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ASSEMBLY — 39TH SESSION

REPORT OF THE EXECUTIVE COMMITTEE ON AGENDA ITEM 16

(Presented by the Chairman of the Executive Committee)

The attached report on Agenda Item 16 has been approved by the Executive Committee. Resolutions 16/1 and 16/2 are recommended for adoption by the Plenary.

Note.— After removal of this covering sheet, this paper should be inserted in the appropriate place in the report folder.

(31 pages)

Agenda Item 16: Aviation Security - Policy

16.1 At its fifth meeting, the Executive Committee considered the subject of aviation security policy on the basis of a Council report on the ICAO Comprehensive Aviation Security Strategy (WP/14) and a Council report on the Establishment of a Global Aviation Security Plan (WP/15). Based on this information, the Committee also considered the Council's proposal for updating the *Consolidated statement of continuing ICAO policies related to aviation security* (WP/16), and a proposal for a new Resolution on *Addressing cybersecurity in civil aviation* (WP/17). In addition, there were 23 papers submitted by States and Observers: WPs/98, 99, 131, 132, 136, 145, 175, 177, 180, 184, 187, 198, 219, 238, 254, 310, 311, 312, 315, 327, 330, 361 and 373.

16.2 With a view to setting the context for discussions on the above-mentioned papers, the Committee considered an update provided by France, New Zealand and the United Kingdom on Resolution 2309 (2016) on aviation security, which was adopted by the special meeting of the United Nations (UN) Security Council on 22 September 2016, followed by a Secretary General report on her briefing to the UN Security Council.

16.3 The ICAO Secretary General further reported that Resolution 2309 (2016) recognizes the terrorist threat to global civil aviation as a threat to international peace and security, calls upon all States to implement effective measures to mitigate the threat, and urges States to work with ICAO to support the effective implementation of ICAO's security-related Standards and Recommended Practices (SARPs).

16.4 Efforts by the UN Security Council to enhance international cooperation and collaboration to address the threat posed by terrorist targeting of civil aviation received wide support by the Committee, which recognized that a UN resolution on terrorism and aviation security would help raise awareness of the threat to civil aviation, reinforce the existing international framework of aviation security standards and encourage the implementation of effective measures to address the threat. Delegates also recognized that the Resolution would serve as a key tool for ICAO and its Member States when aligning and adjusting aviation security priorities. Several Member States referenced Resolution 2309 when asserting the need to expedite development of the Global Aviation Security Plan (GASeP).

16.5 Particularly with regard to UN-ICAO cooperation in aviation security, delegates supported the UN Security Council's calls for continued cooperation between ICAO and the relevant UN bodies, such as the UN Counter-Terrorism Executive Directorate on identifying gaps and vulnerabilities relevant to aviation security, the UN Counter-Terrorism Implementation Task Force to facilitate the delivery of technical assistance and capacity building in the field of aviation security, and the UN Counter-Terrorism Committee.

16.6 The Council, in WP/14, reported on key accomplishments of the ICAO Comprehensive Aviation Security Strategy (ICASS) during the 2014-2016 triennium, highlighting the continued progress in implementing the strategy, and lessons learned. The Council also proposed that, pending the approval of the GASeP, implementation of the ICASS should be extended into the 2017-2019 triennium.

16.7 In light of the outcomes and achievements from ICASS implementation during the 2014-2016 triennium, in WP/15 the Council presented a proposal for the development of the GASeP.

This document addresses the needs of States and regions to assist in guiding all States' aviation security enhancement efforts, as well as those of other stakeholders, through a set of internationally agreed goals and targets.

16.8 As requested by the 38th Assembly, and in view of developments in the field of aviation security since the 38th Session of the Assembly as well as the future focus of ICAO in this field, in WP/16 the Council presented proposals for revising Assembly Resolution A38-15: Consolidated statement of continuing ICAO policies related to aviation security.

16.9 In an effort to further promote a consistent and coherent approach in managing cyber threats and risks, the Council, in WP/17, proposed a draft Resolution on how to better address cybersecurity in civil aviation. The Resolution aims to address cybersecurity through a horizontal, cross-cutting and functional approach, reaffirming the importance and urgency of protecting civil aviation's critical infrastructure systems and data against cyber threats. It also seeks to obtain global commitment to action by ICAO, its Member States and industry stakeholders, with a view to collaboratively and systematically addressing cybersecurity in civil aviation and mitigating the associated threats and risks.

16.10 In WP/98, Slovakia on behalf of the European Union and its Member States, and the other Member States of the European Civil Aviation Conference, presented proposals for priorities in aviation security. The proposals are based on the lessons learned from the implementation of Assembly Resolution A38-15 and the ICAO work programme for 2014-16, and are to be reflected in amendments to Assembly Resolution A38-15, and taken into account when defining the Organization's work priorities in aviation security for the 2017-2019 triennium.

