



International Civil Aviation Organization

**WORKING PAPER**

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**ASSEMBLY — 40TH SESSION**

**EXECUTIVE COMMITTEE**

**Agenda Item 12: Aviation Security — Policy**

**CONSOLIDATED STATEMENT ON CONTINUING ICAO POLICIES RELATED TO AVIATION SECURITY**

(Presented by the Council of ICAO)

**EXECUTIVE SUMMARY**

In 2016, the 39th Session of the ICAO Assembly adopted Resolution A39-18: *Consolidated statement on continuing ICAO policies related to aviation security*. In accordance with Resolving Clause 2 of Resolution A39-18, the consolidated statement must be reviewed at each ordinary session of the Assembly. Proposed revisions to Resolution A39-18 contained in the Appendix to this working paper are presented for consideration by the Assembly.

**Action:** The Assembly is invited to adopt the revised Resolution on the *Consolidated statement on continuing ICAO policies related to aviation security*, which is provided in the Appendix.

|                                |   |
|--------------------------------|---|
| <i>Strategic Objectives:</i>   | This working paper relates to the <i>Security and Facilitation Strategic Objective</i> .  |
| <i>Financial implications:</i> | The activities referred to in this paper will be undertaken subject to the resources available in the 2020 – 2022 Regular Programme Budget and/or from extra-budgetary contributions. |
| <i>References:</i>             | Doc 10075, <i>Assembly Resolutions in Force</i> (as of 6 October 2016)  |



## APPENDIX

### **A39-18 Resolution xx/-xx: Consolidated statement on continuing ICAO policies related to aviation security**

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

*Whereas* in Resolution ~~A38-15~~A39-18 the Assembly resolved to adopt at each session a consolidated statement ~~of on continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference~~ aviation security; and

*Whereas* the Assembly has reviewed proposals by the Council for the amendment of the consolidated statement ~~of on continuing ICAO policies related to~~ aviation security in Resolution ~~A38-15~~A39-18, Appendices A to ~~I-H~~ inclusive, and has amended the statement to reflect the decisions taken during the ~~39th~~ 40th Session.

*The Assembly:*

1. *Resolves* that the Appendices attached to this resolution constitute the consolidated statement ~~of on continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference~~ aviation security, as these policies exist at the close of the ~~39th~~ 40th Session of the Assembly;
2. *Resolves* to request that the Council submit for review at each ordinary session a consolidated statement ~~of on continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference~~ aviation security; and
3. *Declares* that this resolution supersedes Resolution ~~A38-15~~A39-18.

## 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 evolving nature of the threat of terrorist acts, including those posed by ~~concealed explosive devices, landside attacks, man-portable air defence systems (MANPADS), other surface-to-air missiles systems, chemical threats, attacks using Remotely Piloted Aircraft Systems (RPAS), abuse of the air cargo system for terrorist purposes, cyber-attacks and other~~ 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, including, in particular, the developing insider threat,~~ 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* that Resolutions A27-12 and A29-16 remain in force;

*Recognizing* the exploitation of the aviation sector by a variety of criminal activities, including the illicit transport of narcotics and psychotropic substances by air;

~~*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 Communiqués issued by the ICAO-World Customs Organization (WCO) Joint Conferences on Enhancing Air Cargo Security and Facilitation, held in Singapore in July 2012, in Manama, Bahrain in April 2014, and in Kuala Lumpur, Malaysia in July 2016;

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

~~*Noting with satisfaction* the actions taken to implement the ICAO Comprehensive Aviation Security Strategy (ICASS) 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;~~

~~*Mindful* of the valuable lessons learned in the implementation of the ICASS, which has provided the basis and solid foundation for addressing current and future aviation security challenges, and should be used in developing the Global Aviation Security Plan (GASeP) as the future global framework for progressive aviation security enhancement;~~

