

INTERNATIONAL CIVIL AVIATION ORGANIZATION

A32-WP/4  
EX/2  
22/4/98

## ASSEMBLY — 32ND SESSION

### EXECUTIVE COMMITTEE

**Agenda Item 16.1: Development of an up-to-date consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference**

### CONSOLIDATED STATEMENT OF CONTINUING ICAO POLICIES RELATED TO THE SAFEGUARDING OF INTERNATIONAL CIVIL AVIATION AGAINST ACTS OF UNLAWFUL INTERFERENCE

#### SUMMARY

In this paper the Council presents proposals for a review and updating of Assembly Resolution A31-4. These proposals reflect significant developments in the field of aviation security during the last triennium and are intended to facilitate the task of the Assembly to adopt at its 32nd Session an up-to-date consolidated statement of continuing aviation security policies of the Organization, as they exist at the close of that Session.

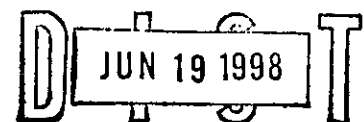
Action by the Assembly is in paragraph 4.

#### REFERENCES

Resolution A31-4  
Assembly Resolutions in force as of 4 October 1995 (Doc 9662)

## 1. INTRODUCTION

1.1 On 4 October 1995, the 31st Session of the ICAO Assembly adopted unanimously Resolution A31-4 entitled: "Consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference." In accordance with Resolving Clause 2 of Resolution A31-4, a revised consolidated statement of the Organization's continuing aviation security policies should be adopted by this Assembly up to date as of the end of the session. To facilitate the Assembly's task, the Council reviewed the existing consolidated statement in Resolution A31-4, Appendices A to H, to determine whether, in the light of recent developments and actions, any amendments thereto should be recommended to the Assembly.



## **2. POSSIBLE AMENDMENTS TO THE EXISTING CONSOLIDATED STATEMENT**

2.1 The Assembly, when determining whether any amendments should be made to the existing consolidated statement, may wish to take into account the following developments in the field of aviation security:

As the Mechanism for financial, technical and material assistance to States with regard to aviation security has confirmed that enhancement of States' ability to implement Annex 17 provisions has training solutions, the Council has approved the development of the ICAO Training Programme for Aviation Security which will comprise a series of Standardized Training Packages (STPs). To give effect to the aviation security training objective within the Mechanism, a global network of regional/sub-regional aviation security training facilities have been approved in Amman, Brussels, Casablanca, Dakar, Kyiv, Moscow, Nairobi, Penang, Port of Spain and Quito. The intent is to co-ordinate States' aviation security training programmes, the provision of on-the-job counterpart training and the staging of ICAO-sponsored topic-focused workshops and regional/sub-regional training courses. The operation of these facilities will be co-ordinated by ICAO in collaboration with Mechanism donor States. These initiatives have therefore been reflected in Appendices D and F.

## **3. DRAFT TEXT**

3.1 The elements mentioned in paragraph 2, together with amendments necessary to clarify the intent of present policies, have been reflected in the draft text which is presented in the attachment hereto. Statements that could be deemed to have served their purpose have also been identified.

## **4. ACTION BY THE ASSEMBLY**

4.1 The Assembly is invited to consider the suggested amendments to Resolution A31-4 and the draft text of the updated resolution in the **attachment** with a view to its adoption at its 32nd Session.

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ATTACHMENT

A32-[ ]: Consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference

Note: Text that is struck out is to be deleted.

*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* the threat of terrorist acts, unlawful seizure of aircraft and other acts of unlawful interference against civil aviation, including acts aimed at destruction of aircraft, have a serious adverse effect on the safety, efficiency and regularity of international civil aviation, endanger the lives of aircraft passengers and crews and undermine the confidence of the peoples of the world in the safety of international civil aviation;

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

New text highlighted

*Whereas* in Resolution A29-5 A31-4 the Assembly resolved to adopt at each session a consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference; and

New text highlighted

*Whereas* the Assembly has reviewed proposals by the Council for the amendment of the consolidated statement of continuing ICAO policies in Resolution A29-5 A31-4, Appendices A to H inclusive, and has amended the statement to reflect the decisions taken during the 31st 32nd Session;

*The Assembly:*

New text highlighted

1. *Resolves* that the Appendices attached to this resolution constitute the consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference, up to date as these policies exist at the close of the 31st 32nd Session of the Assembly.