16.11 In WP/99, the United States and the European Union and its Member States, the other Member States of the European Civil Aviation Conference and EUROCONTROL promoted a coordinated approach to mitigate the threat posed by cyber-attacks. The paper endorsed a joint aviation risk management approach that would define common principles and methods to identify, assess and mitigate the risks association with cyber-attacks in order to achieve global and coherent cyber resilience. Furthermore, the paper highlighted the critical need for sharing of information on cyber incidents and threats to help achieve global cyber resilience and cope with the evolving nature of cyber-attacks.

16.12 The African Civil Aviation Commission (AFCAC) stressed in WP/145 the importance of keeping up with new and emerging threats and proactively developing measures and guidance material aimed at mitigating the risks associated with such threats. In particular, the paper highlighted the increase of landside attacks and the threats posed by persons other than passengers, such as airport staff. Recognizing the progress made by ICAO regarding the security of landside areas of airports, as evidenced by the recent elevation of related Annex 17 provisions from Recommended Practices to Standards, the paper called for the development of additional guidance material and capacity-building activities to assist Member States in addressing the insider threat.

16.13 In WP/175, Singapore, on behalf of 23 Member States, stressed the critical importance of addressing challenges posed by cyber threats. Drawing from the key issues discussed at the Civil Aviation Cybersecurity Conference, held in Singapore in July 2015, the paper proposed a number of possible actions to be undertaken by regulators and stakeholders within a framework and under the leadership of ICAO. In particular, it called for the sharing of information and best practices amongst agencies on civil

aviation cybersecurity to help States and stakeholders jointly and collectively detect trends, identify threats and develop effective counter measures.

16.14 Experience in conducting self-assessments in aviation security is highlighted by the United States in WP/177. It is proposed that a high aviation security priority during the next triennium should be to focus on refining and building upon the tools available to States for implementation of Standards and Recommended Practices (SARPs) and assessments of security systems. Such tools can include information and best practices on how to improve self-assessments as part of National Quality Control Programmes for aviation security. Root cause analysis of compliance data may indicate that issues with implementation are systemic and require attention at a foundational level.

16.15 While ICAO and its Member States have traditionally focused on identifying external threats to the civil aviation environment, the United States in WP/180 notes that aviation systems remain vulnerable to the risks posed by insiders, which exist in nearly every industry, including civil aviation. The paper urges continued efforts by civil aviation organizations and other authorities to recognize, understand, and implement appropriate actions to address insider risks and strengthen security in direct support of ICAO Annex 17 – Security, Chapter 4, taking into account the United States’ experience in dealing with and managing insider risk.

16.16 The need to reach better recognition of equivalent security measures related to the application of security controls to liquids, aerosols and gels (LAGs) and security tamper-evident bags (STEBs) was highlighted by South Africa in WP/184. While acknowledging the fundamental right of Member States to restrict the carriage of LAGs transiting through their territories, the paper encouraged the mutual recognition of equivalent measures and greater collaboration among States in that regard.

16.17 The Civil Air Navigation Services Organisation (CANSO), in WP/187, underlined the importance of the protection of all digital information and systems within aviation networks, and called for greater coordination among the many aviation communities using Information and Communications Technology (ICT) systems. The paper also recognized that the protection of relevant assets against cyber-attacks may be carried out differently across the aviation system, in accordance with stakeholders’ priorities. In that regard, the paper supported a common approach to addressing cybersecurity issues that should be abided by in order to fully integrate cybersecurity within national, regional and international security programmes.

16.18 In WP/198, the Airports Council International (ACI) supported the actions being taken by ICAO with regard to landside security, and identified a number of key actions deemed critical in securing the landside areas of airports, including a mechanism to better share threat information among relevant entities such as local law enforcement, intelligence agencies and airports. The paper strongly cautioned against possible misinterpretation of what constitutes landside areas among airports, agencies, authorities and States. It also questioned the implementation of screening checkpoints at the entrance of airport terminals, which may engender new vulnerabilities and targets in the form of congregations of people.

16.19 Drawing from experience with a recently conducted Universal Security Audit Programme – Continuous Monitoring Approach (USAP – CMA) audit, India in WP/219 noted that the basis of some of the Protocol Questions (PQs) in terms of Annex 17 SARPs were not clear. The paper attempted to bridge the gap between the PQs and the regulations by recommending introduction of some new SARPs and deletion of some PQs.

16.20 The issues related to the implementation of screening of liquids, aerosols and gels (LAGs) globally were stressed by Nigeria in WP/254, which identified the lack of policy harmonization and information sharing on screening technology as the key challenge to the lifting of restrictions on the carriage of LAGs.

16.21 In WP/310, the Russian Federation supported the approval by the ICAO Council of Amendment 15 to Annex 17 — *Security*, which introduced new and updated Standards to mitigate the threat posed by landside areas of airport. The paper further proposed that a new Standard be introduced to request that States place at the entrance to the landside areas X-ray equipment, stationary and hand-held metal detectors, as well as explosives detectors for the preliminary screening of all persons entering the terminal facilities, and for additional guidance material to be developed.