*Mindful* of United Nations Security Council Resolutions (UNSCR) 2309 (2016), 2395 (2017) and 2396 (2017) related to threats to international peace and security caused by terrorist acts: Aviation security;

*Recognizing* the importance of that global consultations and outreach efforts with Member States to elaborate and refine the elements of the Global Aviation Security Plan (GASeP) successfully led to the adoption of the Plan by the Council in November 2017; and

~~Recognizing that it is necessary for the Organization to~~ the strong support for the GAsEP and continued efforts made by States to implement the ICASS, until the GAsEP has been fully developed and since it was approved for implementation;

Recognizing the importance of the implementation and promotion of global security practices, by both ICAO and Member States, that are risk-based, appropriate and proportionate to the threat;

Mindful of the Regional Roadmaps adopted at Regional Conferences on Aviation Security held in Egypt, Panama, Portugal and Thailand between 2017 and 2018;

Recalling the Communiqué of the High-level Conference on Aviation Security held in Montréal in November 2018, and the conference conclusions and recommendations; and

Recalling the importance of States taking a comprehensive view of aviation security and other aviation disciplines, maintaining effective coordination among their different bodies to ensure consideration of all appropriate information, and assessment of the consequences of any measures on civil aviation activities, in particular on aviation safety.

*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* all 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 ICASS,~~ 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 ICASS during the 2017-2019 triennium;~~

7. *Calls upon* ICAO and its Member States to implement UNSCR 2309, 2395 and 2396 in accordance with the respective competencies and collectively demonstrate ICAO's global leadership in safeguarding international civil aviation against acts of unlawful interference;
8. *Recognizing* the leadership role of ICAO in the area of aviation security, requests the Council to ensure the long-term sustainability of the Organization's aviation security programme within the context of the Regular Programme Budget;
89. *Urges* all Member States to continue to financially support the Organization's aviation security activities with voluntary contributions in the form of human and financial resources beyond those budgeted for under the regular programme through the ICASS;
10. ~~Directs the Council~~ *Expresses appreciation* to ~~task~~ the Aviation Security Panel ~~to~~ for expeditiously developing the GAsEP and presenting the Plan to the Council for approval ~~and~~ in consultation with Member States and key stakeholders by the second half of 2017;
911. *Directs* the Council to consider the lessons learned from ICASS in ~~establishing~~ the implementation of the GAsEP when making refinements to the Plan, ~~based on~~ ensuring it reflects clear and collective aviation security goals and targets, and is supported by concrete and measurable indicators to guide ICAO, States and stakeholders in ensuring continuous improvement in aviation security; ~~and~~
112. *Urges* all Member States to take active participation in global and regional ~~consultations~~ efforts towards ~~in order for~~ meeting the GAsEP ~~to be truly global and also reflect aspirations, needs~~ objectives, goals, targets and priorities at the national and regional levels.

## 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 air law 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)<sup>1</sup>, by the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (Beijing, 2010), by the *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Montréal, 2014), and by bilateral agreements for the suppression of such acts;

<sup>1</sup> The *Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation* (Beijing, 2010) became effective in 2018.

*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), to the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (Beijing, 2010), and to the *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Montréal, 2014)<sup>2</sup> 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 above-mentioned air law instruments to give effect, even before ratification, acceptance, approval or accession, to the principles of those instruments 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*, to the 2014 *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board 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

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<sup>2</sup> Lists of States Parties to aviation security legal instruments can be found at [www.icao.int](http://www.icao.int) under the ICAO Treaty Collection.

