



International Civil Aviation Organization

**WORKING PAPER**

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**ASSEMBLY — 40TH SESSION**

**EXECUTIVE COMMITTEE**

**Agenda Item 14: Facilitation Programmes**

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

(Presented by the Council of ICAO)

**EXECUTIVE SUMMARY**

In 2016, the 39th Session of the Assembly adopted Resolution A39-20 – *Consolidated statement of continuing ICAO policies related to facilitation*. The statement reflected developments in, as well as the future focus of, ICAO's work in the field of Facilitation that is composed of three separate, but inter-related, programmes, Annex 9 — *Facilitation*, the ICAO Traveller Identification Programme (TRIP) Strategy and the ICAO Public Key Directory (PKD). The main Facilitation objective is the efficient management of border control processes to expedite clearance of aircraft, passengers/crew, baggage and cargo. The Assembly requested the Council to keep the consolidated statement under review and advise the Assembly when changes to the statement are required. Accordingly, amendments to the consolidated statement reflecting major developments since the 39th Session of the Assembly are proposed to the draft Assembly Resolution, which is presented in the Appendix.

**Action:** The Assembly is invited to approve the attached draft Assembly Resolution presented in the Appendix.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objective — <i>Security and Facilitation</i> .
<i>Financial implications:</i>	The activities referred to in this working 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) Doc 9303, <i>Machine Readable Travel Documents</i> A40-WP/6, Developments pertaining to the ICAO Public Key Directory (PKD) A40-WP/60, Developments pertaining to Annex 9 — <i>Facilitation</i> A40-WP/8, Developments pertaining to the ICAO Traveller Identification Programme (ICAO TRIP) Strategy

## APPENDIX

### ~~A39-20~~ **Resolution A40/xx : Consolidated statement on 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;

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

*Whereas* United Nations Security Council resolutions stress the continuing importance of ICAO's work on border control management and security of travel documents in the fight against terrorism.

*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~~ 40th 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~~ **A39-20**: 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 and other border control authorities 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;

*Whereas* Machine Readable Travel Documents strengthen the border control management process and enhance security by improving the integrity of documents which verify the identity of travellers and air crew;

*Whereas* the 38th Session of the ICAO Assembly in 2013 resolved that Member States should be encouraged to use the Electronic Filing of Differences (EFOD) System that was developed to address the need for a more efficient means of reporting and researching differences to Standards and Recommended Practices and for replacing the existing paper-based mechanism;

*Mindful* of the Annex 9 — *Facilitation* components that support both border management and border security objectives which are audited under the ICAO Universal Security Audit Programme (USAP); and

*Recalling* the Communique of the High-Level Conference on Aviation Security held in Montréal in November 2018, and the conference's conclusions and recommendations related to border control management.

*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 as well as their appropriate obligations towards the United Nations Security Council resolutions with respect to border control management and security of travel documents, in addition to Member States' requirements relating to the administration of cargo and passengers; and 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* relating to border control management, and Annex 17 — *Security*, are compatible with and complementary to each other; ~~and~~
6. ~~*Requests the Council to update*~~ *Urges* Member States to give due regard to existing guidance material and best practices on wayfinding and signage, including Doc 9636, *International Signs to Provide Guidance to Persons at Airports and Marine Terminals*, to the extent it remains applicable. ~~to ensure that it is current and responsive to the requirements of Member States;~~
7. *Urges* Member States to ensure that all relevant agencies and departments that have a role in the implementation of Annex 9 — *Facilitation*, including but not limited to, civil aviation administrations, immigration, customs, health, quarantine, travel document-issuing authorities, air traffic control, law enforcement, postal authorities, border police, and foreign affairs, collaborate and coordinate their efforts through the national air transport facilitation committee or similar arrangements, , in order that the Annex 9 Compliance Checklist is comprehensively completed in the Electronic Filing of Differences (EFOD) System;
8. *Reaffirms* that the Facilitation Programmes must continue to be treated as a matter of highest priority and appropriate resources should be made available by ICAO and its Member States;
9. *Urges* all Member States to continue to financially support the Organization's facilitation activities with voluntary contributions in the form of human and financial resources beyond those budgeted for under the regular programme; and

10. *Recognizing* the leadership role of ICAO in the area of facilitation activities, requests the Council and the Secretary General to ensure the long term sustainability of the Organization's facilitation programmes, by taking measures to incorporate the funding requirements within the Regular Programme Budget as soon as possible and to the extent practicable.

## APPENDIX B

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

*Whereas* Member States recognize the relevance of traveller identification and border control management to the ICAO Strategic Objective of 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 ePassports, that comply with ICAO specifications defined in Doc 9303, *Machine Readable Travel Documents*;
- 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 Public Key Directory (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 the traveller 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* Resolution 1373 adopted by the United Nations Security Council, in resolutions 1373 (2001), on 28 September 2001, 2178 (2014) and 2396 (2017) 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* 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 travel 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* reporting promptly accurate information about stolen, lost or revoked travel documents issued by each Member State to the International Criminal Police Organization (INTERPOL) Stolen and Lost Travel Documents (SLTD) database is an Annex 9 – Facilitation Standard;

*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* 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 identity ~~fiction~~ 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 Machine Readable Passports (MRPs) also known as (ePassports), thereby strengthening their security and the integrity of border controls;

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

Whereas cooperation on human trafficking matters amongst Member States and with the various national, regional, international parties and other stakeholders interested in this area has brought benefits to procedures to combat trafficking in persons.