16.22 The use of a video surveillance system on board passenger aircraft and at aircraft stands, intended as a means to ensure objective monitoring for the prevention and investigation of acts of unlawful interference, was proposed by the Russian Federation in WP/311. It listed the merits of equipping aircraft and aircraft stands with such surveillance systems and requested that the Council of ICAO consider the need to develop requirements in this regard.

16.23 In WP/312, the Russian Federation provided an overview of their aviation security regulatory framework that takes into account the inherent vulnerabilities of its civil aviation infrastructures and determines appropriate security measures according to an established categorization of such infrastructures. The paper called on States to further the exchange of information in order to strengthen aviation security, its stakeholders and infrastructures.

16.24 Colombia provided in WP/315 an overview of the work carried out by the ICAO/LACAC Aviation Security and Facilitation Regional Group in the field of aviation security management systems (SeMS). The paper highlighted the Group's commitment to developing a SeMS under a National Programme for the Implementation of Aviation Security Management, in an effort to strengthen aviation security in the region and beyond. To that end, the Group invited support from Member States in the form of technical expertise.

16.25 Venezuela in WP/327 noted with concern the lack of new information on LAGs observed in recent years, and, in particular, the lack of related Standards in Annex 17 — *Security*. The introduction of such Standards would help ensure the adoption of a single international approach to the implementation of LAGs-related measures and controls.

16.26 In WP/330, Panama presented experience with regional efforts to establish a one-stop security (OSS) system based on existing ICAO guidance, and sought Assembly endorsement on these efforts for the NACC/SAM Regions.

16.27 In an information paper (WP/361), China highlighted efforts to undertake security risk assessments on: the overseas branches of China's air carriers; overseas destination airports; and foreign carriers operating flights to China.

16.28 In an information paper (WP/136), India described its efforts to have biometric based access control systems in all its airports, with a view to making the security architecture at Indian airports more robust.

16.29 In an information paper (WP/238), Indonesia reported progress on aviation security policy framework and the implementation of aviation security strategies in the State, drawing attention to aviation security initiatives designed to prevent acts of unlawful interference.

16.30 In an information paper (WP/131), Spain provided information regarding aviation security at Spanish airports and air navigation facilities, and the security measures associated with each threat level.

16.31 In an information paper (WP/132), Spain drew attention to its legislative initiatives regarding remotely piloted aircraft systems (RPAS) and described the operational conditions for the different types and activities of RPAS, and specific requirements for RPAS operators.

16.32 In an information paper (WP/373), the World Customs Organization (WCO) described progress made since the last Assembly in joint ICAO-WCO projects with regard to air cargo security and facilitation.

Discussion

Global framework

16.33 The Committee noted with satisfaction the implementation of the ICASS during the 2014-2016 triennium, and supported the proposed short-term continuation of the ICASS for the 2017-2019 triennium on the basis of WP/14, until it is replaced by the GASeP.

16.34 As the current threat and risk environment demands that aviation security remain a high priority for States, and in line with comments by several Member States citing Resolution 2309 as a key tool to aid in driving aviation security priorities, the Committee supported the accelerated development of the GASeP based on the concepts outlined in WP/15. The Committee also acknowledged support and contributions by States and industry to ensure the timely development of the Plan, including calling together experts to aid in drafting. The delegates supported proposals for a draft Plan to be available for review by the twenty-eighth meeting of the Aviation Security Panel scheduled in 2017.

16.35 Recognizing the importance of consultations with States and stakeholders, the Committee urged ICAO to ensure the close involvement of the Aviation Security Panel in developing the GASeP, and to also consider utilizing other forms of State support e.g. through the provision of subject matter expertise.

Strategic priorities for the next triennium

16.36 There was wide agreement within the Committee that given the rapidly evolving threat and risk environment and anticipated traffic growth, the priorities for the next triennium should focus on the following:

- a) strengthening efforts by States, industry and other stakeholders to ensure effective and sustainable implementation of Annex 17 – *Security* and security-related SARPs of Annex 9 – *Facilitation*;

- b) continuing to take appropriate actions to address and mitigate the risk posed by insiders, and encouraging greater information-sharing, and the exchange of successful tools and other guidelines on this subject within the aviation community;
- c) building knowledge, capacity and a culture of security in developing and utilizing: analytical tools and techniques necessary to conduct self-assessments for the effective implementation of security-related SARPs; additional guidance; training; and other tools to support the enhanced implementation of effective security measures and quality control systems;
- d) enhancing international cooperation in increased threat situations to ensure the effective deployment of additional measures;
- e) refining the Universal Security Audit Programme (USAP) methodology to ensure it continues to provide a reliable picture of the standards of security measures on the ground; and
- f) continuing to improve the effectiveness in capacity-building activities thereby ensuring enhanced capacity of States in rectifying deficiencies.