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, and in protecting civil aviation against cyber-attacks, and threats to the landside areas of airports, as well as attacks carried out or facilitated by insiders;

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

*Whereas* a broad set of risk management strategies and tools must be employed to align security measures with security risk in order to ensure the effectiveness and sustainability of aviation security measures;

*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 the integration of a robust security culture for all personnel, in both security and non-security functions, at all levels, is imperative to the development and sustainability of an effective security environment; and

Whereas technology, and process innovations and appropriate training 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, risk-based and operationally-viable 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. Urges the Council to adopt without delay Standards to strengthen the response to insider threat; ~~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;

3bis. Reiterates the responsibility of all States for the implementation of effective aviation security measures within their territory, taking into account the evolving threat;

4. Urges Member States to fully and sustainably implement Annex 17 — Security and the border management and border security-related provisions of Annex 9 — Facilitation 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 rectify any gaps or deficiencies as a matter of urgency, 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 other security-related guidance material 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;

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

7. Encourages Member States and industry organizations to take practical steps to develop and organize campaigns to implement security culture and security awareness programmes among workforces,

raise public awareness to further address the insider threat, and implement these programmes in partnership with all stakeholders within the aviation environment;

8. *Encourages* Member States and industry organizations investing in the development of cybersecurity strategies to continue to develop a comprehensive Cybersecurity Strategy as well as mechanisms to identify and manage risk, including the sharing of appropriate information related to cybersecurity;

9. *Encourages* Member States to implement effective oversight over all aspects of their aviation security regime in order to ensure that security measures are effectively and sustainably implemented.

10. *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~~ use 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, multi-layered, 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 and sustainably;
  - iii. adopting a total supply chain approach to air cargo and mail security, if appropriate;
  - 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;
- h)f) give consideration to the potential security vulnerability misuse of remotely piloted aircraft systems RPAS, and apply security measures in order to prevent their use in acts of unlawful interference;
- i)g) ensure that civil aviation threat and risk assessments within their respective territories and airspace are performed, and that States provide information to relevant stakeholders in a timely manner on all possible risks to civil aviation;
- j)h) address the risk of attacks in landside areas, including terminal buildings, by working with all stakeholders to:
- i. maintain a practical balance between the needs of effective and sustainable security measures and passenger facilitation;
  - ii. implement a set of risk-based measures that are flexible and practical, with clearly defined responsibilities among relevant actors;
  - iii. avoid, to the extent possible, the creation of vulnerabilities from the generation of any areas of mass gathering either inside or proximate to the terminal; and
  - iv. sustain a culture of constant vigilance, deterrence, prevention, response and resilience in a coordinated manner in the face of evolving threats; and
- k)i) ensure the protection of civil aviation against cyber-attacks and cyber threats; and
- j) address the risk posed by insiders through the exploitation of staff and their privileged access to secure areas and sensitive security information.
811. *Calls upon* Member States to enhance their use of information exchange mechanisms, particularly Advance Passenger Information (API) and Passenger Name Record (PNR) data provided by air carriers, to strengthen aviation security and reduce the risk to passengers, while ensuring the protection of privacy and civil liberties;
12. *Calls upon* Member States to support and contribute to ICAO's work on the development and implementation of a PNR Standard in line with UNSCR 2396;
913. *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;
4014. *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;

115. Requests the Council to direct the Secretary General to:

- a) ensure that the provisions of Annex 17 — *Security* 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;
- e)b) 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)c) continue to support the work with of the Aviation Security Panel to in addressing 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)d) 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, consistent with Annex 17 requirements, 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)e) continue to address other threats and risks, including cyber threats to aviation security, risks to landside areas of airports and air traffic management security, in consultation with the Aviation Security Panel;

1216. Directs the Council to require the Secretary General to update and amend at appropriate intervals the ICAO *Aviation Security Manual (Doc 8973)* 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;

1317. 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 (Doc 10108)*, 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;

1418. Directs the Council to instruct the Secretary General and the Aviation Security Panel to ensure that appropriate fields of expertise are engaged in the assessment of aviation security risks and the development

of SARPs, specifications, guidance material, and other mean to address issues of aviation security, including coordination with other panels; and

1519. *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, and the 2014 Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board 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, and Article 19 of the Beijing 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 DE****The ICAO Universal Security Audit Programme**

