Documents for Refugees and Stateless Persons*;
15. *Requests* the Council to continue the work on further strengthening the security and integrity of traveller identification and border controls, and developing guidance material to assist Member States to further those objectives;
16. *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;
17. *Urges* all Member States to join the ICAO PKD and to use the information available from the ICAO PKD to validate eMRTDs at border controls;
18. *Reminds* those Member States that are not already doing so to provide routine and timely submissions of stolen, lost, and revoked travel documents data to the Interpol's Stolen and Lost Travel Document (SLTD) Database.
19. *Urges* those Member States that are not already doing so to query, at entry and departure border control points, the travel documents of individuals travelling internationally against the INTERPOL Stolen and Lost Travel Documents (SLTD) database.
20. *Urges* Member States to establish efficient and effective mechanisms in order to implement submissions to, and queries of, the SLTD database.

APPENDIX C

National and international action and cooperation on facilitation matters

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

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

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

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;

Whereas the threat of worldwide transmission of communicable diseases by means of air transport has increased in past years; and

Whereas Annex 9 provides for the facilitation of assistance to aircraft accident victims and their families;

The Assembly:

1. *Urges* Member States to establish and utilize national facilitation programmes and facilitation committees and adopt policies of cooperation on a regional basis among neighbouring States;
2. *Urges* Member States to participate in regional and subregional facilitation programmes of other intergovernmental aviation organizations;
3. *Urges* Member States to take all necessary steps, through national facilitation programmes and facilitation committees or other appropriate means, for:
 - a) regularly calling the attention of all interested departments of their governments to the need for:
 - i. making the national regulations and practices conform to the provisions and intent of Annex 9; and
 - ii. 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. *Urges* Member States to encourage the study of facilitation problems by their national and other facilitation programmes and committees and to coordinate the findings of their committees on facilitation problems with those of other Member States with which they have air links;
5. *Urges* neighbouring and bordering Member 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. *Urges* Member States, aircraft operators and airport operators to continue to cooperate intensively as regards:
 - a) identification and solution of facilitation problems; and
 - b) developing cooperative arrangements for the prevention of illicit narcotics trafficking, illegal immigration, the spread of communicable diseases and other threats to national interests;

7. *Urges* Member States to call upon aircraft and airport operators and their associations to participate in electronic data interchange systems in order to achieve maximum efficiency levels in the processing of cargo traffic at international terminals;
8. *Urges* Member States to implement the provisions of Annex 9 to facilitate assistance to aircraft accident victims and their families;
9. *Urges* Member States and aircraft and airport 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; and
10. *Urges* Member States to undertake dialogue and cooperation between national and regional facilitation and security-related bodies.

APPENDIX D

Passenger Data Exchange Systems

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

Whereas UN Security Council, in Resolution 2178 (2014), at paragraph 9, has called upon Member States “to require that airlines operating in their territories provide advance passenger information to the appropriate national authorities in order to detect the departure from their territories, or attempted entry into or transit through their territories, by means of civil aircraft, of individuals designated by the Committee established pursuant to resolutions 1267 (1999) and 1989 (2011) (“the Committee”), and further calls upon Member States to report any such departure from their territories, or such attempted entry into or transit through their territories, of such individuals to the Committee, as well as sharing this information with the State or residence or nationality, as appropriate and in accordance with domestic law and international obligations.”

The Assembly:

1. *Urges* Member States to call upon aircraft operators offering international air transport services to participate in electronic data interchange systems by providing advance passenger information in order to achieve maximum efficiency levels in the processing of passenger traffic at international terminals; and
2. *Urges* Member States, in the use of electronic data interchange systems, to ensure that the passenger data requirements conform to international standards adopted by relevant United Nations agencies for this purpose, and to ensure the security, fair processing and safeguarding of such data; and
3. *Urges* Member States to assist and share best practices, as appropriate, with other Member States in the establishment of passenger data exchange systems.