Cybersecurity

16.37 Acknowledging the urgency and importance of protecting civil aviation's critical infrastructure, data and information and communication technology systems against cyber threats, the Committee agreed that a coordinated approach was necessary to achieve an acceptable and commensurate resilience capability on a global scale. In this regard, the Committee welcomed the actions proposed in WP/175 and in particular the establishment of a global framework for civil aviation stakeholders to address cybersecurity through a cross-cutting and horizontal approach. The Committee further encouraged States and industry stakeholders to develop and participate in government/industry partnerships and mechanisms, nationally and internationally, for the systematic sharing of information on cyber threats, incidents, trends and mitigation efforts.

16.38 In light of the above, the Committee considered the draft Resolution on *Addressing Cybersecurity in Civil Aviation*, proposed by the Council as a means of demonstrating the will of ICAO and industry to address cyber threats through a collaborative, harmonized and global approach. Recognizing the need to promote a consistent and coherent strategy in managing cyber threats and risk, the Committee expressed unanimous support for the draft Resolution.

Landside security

16.39 In discussing the threat posed to the landside areas of airports, the Committee noted with satisfaction the proposed new and revised Annex 17 — Security Standards aimed at risk assessment and effective coordination and mobilization of resources among relevant entities to address landside issues rather than prescribing particular approaches or responses. To that end, many States and the Airports Council International (ACI), cautioned against the displacement or creation of vulnerabilities when implementing landside security measures. The Committee agreed that those measures should be supported by risk assessments carried out by relevant authorities. The Committee was therefore of the view that the identification of landside areas and the development of guidance and training materials in

that regard should be consistent with the approaches and principles contained in ICAO SARPs, taking into consideration existing practice.

Measures to mitigate insider threat

16.40 Acknowledging that civil aviation remains vulnerable to the threats posed by insiders, the Committee agreed that States should make use of and share existing guidance and best practices designed to mitigate this growing threat. The Committee further agreed that ICAO and its Member States should play a critical role in ensuring that the aviation community is better equipped to understand and manage the scope of insider-facilitated attacks against the aviation system. The Committee then recalled that guidance material on the matter was available in the ICAO Aviation Security Manual (Doc 8973 - Restricted) and recommended that it be updated, as appropriate, to account for the evolution of this threat.

Liquids, aerosols and gels

16.41 The Committee recognized that the use of liquid explosives remains a significant aviation security concern and noted the issues raised by South Africa and Nigeria in WP/184 and WP/254, respectively, regarding policy harmonization, information sharing and the expedited development of guidance and training materials on the security control measures for liquids, aerosols and gels (LAGs). While acknowledging the fundamental right of Member States to restrict the carriage of LAGs transiting through their territories, the Committee further encouraged the mutual recognition of equivalent measures through greater collaboration among States. A number of Member States expressed support for these initiatives and the Committee referred these issues to the Aviation Security Panel to continue its work.

16.42 The Committee considered the proposal by Venezuela in WP/327 for the introduction of a new Standard in Annex 17— *Security* regarding the security controls, which may include screening, to be applied to LAGs upon entry to Security Restricted Areas (SRAs) of airports. It was agreed that proposals for the introduction of additional Standards be referred to the Aviation Security Panel for discussion and deliberation.

Annex 17 and related guidance material

16.43 The Committee took note of proposals for additional SARPs in the areas of training, quality control, in-flight security officers, catering security and behaviour detection, in an effort to bridge the gap between security-related SARPs and the USAP protocol questions. The Committee considered that technical discussions on proposed revisions to SARPs and related guidance material would be best discussed in the Aviation Security Panel.

16.44 A proposal for inclusion of video surveillance recording systems in aircraft and at aircraft stands in Annex 17— *Security* was noted by the Committee, while recognizing that this issue is currently being considered by the Aviation Security Panel (AVSECP) and remains relevant for other ICAO Panels.

Other policy issues

16.45 The Committee commended efforts made to implement a one-stop security system for the North American, Central American and Caribbean (NACC) Region and the South American (SAM) Region, and the actions taken towards achieving that goal. Delegates recognized the importance of achieving appropriate balance between the effectiveness of security measures and facilitation, the role played by ICAO in promoting one-stop security arrangements, which should be based on an agreed comprehensive and continuous validation process and effective exchange of information regarding their respective aviation security systems resources and other principles as elaborated in the *ICAO Aviation Security Manual* (Doc 8973)

16.46 Support was expressed for encouraging States to introduce a security management system (SeMS) approach within the framework of a National Civil Aviation Security Programme (NCASP), as practicable.

16.47 Completing its work on this agenda item, the Committee agreed to submit for adoption by the Plenary, Resolution 16/1 containing a revised *Consolidated statement of continuing ICAO policies related to aviation security*, taking into account the Committee's proposed amendments, and Resolution 16/2 on *Addressing Cybersecurity in Civil Aviation*.

Resolution 16/1: Consolidated statement of continuing ICAO policies related to aviation security

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

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

Whereas the Assembly has reviewed proposals by the Council for the amendment of the consolidated statement of continuing ICAO policies in Resolution A38-15, Appendices A to I inclusive, and has amended the statement to reflect the decisions taken during the 39th Session;

The Assembly:

1. *Resolves* that the Appendices attached to this resolution constitute the consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference, as these policies exist at the close of the 39th Session of the Assembly;

2. *Resolves* to request that the Council submit for review at each ordinary session a consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference; and

3. *Declares* that this resolution supersedes Resolution A38-15.