*Whereas* the ICAO Universal Security Audit Programme (USAP) has been successful in meeting the mandate of Resolution A38-15/A39-18, Appendix E;

*Whereas* one of the primary objectives of the Organization continues to be ensuring the security of international civil aviation worldwide;

*Whereas* Member States are committed to compliance with Annex 17 – *Security Standards*, and ~~the security-related provisions of Annex 9 – *Facilitation Standards*~~ that support both aviation and border security objectives;

*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 the 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;

*Considering* that USAP-Continuous Monitoring Approach (CMA) audit results make an important contribution to the understanding of the aviation security posture globally, regionally, and in individual States; and that the GAsEP relies on the compiled USAP-CMA data to ascertain whether States are meeting the targeted levels of security;

*Recognizing* that the effective implementation of State corrective action plans to address deficiencies identified through USAP audits 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 disclosure 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;

~~Considering the approval by the Council of the application of a Continuous Monitoring Approach (CMA) to the USAP following the completion of the second cycle of audits in 2013;~~

Considering that full implementation of the USAP-CMA began on 1 January 2015;

Recalling that the ~~38th~~ 39th Session of the Assembly requested the Council to report on the overall implementation of the USAP-CMA;

The Assembly:

1. *Notes with satisfaction* that the USAP has 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. *Requests* the Council to ensure the continuation of the USAP-CMA and to oversee ~~the~~ its activities, ~~of the USAP-CMA~~ as it monitors States' ~~levels of effective implementation of the critical elements of an aviation security oversight~~ ability to sustainably implement their aviation security systems, compliance with the ICAO security-related ~~SARPs~~ Standards, and implementation of State corrective action plans;
4. ~~Requests the Council to direct~~ *Notes* the work carried out by the ICAO Secretariat, in consultation with Member States, to review the scope and methodology of the ~~USAP-CMA~~ Universal Security Audit Programme, in consultation with Member States, to ensure that it provides reliable information to Member States regarding the effective implementation of aviation security measures on the ground, and that the methodology takes into consideration a risk-based approach for the implementation of aviation security measures;
5. *Requests* the Council to direct the Secretary General to implement improvements aimed at ensuring consistent interpretation of Annex 17 Standards, a more operational focus to the USAP-CMA programme, addressing serious deficiencies in a timely manner; and applying a risk-based approach to audit prioritization, thus ensuring effective reporting of Member States' risk-based and outcomes-focused compliance with relevant security objectives; and to evaluate the implementation of these improvements;
56. *Endorses* the policy of a limited level of disclosure of security audit results for the USAP-CMA, particularly relating to the prompt notification of the existence of significant security concerns;
67. *Urges* all Member States to give full support to ICAO by:
  - a) signing the Memorandum of Understanding regarding the USAP-CMA;
  - a)b) accepting USAP-CMA missions as scheduled by the Organization, in coordination with relevant States;
  - b)c) facilitating the work of USAP-CMA teams;

- e)d) preparing and submitting to ICAO all required documentation; and
- e)e) preparing and submitting an appropriate corrective action plan to address deficiencies identified during USAP-CMA activities;
8. *Requests* the Council to direct the Secretary General to ensure the long-term financial sustainability of the USAP by taking measures to incorporate the funding requirements for its activities within the Regular Programme Budget as soon as possible and to the extent practicable;
79. *Urges* all Member States to share ~~upon request, if as~~ 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
810. *Requests* that the Council report to the next ordinary session of the Assembly on the overall implementation of the USAP-CMA.