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A32-[]: Consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference

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*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;

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*Whereas* in Resolution A29-5 A31-4 the Assembly resolved to adopt at each session a consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference; and

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*Whereas* the Assembly has reviewed proposals by the Council for the amendment of the consolidated statement of continuing ICAO policies in Resolution A29-5 A31-4, Appendices A to H inclusive, and has amended the statement to reflect the decisions taken during the 31st 32nd Session;

*The Assembly:*

New text highlighted

1. *Resolves* that the Appendices attached to this resolution constitute the consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference, up to date as these policies exist at the close of the 31st 32nd Session of the Assembly.

5. *Calls upon* all Contracting States to confirm their resolute support for the established policy of ICAO by applying the most effective security measures individually and in co-operation with one another, to suppress acts of unlawful interference and to punish the perpetrators of any such acts; and

6. *Directs* the Council to continue its work relating to measures for prevention of acts of unlawful interference.

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## APPENDIX B

### INTERNATIONAL LEGAL INSTRUMENTS FOR THE SUPPRESSION OF ACTS OF UNLAWFUL INTERFERENCE WITH CIVIL AVIATION

*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 (Montreal, 1971), as well as 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, Done at Montreal on 23 September 1971 (Montreal, 1988) and by bilateral agreements for the suppression of such acts;

*Whereas* terrorist acts aimed at the destruction of aircraft and the use of plastic explosives for such acts led to the need for ICAO to intensify, in accordance with United Nations Security Council Resolution 635 of 14 June 1989, its work on devising an international regime for the marking of plastic explosives for the purpose of detection; and

*Whereas* for the purpose of preventing such acts, the International Conference on Air Law adopted on 1 March 1991 a Convention on the Marking of Plastic Explosives for the Purpose of Detection.

*The Assembly:*

1. *Calls* upon Contracting 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 (Montreal, 1971), and to the 1988 Supplementary Protocol to the Montreal Convention;

2. *Urges* all States to become parties as soon as possible to the Convention on the Marking of Plastic Explosives for the Purpose of Detection which was signed at Montreal on 1 March 1991;

3. *Invites* States not yet parties to the 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection to give effect, even before ratification, acceptance, approval or accession, to the principles of that instrument and calls upon States which manufacture plastic explosives to implement the marking of such explosives as soon as possible;

4. *Directs* the Secretary General to continue to remind States of the importance of becoming parties to the Tokyo, The Hague and Montreal Conventions and to the 1988 Supplementary Protocol to the Montreal Convention and 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;

5. *Condemns* any failure by a Contracting State to fulfil its obligations to return without delay an aircraft which is being illegally detained or, to extradite or submit to competent authorities without delay the case of any person accused of an act of unlawful interference with civil aviation;

6. *Calls upon* Contracting States to intensify their efforts to suppress acts of unlawful seizure of aircraft or other unlawful acts against the security of civil aviation by concluding appropriate agreements for the suppression of such acts which would provide for extradition or submission of the case to competent authorities for the purpose of prosecution of those who commit them; and

7. *Calls upon* Contracting States to continue to assist in the investigation of such acts and in the apprehension and prosecution of those responsible.

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**APPENDIX C**  
**ACTION BY STATES**

*a) Enactment of national legislation and bilateral agreements*

*Whereas* deterrence of acts of unlawful interference with civil aviation can be greatly facilitated through the enactment by Contracting States of national criminal laws providing severe penalties for such acts;

*The Assembly:*

1. *Calls upon* Contracting States to give special attention to the adoption of adequate measures against persons committing acts of unlawful seizure of aircraft or other acts of unlawful interference against civil aviation, and in particular to include in their legislation rules for the severe punishment of such persons;

2. *Calls upon* Contracting States to take adequate measures relating to the extradition or prosecution of persons committing acts of unlawful seizure of aircraft or other acts of unlawful interference against civil aviation by adopting appropriate provisions in law or treaty for that purpose or by strengthening existing arrangements for the extradition of persons making criminal attacks on international civil aviation.

*b) Information to be submitted to the Council*

*The Assembly:*

1. *Reminds* States parties of their obligations under Article 11 of The Hague Convention and Article 13 of the Montreal Convention, following occurrences of unlawful interference, to forward all relevant information required by those Articles to the Council;

2. *Directs* the Secretary General, within a reasonable time from the date of a specific occurrence of unlawful interference, to ask that States parties concerned forward to the Council in accordance with their national law all relevant information required by those Articles concerning such occurrence, including particularly information relating to extradition or other legal proceedings.