APPENDIX A

General policy

Whereas the development of international civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world, yet its abuse can become a threat to general security;

Whereas acts of unlawful interference against civil aviation have become the main threat to its safe and orderly development;

Whereas the threat of terrorist acts, including those posed by the use of aircraft as a weapon of destruction, by the targeting of aircraft by man-portable air defence systems (MANPADS), other surface-to-air missiles systems, light weapons and rocket-propelled grenades, by carrying on board liquids, gels and aerosols as component parts of an improvised explosive device, by sabotage or attempted sabotage using an improvised explosive device, by the unlawful seizure of aircraft, or by attack on aviation facilities, including in landside areas, and other acts of unlawful interference against civil aviation, has a serious adverse effect on the safety, efficiency and regularity of international civil aviation, endangering the lives of persons on board and on the ground and undermining the confidence of the peoples of the world in the safety of international civil aviation;

Whereas all acts of unlawful interference against international civil aviation constitute a grave offence in violation of international law;

Recalling 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-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 Resolution 2309 (2016) – Threats to international peace and security caused by terrorist acts: Aviation security;

Recognizing the importance of global consultations and outreach efforts with Member States to elaborate and refine the elements of the GASeP; and

Recognizing that it is necessary for the Organization to continue to implement the ICASS, until the GASeP has been fully developed and approved for implementation.

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 2014-2016 triennium;
8. *Urges* all Member States to continue to financially support the Organization's aviation security activities beyond those budgeted for under the regular programme through the ICASS;
9. *Directs* the Council to consider the lessons learned from ICASS in establishing the GAsEP based on clear and collective aviation security goals and targets, and supported by concrete and measurable indicators to guide ICAO, States and stakeholders in ensuring continuous improvement in aviation security;
10. *Directs* the Council to task the Aviation Security Panel to expeditiously develop the GAsEP and present the Plan to the Council for approval and consultation with Member States and key stakeholders by the second half of 2017;
11. *Urges* all Member States to take active participation in global and regional consultations in order for the GAsEP to be truly global and also reflect aspirations, needs 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), 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;

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). Lists of States Parties to aviation security legal instruments can be found on 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 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 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 technology and process innovations are required to achieve effective and efficient aviation security and facilitation measures, and in defining the future of security screening regimes;

The Assembly:

1. *Urges* the Council to continue to attach the highest priority to the adoption of effective measures for the prevention of acts of unlawful interference commensurate with the current threat to the security of international civil aviation, to take into account the innovative and evolving nature of that threat, and to keep up to date the provisions of Annex 17 to the Chicago Convention from a threat and risk perspective;

2. *Requests* that the Council complete, in addition to the International Explosives Technical Commission (IETC) mandate as prescribed by the *Convention on the Marking of Plastic Explosives for the Purpose of Detection*, studies into methods of detecting explosives or explosive materials, especially into the marking of those explosives of concern, other than plastic explosives, with a view to the evolution, if needed, of an appropriate comprehensive legal regime;

3. *Urges* all States on an individual basis and in cooperation with other States to take all possible measures for the prevention of acts of unlawful interference, in particular, those required or recommended in Annex 17 as well as those recommended by the Council;

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 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, pursuant to their domestic laws, regulations and aviation security programmes, and in accordance with applicable SARPs and the capacity of each State, to promote the implementation of aviation security measures in a practical manner to:

a) broaden existing cooperation mechanisms amongst States and industry, as appropriate, for information exchange and the early detection of security threats to civil aviation operations;

b) share expertise, best practices and information relating to preventive security measures, including screening and inspection techniques, the detection of explosives, airport security behavioural detection, screening and credentialing of airport staff, human resource development and the research and development of relevant technologies;

c) utilize modern technologies to detect prohibited materials and to prevent the carriage of such materials on board aircraft while respecting the privacy and safety of individuals;

d) define aviation security measures that are risk-based, appropriate and proportionate to the threat, effective, efficient, operationally viable, economically and operationally sustainable, and take into account the impact on passengers and on legitimate trade;

e) address the continued threat posed by liquids, aerosols and gels (LAGs) explosives, including the implementation of technological solutions needed to gradually lift restrictions on the carriage of LAGs in cabin baggage;

f) treat flights arriving from States where LAGs screening is applied in the same way as flights from States where LAGs restrictions are applied;

g) intensify efforts in securing the air cargo and mail security system by:

i. developing a strong, sustainable and resilient air cargo security framework;

ii. implementing robust security standards effectively;

iii. adopting a total supply chain approach to air cargo and mail security;

iv. establishing and strengthening oversight and quality control of air cargo and mail security;