## APPENDIX EF

### 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 use the Organization's influence to promote efforts worldwide by States and other aviation entities to ~~facilitate and coordinate~~ deliver coordinated technical assistance and support for States that need to improve their aviation security oversight, including 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. *Directs* the Council to request the Secretary General to ensure that contributions received for ISD-SEC be fully committed to ISD-SEC activities only;
34. *Urges* States able to do so to assist in the delivery of effective and targeted capacity development, training and other necessary resources, technical assistance, technology transfers and programmes, where it is needed to enable all States to achieve an enhanced and effective aviation security regime;
45. *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 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;

56. *Invites* Member States to also consider requesting assistance from other international and regional organizations to meet their technical assistance requirements arising from the need to protect international civil aviation;

67. *Urges* ICAO, 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;

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

89. *Directs* the Council to request the Secretary General to assess, monitor and evaluate the quality and effectiveness of ICAO assistance projects and to provide regular reports on the use of financial and in-kind resources and on the measured impacts of such contributions;

910. *Urges* Member States and relevant stakeholders to partner for the organization and delivery of capacity-building activities, documenting the commitments made by each party;

110. *Requests* the Council to direct the Secretary General to update and enhance the ICAO Training Programme for Aviation Security, Aviation Security Training Packages (ASTPs) and Aviation Security Workshops, and promote other methods of aviation security training such as e-learning and blended learning;

~~124. *Urges* Member States to contribute training documentation to aid in the to the ICAO Aviation Security Training initiatives; future development and updates of the ICAO Training Programme for Aviation Security including, *inter alia*, ASTPs and Aviation Security Workshops;~~

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

143. *Urges* Member States to utilize use ICAO ASTCs for security training; 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 FG****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 or 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* focusing 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 GH**

### **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), United Nations Office of Counter-Terrorism (UNOCT), the United Nations Office on Drugs and Crime (UNODC), the Universal Postal Union (UPU), the World Customs Organization (WCO), the African Union (AU), the European Union (EU), the Arab Civil Aviation Commission (ACAC), the African Civil Aviation Commission (AFCAC), the European Civil Aviation Conference (ECAC), the Latin American Civil Aviation Commission (LACAC), 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**  
(as adopted by the 37th Session of the Assembly)

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

- 1) strengthen and promote the effective application of ICAO Standards and Recommended Practices, with particular focus on Annex 17 — *Security*, and develop strategies to address current and emerging threats;
- 2) strengthen security screening procedures, enhance human factors and utilize modern technologies to detect prohibited articles and support research and development of technology for the detection of explosives, weapons and prohibited articles in order to prevent acts of unlawful interference;
- 3) develop enhanced security measures to protect airport facilities and improve in-flight security, with appropriate enhancements in technology and training;
- 4) develop and implement strengthened and harmonized measures and best practices for air cargo security, taking into account the need to protect the entire air cargo supply chain;
- 5) promote enhanced travel document security and the validation thereof using the ICAO Public Key Directory (PKD) in conjunction with biometric information, and the commitment to report on a regular basis, lost and stolen passports to the INTERPOL Lost and Stolen Travel Documents Database to prevent the use of such travel documents for acts of unlawful interference against civil aviation;
- 6) improve Member States' ability to correct deficiencies identified under the Universal Security Audit Programme (USAP) by ensuring the appropriate availability of audit results among Member States, which would enable better targeting of capacity-building and technical assistance efforts;

- 7) provide technical assistance to States in need, including funding, capacity building and technology transfer to effectively address security threats to civil aviation, in cooperation with other States, international organizations and industry partners;
- 8) promote the increased use of cooperation mechanisms among Member States and with the civil aviation industry, for information exchange on security measures in order to avoid redundancy, where appropriate, and for early detection and dissemination of information on security threats to civil aviation, including through the collection and transmission of advance passenger information (API) and passenger name record (PNR) data, as an aid to security, whilst ensuring the protection of passengers' privacy and civil liberties; and
- 9) share best practices and information in a range of key areas, such as: screening and inspection techniques, including assessments of advanced screening technology for the detection of weapons and explosives; document security and fraud detection; behaviour detection and threat-based risk analysis; screening of airport employees; the privacy and dignity of persons; and aircraft security.

— END —