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## APPENDIX D

### TECHNICAL SECURITY MEASURES

*Whereas* the safety of the peoples of the world who benefit from international civil aviation requires continued vigilance and development and implementation of positive safeguarding action by the Organization and its Contracting States;

*Whereas* a clear need exists for the strengthening of security to be applied to all phases and processes associated with the international carriage of persons, their cabin and checked baggage, cargo, mail, courier and express parcels;

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

*Whereas* the safety of persons and property at airports serving international civil aviation requires continued vigilance, development and implementation of positive safeguarding actions by the International Civil Aviation Organization and all States to prevent and suppress unlawful acts of violence at such airports; and

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

*The Assembly:*

1. *Urges* the Council to continue to attach high priority to the adoption of effective measures for the prevention of acts of unlawful interference and to keep up to date the provisions of Annex 17 to the Chicago Convention to this end;

2. *Urges* the Council to study, as a high priority, issues relating to the security control of transit passengers and the detection of explosive devices;

3. *Requests* the Council to complete, as a matter of high priority, studies into methods of detecting explosives or explosive materials, especially into the marking of those explosives of concern, other than plastic explosives, whose detection would be aided by the use of marking agents, with a view to the evolution, if needed, of an appropriate comprehensive legal regime;

4. *Urges* all States on an individual basis and in co-operation with other States to take all possible measures for the suppression of acts of violence at airports serving international civil aviation including such preventive measures as are required or recommended under Annex 17 to the Convention on International Civil Aviation;

5. *Calls upon* Contracting States to intensify their efforts for the implementation of existing Standards, Recommended Practices, and Procedures relating to aviation security, to monitor such implementation, and to take all necessary steps to prevent acts of unlawful interference against international civil aviation;

6. *Further calls* on Contracting States, while respecting their sovereignty, to substantially enhance co-operation and co-ordination between them in order to improve such implementation;

7. *Invites* Contracting States to exchange, as they consider appropriate, information through ICAO, or directly where desirable, related to increasing physical security controls in the plans and designs of existing and new airports, the design of aircraft to make the placement of explosives more difficult and research and development on weapons and explosive detection, as well as to undertake joint efforts in the development and refinement of promising concepts in detection of weapons and explosives;

8. *Urges* member States to expedite research and development on detection of explosives, security equipment and to continue to encourage research and development into improved and economic means of detecting all the marking agents specified in the Convention on the Marking of Plastic Explosives for the Purpose of Detection, and to continue to exchange such information;

9. *Requests* the Council to ensure, with respect to the technical aspects of aviation security, that:

- a) the subject of aviation security continues to be given adequate attention, with priority commensurate with the current threat to the security of international civil aviation, particularly by keeping up to date and developing, as necessary, appropriate Standards, Recommended Practices, Procedures and guidance material;
- b) when considered necessary, the agenda of ICAO meetings include items dealing with aviation security which are relevant to the subject of such meetings;
- c) regional aviation security seminars are convened by ICAO after consultation with or at the request of States concerned; and
- d) the ICAO Training Programme for Aviation Security comprising Standardized Training Packages (STPs) for use by States continues to be developed; and

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- e) ICAO assumes the co-ordination role, in collaboration with aviation security Mechanism donor States, of the regional/sub-regional training facilities to ensure training standards are maintained and sound levels of co-operation are achieved

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10. Urges Contracting States to ensure that it is possible for facilities to be made available at their airports for the inspection/screening of passengers and their cabin and checked baggage on international air transport services;

11. Urges Contracting States which have not already done so to implement the Standards, Recommended Practices and Procedures on aviation security measures, and to give appropriate attention to the guidance material contained in the ICAO Security Manual; and

12. Directs the Secretary General to continue to update and amend at appropriate intervals the Security Manual designed to assist Contracting States in implementing the specifications and procedures related to civil aviation security.

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## APPENDIX E

### ACTION OF STATES WITH RESPECT TO UNLAWFUL SEIZURE OF AIRCRAFT IN PROGRESS

*Whereas* acts of unlawful seizure continue seriously to compromise the safety, regularity and efficiency of international civil aviation;

*Whereas* the Council has adopted Standards and Recommended Practices on aviation security in accordance with ICAO policy;

*Whereas* the safety of flights of aircraft subjected to an act of unlawful seizure may be further jeopardized by the denial of navigational 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. *Recalls* in this regard the relevant provisions of the Chicago, Tokyo and The Hague Conventions;
2. *Recommends* that States take into account the above considerations in the development of their policies and contingency plans for dealing with acts of unlawful seizure;
3. *Urges* each Contracting State to provide, as it may find practicable, such measures of assistance to an aircraft subjected to an act of unlawful seizure, including the provision of navigational aids, air traffic services and permission to land, as may be necessitated by the circumstances;
4. *Urges* each Contracting State to take measures, as it may find practicable, 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; and
5. *Recognizes* the importance of consultations, wherever practicable, between the State where an aircraft subjected to an act of unlawful seizure has landed and the State of the operator of that aircraft.