- v. engaging in bilateral and multilateral cooperative efforts to coordinate actions to harmonize and enhance air cargo and mail security and secure the global air cargo supply chain;
 - vi. sharing best practices and lessons learned with other States to enhance the overall level of air cargo and mail security; and
 - vii. strengthening initiatives to intensify capacity-building in air cargo and mail security;
- h) give consideration to the potential security vulnerability of remotely piloted aircraft systems in order to prevent unlawful interference;
- i) ensure that civil aviation threat and risk assessments in airspace are performed, and that States provide information to relevant stakeholders in a timely manner on all possible risks to civil aviation;
- j) 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 the creation 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) ensure the protection of civil aviation against cyber-attacks and cyber threats.
8. *Calls upon* Member States to enhance their use of information exchange mechanisms, particularly Advance Passenger Information (API) provided by air carriers, to strengthen aviation security and reduce the risk to passengers, while ensuring the protection of privacy and civil liberties;
9. *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;
10. *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;
11. Requests the Council to direct the Secretary General to:

- a. ensure that the provisions of Annex 17 and Annex 9 — Facilitation are compatible with and complementary to each other, provided that the effectiveness of security measures is not compromised;
 - b. where relevant, include items dealing with aviation security on the agenda of ICAO meetings;
 - c. continue to promote the development of effective and innovative security processes and concepts, through awareness-raising regional and subregional aviation security events at the request of States concerned, including in cooperation with industry stakeholders and equipment manufacturers to develop the next generation of passenger and cargo screening processes;
 - d. continue to work with the Aviation Security Panel to address new and existing threats to civil aviation, and to develop appropriate preventive measures, including the screening and security control of persons other than passengers with access to secured airport facilities, enhanced screening of passengers and baggage, appropriate security controls for cargo, the supply chain and service providers, as well as the selection and training of persons executing and implementing security measures;
 - e. promote the development of mutual recognition processes with the goal of assisting States in achieving mutually beneficial arrangements, including one-stop security arrangements, which recognize the equivalence of their aviation security measures where these achieve the same outcomes, and which are based on an agreed comprehensive and continuous validation process and effective exchange of information regarding their respective aviation security systems; and
 - f. continue to address other threats and risks, including cyber threats to aviation security, risks to landside areas of airports and air traffic management security, in consultation with the Aviation Security Panel;
12. *Directs* the Council to require the Secretary General to update and amend at appropriate intervals the Aviation Security Manual and develop new guidance material, including detailed guidance material on liquids, aerosols and gels, and human factors, as required, designed to assist Member States in responding to new and existing threats to aviation and implementing the specifications and procedures related to civil aviation security;
13. *Directs* the Council to instruct the Secretary General and the Aviation Security Panel to ensure the periodic review and updating of the *ICAO Global Risk Context Statement*, which provides a risk assessment methodology for aviation security which may be considered by Member States for use in further developing their own national risk assessments and to include risk-based assessments

with any recommendations for the adoption of new or amended aviation security measures in Annex 17 or in any other ICAO document;

14. *Directs* the Council to instruct the Secretary General and the Aviation Security Panel to ensure that appropriate fields of expertise are engaged in the assessment of aviation security risks and the development of SARPs, specifications, guidance material, and other mean to address issues of aviation security, including coordination with other panels; and

15. *Directs* the Council to instruct the Aviation Security Panel to continually assess its terms of reference and governing procedures to ensure there are no constraints on the Panel's ability to consider the full scope of aviation security issues.

APPENDIX D

Action of States concerned with an act of unlawful interference

a) *Acts of unlawful interference*

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

Whereas the safety of flights of aircraft subjected to acts of unlawful seizure may be further jeopardized by the denial of navigation aids and air traffic services, the blocking of runways and taxiways and the closure of airports; and

Whereas the safety of passengers and crew of an aircraft subjected to an act of unlawful seizure may also be further jeopardized if the aircraft is permitted to take off while still under seizure;

The Assembly:

1. *Expresses concern* about the challenges posed to security of civil aviation by new and existing threats and the changing modus operandi used in perpetrating acts of unlawful interference;

2. *Recalls* in this regard the relevant provisions of the Chicago, Tokyo, The Hague, Montréal and Beijing Conventions, the 1988 Supplementary Protocol to the Montréal Convention and the 2010 *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft*, 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 as well as under Annex 17, following occurrences of unlawful interference, to forward to the Council, as soon as possible, all relevant information required by those Articles and SARPs in order to enable the Secretariat to retain accurate and complete information and to analyse trends and new threats to civil aviation;
3. *Directs* the Council to direct the Secretary General, within a reasonable time from the date of a specific occurrence of unlawful interference, to request that concerned States forward to the Council in accordance with their national law all relevant information concerning such an occurrence, including, particularly, information relating to extradition or other legal proceedings; and
4. *Requests* that the Council direct the Secretary General, in conjunction with the Aviation Security Panel, to monitor, collate, verify and analyse reported acts of unlawful interference, inform States of trends and potential and new threats, and develop appropriate guidance to deter new and existing threats.