*The Assembly:*

1. *Urges* Member States, through their travel document and border control management programmes, to uniquely identify individuals to maximize facilitation and aviation 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 integrity and security of breeder documentation by notably applying evidence of identity principles such as ensuring that identity exists and is living through the verification against two different data sources, the applicant links to identity and is unique to the system through the provision of confidence of the applicant's "social footprint" meaning how a person interacts with society's stakeholders during the life cycle and the check against agency record or by associating the record with one or more biometrics;
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~~ maintain up to date the roadmap for the implementation of 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 Urges* 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. *Urges* Member States to reinforce their border control management processes as also required by the relevant United Nations Security Council resolutions, by implementing the related Annex 9 — *Facilitation Standards*.

14. *Calls* upon Member States to implement ~~*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 joint use of Automated Border Control (ABC) gates and the ICAO Public Key Directory when checking ePassports;

~~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 Secretary General to continue to explore technological solutions aimed at enhancing security and facilitation of border controls while improving clearance procedures;

16. *Requests* the Council to continue the work on further strengthening the ~~security and~~ integrity of traveller identification and border controls ~~management and enhancing security~~, and developing guidance material to assist Member States to further those objectives;

17. *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;

18. *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;

19. *Urges* ~~*Reminds*~~ those Member States that are not already doing so to ~~provide routine and timely submissions of~~ promptly report accurate information about stolen, lost, and revoked travel documents issued by their State, to ~~data to the Interpol's~~ INTERPOL for inclusion in their Stolen and Lost Travel Document (SLTD) Database;

20. *Calls* upon ~~*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;

21. *Urges* Member States to establish efficient and effective mechanisms in order to implement submissions to and queries of, the SLTD database.

22. *Urges* Member States to establish between all involved stakeholders an efficient information sharing and collaboration system in the prevention of human trafficking; and

23. *Requests* the Secretary General to ensure the development of relevant guidance material on procedures to implement to combat trafficking in persons in order to support Member States in their implementation of the provisions of Annex 9 – *Facilitation* related to trafficking in persons.

~~[FOLLOWING APPROVAL BY THE COUNCIL OF AMENDMENT 27, SOME ACTION MAY BE ADDED ON HUMAN TRAFFICKING]~~

## 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 air transport 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, regional 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, and the increasing requests by border control authorities for exchange of passenger data;

*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 air transport 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 air transport facilitation programmes of other intergovernmental aviation organizations;
3. *Urges* Member States to take all necessary steps, through national air transport 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; and
  - c) ensuring that the appropriate coordination is in place for the effective implementation of the ICAO TRIP Strategy.
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;
10. *Urges* Member States to undertake dialogue and cooperation between national, regional and international, border control and security-related bodies regarding their obligations towards Annex 9 - *Facilitation* and relevant United Nations Security Council resolutions; and
11. *Requests* the Secretary General to ensure ICAO continues its work on border control management and security of travel documents in the fight against terrorism, and to strengthen its cooperation and collaboration with relevant United Nations (UN) agencies, such as UN Office of Counter Terrorism (UNOCT) and UN Office on Drugs and Crime (UNODC).

## 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 of residence or nationality, as appropriate and in accordance with domestic law and international obligations.”~~

*Whereas* UN Security Council, in resolution 2396 (2017), in welcoming ICAO’s decision to establish a standard under Annex 9 — *Facilitation*, regarding the use of Advance Passenger Information (API) systems by its

Member States, and recognizing that many ICAO Member States have yet to implement this standard, has decided, in paragraph 11, that in furtherance of paragraph 9 of resolution 2178 (2014) and the ICAO standard, its Member States are, inter alia, to establish API systems and shall require airlines operating in their territories to provide API to the appropriate national authorities.

*Whereas* UN Security Council, also in resolution 2396, at paragraph 12, has decided that Member States shall develop the capability to collect, process and analyse, in furtherance of ICAO standards and recommended practices, passenger name record (PNR) data and to ensure PNR data is used by and shared with all their competent national authorities, with full respect for human rights and fundamental freedoms for the purpose of preventing, detecting and investigating terrorist offenses and related travel, further calls upon Member States, the UN, and other international, regional, and subregional entities to provide technical assistance, resources and capacity building to Member States in order to implement such capabilities, and, where appropriate, encourages Member States to share PNR data with relevant or concerned Member States to detect foreign terrorist fighters returning to their countries of origin or nationality, or traveling or relocating to a third country, with particular regard for all individuals designated by the Committee established pursuant to resolutions 1267 (1999), 1989 (2011), and 2253 (2015), and also urges ICAO to work with its Member States to establish a standard for the collection, use, processing and protection of PNR data; and

*Whereas* the use of both API and PNR data as mentioned in the ICAO TRIP Strategy 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;

*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-airports; and~~
2. *Urges* Member States, in the use of electronic ~~passenger data interchange~~ exchange 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 with full respect for human rights; ~~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; ~~and~~
4. *Requests* Member States that have not already done so, to develop the capability to collect, process and analyse passenger name record (PNR) data and to ensure that PNR data is used by and shared with their competent national authorities, with full respect for human rights and fundamental freedoms for the purpose of preventing, detecting and investigating terrorist offences and related travel.