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**APPENDIX F****ASSISTANCE TO STATES IN THE IMPLEMENTATION  
OF TECHNICAL MEASURES  
FOR THE PROTECTION OF  
INTERNATIONAL CIVIL AVIATION**

*Whereas* the implementation of technical measures for prevention of acts of unlawful interference with international civil aviation requires financial investment and training of personnel;

*Whereas*, notwithstanding assistance given, some countries, in particular developing countries, still face difficulties in fully implementing preventive measures including the means of detecting explosives because of insufficient financial, technical and material resources; and

*Whereas* aviation security is vital to all Contracting States for the proper operation of their airlines all around the world;

*The Assembly:*

1. *Invites* developed countries to give assistance to the countries which are not able to implement programmes of suggested technical measures for the protection of aircraft on the ground and in the processing of passengers, their cabin and checked baggage, cargo, mail, courier and express parcels;

2. *Invites* Contracting States to bear in mind the possibility offered by the Mechanism for financial, technical and material assistance to States with regard to aviation security, the United Nations Development Programme and the Technical Co-operation among Developing Countries to meet their technical assistance requirements arising from the need to protect international civil aviation;

3. *Urges* all States that have the means to do so to increase technical, financial and material assistance to countries in need of such assistance to improve aviation security through bilateral and multilateral effort, in particular, through the ICAO Mechanism for financial, technical and material assistance to States with regard to aviation security; and

4. *Urges* all Contracting States to take into account the availability of ICAO approved regional/sub-regional aviation security training facilities for the purpose of enhancing training standards; and

4.5. *Urges* the international community to consider increasing technical, financial and material assistance to States in need of such assistance in order to be able to benefit from the achievement of the aims and objectives of the Convention on the Marking of Plastic Explosives, in particular through the technical co-operation programmes of ICAO.

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**APPENDIX G**

**ACTION BY THE COUNCIL WITH RESPECT TO  
MULTILATERAL AND BILATERAL CO-OPERATION  
IN DIFFERENT REGIONS OF THE WORLD**

*Whereas* the rights and obligations of States under the international conventions on aviation security and under the Standards and Recommended Practices adopted by the Council of ICAO on aviation security could be complemented and reinforced in bilateral co-operation between States;

*Whereas* the bilateral agreements on air services represent the main legal basis for international carriage of passengers, baggage, cargo and mail;

*Whereas* provisions on aviation security should form an integral part of the bilateral agreements on air services; and

*Whereas* Annex 17 to the Convention of International Civil Aviation contains a recommendation that each Contracting State should include in its bilateral agreements on air transport a clause related to aviation security;

*The Assembly:*

1. *Notes* with satisfaction the strong support of States for the model clause on aviation security, elaborated by the Council and attached to the Council Resolution of 25 June 1986;

2. *Notes* the wide acceptance by States of the model agreement on aviation security for bilateral or regional co-operation adopted by the Council on 30 June 1989;

3. *Urges* all Contracting States to insert into their bilateral agreements on air services a clause on aviation security, taking into account the model clause adopted by the Council on 25 June 1986;

4. *Recommends* that Contracting States take into account the model agreement adopted by the Council on 30 June 1989; and

5. *Recommends* that the Council continue to:

- gather the results of States' experience in co-operation to suppress acts of unlawful interference with international civil aviation;
- analyze the existing situation in the fight against acts of unlawful interference with international civil aviation in different regions of the world; and
- prepare recommendations for strengthening measures to suppress such acts of unlawful interference.

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**APPENDIX H**

**CO-OPERATION WITH INTERNATIONAL  
ORGANIZATIONS IN THE FIELD OF  
AVIATION SECURITY**

*The Assembly:*

1. *Invites* the International Criminal Police Organization (ICPO/INTERPOL), the Universal Postal Union (UPU), the International Air Transport Association (IATA), Airports Council International (ACI), and the International Federation of Air Line Pilots' Associations (IFALPA) to continue their co-operation with ICAO, to the maximum extent possible, to safeguard international civil aviation against acts of unlawful interference.

— END —