APPENDIX E

The ICAO Universal Security Audit Programme

Whereas the ICAO Universal Security Audit Programme (USAP) has been successful in meeting the mandate of Resolution A38-15, 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 and the security-related provisions of Annex 9;

Whereas the establishment of an effective security oversight system by States supports the implementation of international aviation security Standards and Recommended Practices (SARPs) and contributes to this objective;

Recalling that the ultimate responsibility to ensure 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;

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; and

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

Recalling that the 38th 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 and to oversee the activities of the USAP-CMA as it monitors States' levels of effective implementation of the critical elements of an aviation security oversight system, compliance with the ICAO security-related SARPs, and implementation of State corrective action plans;
4. *Requests* the Council to direct the ICAO Secretariat to review the scope and methodology of the 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. *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;

6. *Urges* all Member States to give full support to ICAO by:

a) accepting USAP-CMA missions as scheduled by the Organization, in coordination with relevant States;

b) facilitating the work of USAP-CMA teams;

c) preparing and submitting to ICAO all required documentation; and

d) preparing and submitting an appropriate corrective action plan to address deficiencies identified during USAP-CMA activities;

7. *Urges* all Member States to share upon request, if appropriate and consistent with their sovereignty, the results of audits and other USAP-CMA activities carried out by ICAO and the corrective actions taken by the audited State; and

8. *Requests* that the Council report to the next ordinary session of the Assembly on the overall implementation of the USAP-CMA.

APPENDIX F

The ICAO Implementation Support and Development – Security Programme (ISD-SEC)

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

Whereas notwithstanding assistance given, some countries, in particular developing countries, lack aviation security oversight capacity and still face difficulties in fully implementing preventive measures due to insufficient financial, technical and material resources;

The Assembly:

1. *Directs* the Council to request the Secretary General to facilitate and coordinate technical assistance and support for States that need to improve their aviation security oversight, through the development of a coordinated, targeted and effective international aviation security capacity-building framework;

2. *Urges* Member States to voluntarily contribute financial and in-kind resources to increase the reach and impact of ICAO aviation security enhancement activities;
3. *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;
4. *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;
5. *Invites* Member States to also consider requesting assistance from other international organizations to meet their technical assistance requirements arising from the need to protect international civil aviation;
6. *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;
7. *Directs* the Council to request the Secretary General to facilitate the coordination of assistance programmes and activities by collecting information on such initiatives;
8. *Directs* the Council to request the Secretary General to assess the quality and effectiveness of ICAO assistance projects;
9. *Urges* Member States and relevant stakeholders to partner for the organization and delivery of capacity-building activities, documenting the commitments made by each party ;
10. *Requests* the Council to direct the Secretary General to 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;
11. *Urges* Member States to contribute training documentation to aid in the future development and updates of the ICAO Training Programme for Aviation Security including, *inter alia*, ASTPs and Aviation Security Workshops;

12. *Requests* the Council to direct the Secretary General to oversee, develop, promote, and regularly re-evaluate the Aviation Security Training Centres (ASTCs) network to ensure that training standards are maintained and sound levels of cooperation are achieved;
13. *Urges* Member States to utilize 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 G

Action by the Council with respect to multilateral and bilateral cooperation in different regions of the world

Whereas the rights and obligations of States under the international legal instruments on aviation security and under the SARPs adopted by the Council on aviation security could be complemented and reinforced in multilateral and bilateral cooperation between States;

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

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

Whereas focussing on security outcomes, recognition of equivalence and one-stop security, and respecting the spirit of cooperation defined in multilateral and/or bilateral air services agreements are policy principles whose implementation can contribute significantly to aviation security sustainability;

The Assembly:

1. *Recognizes* that success in eliminating threats to civil aviation can only be achieved through the concerted effort of everyone concerned and a close working relationship between national agencies and aviation security regulators of all Member States;
2. *Urges* all Member States to insert into their multilateral and bilateral agreements on air services a clause on aviation security, taking into account the model clause adopted by the Council on 25 June 1986 and the model agreement adopted by the Council on 30 June 1989;

3. *Urges* all Member States to adopt the following key principles as the basis for international cooperation in aviation security and to ensure effective aviation security cooperation amongst States, ICAO and other relevant international organizations:

a) respect for the spirit of cooperation defined in bilateral and/or multilateral air services agreements;

b) recognition of equivalent security measures; and

c) focus on security outcomes;

4. *Urges* all Member States, who have not yet done so, to participate in the ICAO Aviation Security Point of Contact (PoC) Network, established for the communication of imminent threats to civil air transport operations, with the objective of providing a network of international aviation security contacts within each State, and to intensify their coordination and cooperation to ensure the exchange of best practices through the AVSECPaedia;

5. *Urges* the Council to request the Secretary General to promote initiatives which enable the establishment of technological platforms for the exchange of aviation security information among Member States;

6. *Requests* that the Council continue to:

a) gather the results of States' experience in cooperating with each other to prevent acts of unlawful interference with international civil aviation;

b) analyse differing circumstances and trends in preventing threats to international civil aviation in different regions of the world; and

c) prepare recommendations for strengthening measures to deter and prevent such acts of unlawful interference;

7. *Directs* the Council to act with the requisite urgency and expedition to address new and existing threats to civil aviation, seeking to mitigate unnecessary disruption to air travel as a result of confusion or inconsistent implementation or interpretation of necessary measures, facilitating a common and consistent response by States, and encouraging clear communication by States to the travelling public.

APPENDIX H

International and regional cooperation in the field of aviation security

Recognizing that the threat posed to civil aviation requires development of an effective global response by States and concerned international and regional organizations;

The Assembly:

1. *Invites* the Civil Air Navigation Services Organization (CANSO), the International Atomic Energy Agency (IAEA), the International Criminal Police Organization (ICPO/INTERPOL), the International Maritime Organization (IMO), the Organization for Security and Cooperation for Europe (OSCE), the United Nations Counter-Terrorism Committee Executive Directorate (UNCTED), the United Nations Counter-Terrorism Implementation Task Force (UNCTITF), the United Nations Office on Drugs and Crime (UNODC), the Universal Postal Union (UPU), the World Customs Organization (WCO), the 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.

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Resolution 16/2: Addressing Cybersecurity in Civil Aviation

Whereas the global aviation system is a highly complex and integrated system that comprises information and communications technology critical for the safety and security of civil aviation operations;

Noting that aviation sector is increasingly reliant on the availability of information and communications technology systems, as well as on the integrity and confidentiality of data;

Mindful that the threat posed by cyber incidents on civil aviation is rapidly and continuously evolving, that threat actors are focused on malicious intent, disruption of business continuity and theft of information for political, financial or other motivations, and that the threat can easily evolve to affect critical civil aviation systems worldwide;

Recognizing that not all cybersecurity issues affecting the safety of civil aviation are unlawful and/or intentional, and should therefore be addressed through the application of safety management systems;

Reaffirming the importance and urgency of protecting civil aviation's critical infrastructure systems and data against cyber threats;

Considering the need to work collaboratively towards the development of an effective and coordinated global framework for civil aviation stakeholders to address the challenges of cybersecurity, along with short-term actions to increase the resilience of the global aviation system to cyber threats that may jeopardize the safety of civil aviation;

Acknowledging the value of relevant initiatives, action plans, publications and other media designed to address cybersecurity issues in a collaborative and comprehensive manner;

Recalling initiatives by the principals of Airports Council International (ACI), the Civil Air Navigation Services Organisation (CANSO), the International Air Transport Association (IATA) and the International Coordinating Council of Aerospace Industries Associations (ICCAIA) and ICAO that recognized the need to work together and be guided by a shared vision, strategy and roadmap to strengthen the global aviation system's protection from and resilience to cyber threats; and

Recognizing the multi-faceted and multi-disciplinary nature of cybersecurity challenges and solutions;

The Assembly:

1. *Calls upon* States and industry stakeholders to take the following actions to counter cyber threats to civil aviation:
 - a) Identify the threats and risks from possible cyber incidents on civil aviation operations and critical systems, and the serious consequences that can arise from such incidents;
 - b) Define the responsibilities of national agencies and industry stakeholders with regard to cybersecurity in civil aviation;
 - c) Encourage the development of a common understanding among Member States of cyber threats and risks, and of common criteria to determine the criticality of the assets and systems that need to be protected;
 - d) Encourage government/industry coordination with regard to aviation cybersecurity strategies, policies, and plans, as well as sharing of information to help identify critical vulnerabilities that need to be addressed;
 - e) Develop and participate in government/industry partnerships and mechanisms, nationally and internationally, for the systematic sharing of information on cyber threats, incidents, trends and mitigation efforts;
 - f) Based on a common understanding of cyber threats and risks, adopt a flexible, risk-based approach to protecting critical aviation systems through the implementation of cybersecurity management systems;
 - g) Encourage a robust all-round cybersecurity culture within national agencies and across the aviation sector;
 - h) Determine legal consequences for activities that compromise aviation safety by exploiting cyber vulnerabilities;
 - i) Promote the development and implementation of international standards, strategies and best practices on the protection of critical information and communications technology systems used for civil aviation purposes from interference that may jeopardize the safety of civil aviation;
 - j) Establish policies and allocate resources when needed to ensure that, for critical aviation systems: system architectures are secure by design; systems are resilient; methods for data transfer are secured, ensuring integrity and confidentiality of data; system monitoring, and incident detection and reporting, methods are implemented; and forensic analysis of cyber incidents is carried out; and
 - k) Collaborate in the development of ICAO's cybersecurity framework according to a horizontal, cross-cutting and functional approach involving air navigation, communication, surveillance, aircraft operations and airworthiness and other relevant disciplines.

2. *Instructs* the Secretary General to:

- a) Assist and facilitate States and industry in taking these actions; and
- b) Ensure that cybersecurity matters are fully considered and coordinated across all relevant disciplines within ICAO.

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