



WORKING PAPER

ASSEMBLY — 41ST SESSION

EXECUTIVE COMMITTEE

Agenda Item 14: Aviation Security — Policy

CONSOLIDATED STATEMENT ON CONTINUING ICAO POLICIES RELATED TO AVIATION SECURITY

(Presented by the Council of ICAO)

EXECUTIVE SUMMARY

In 2019, the 40th Session of the ICAO Assembly adopted Resolution A40-11: *Consolidated statement on continuing ICAO policies related to aviation security*. In accordance with Resolving Clause 2 of Resolution A40-11, the consolidated statement must be reviewed at each ordinary Session of the Assembly. Proposed revisions to Resolution A40-11 contained in the Appendix to this working paper are presented for consideration by the Assembly

Action: The Assembly is invited to adopt the revised Assembly Resolution on the *Consolidated statement on continuing ICAO policies related to aviation security*, presented in the Appendix, to supersede Assembly Resolution A40-11.

<i>Strategic Objectives:</i>	This working paper relates to the <i>Security and Facilitation</i> Strategic Objective.
<i>Financial implications:</i>	The ICAO activities referred to in this paper are expected to be undertaken within the resources available in the 2023-2025 Regular Budget and/or from extra-budgetary contributions as guided by the ICAO Business Plan 2023-2025.
<i>References:</i>	Doc 10140, <i>Assembly Resolutions in Force</i> (as of 4 October 2019)

APPENDIX

~~A40-11~~ **A41-xx: Consolidated statement on continuing ICAO policies related to aviation security**

Whereas it is considered desirable to consolidate Assembly resolutions on continuing ICAO policies related to aviation security in order to facilitate their implementation and practical application by making their texts more readily available, understandable and logically organized;

Whereas in Resolution ~~A39-18~~ **A40-11** the Assembly resolved to adopt at each session a consolidated statement on continuing ICAO policies related to aviation security; and

Whereas the Assembly has reviewed proposals by the Council for the amendment of the consolidated statement on continuing ICAO policies related to aviation security in Resolution ~~A39-18~~ **A40-11**, Appendices A to ~~HG~~ inclusive, and has amended the statement to reflect the decisions taken during the ~~40th~~ **41st** Session.

The Assembly:

1. *Resolves* that the Appendices attached to this resolution constitute the consolidated statement on continuing ICAO policies related to aviation security, as these policies exist at the close of the ~~41st~~ **40th** Session of the Assembly;
2. *Resolves* to request that the Council submit for review at each ordinary session a consolidated statement on continuing ICAO policies related to aviation security; and
3. *Declares* that this resolution supersedes Resolution ~~A39-18~~ **A40-11**.

APPENDIX A

General policy

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

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

Whereas the evolving nature of the threat of terrorist acts, including those posed by concealed explosive devices, landside attacks, ~~surface-to-air threats including man-portable air defence systems (MANPADS), other surface-to-air missiles systems~~ attacks from a distance, chemical threats, attacks using Unmanned Aircraft Systems (UAS) ~~Remotely Piloted Aircraft Systems (RPAS)~~, abuse of the air cargo system for terrorist purposes, use of aircraft as a weapon, cyber-attacks and other acts of unlawful interference against civil aviation, including, in particular, the ~~developing~~ insider threat, ~~that~~ 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 that the exploitation of the aviation sector by a variety of criminal activities, including the illicit transport of narcotics and psychotropic substances by air, as well as, the trafficking of humans, wildlife, and other illicit goods can reveal or exacerbate vulnerabilities that could be exploited by those aiming to carry out acts of unlawful interference;

Recalling the Resolution A40-12 on the Declaration on Aviation Security that was adopted by the 37th Session of the Assembly;

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

Mindful of United Nations Security Council resolutions (UNSCR) 2178 (2014), 2309 (2016), 2341 (2016), 2395 (2017), and 2396 (2017), 2482 (2019) and 2617 (2021) related to threats to international peace and security caused by terrorist acts;

Mindful of the United Nations Global Counter-Terrorism Strategy (2006) as a global instrument to enhance national, regional and international efforts to counter terrorism;

Mindful of the efforts by ICAO and its Member States to implement the UN Global Counter-Terrorism Strategy to enhance international, regional and national efforts to counter terrorism, including to take practical steps to strengthen Member State capacity to counter terrorist threats and to reinforce the coordination of the counter-terrorism activities undertaken by the UN System;

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

Recognizing the strong support for the GASeP and continued increased efforts that need to be made by Member States to implement the GASeP since it was approved for implementation towards the global aspirational targets of the GASeP set for 2023 and 2030, with the collective support of other Member States, ICAO, regional organizations, industry and all other stakeholders;

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

Recognizing the ongoing need to promote the enhancement of security awareness and a strong and effective security culture in aviation, by Member States, industry and other stakeholders;

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

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

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

Recognizing that the restrictions and public health measures brought by the COVID-19 pandemic have had a serious impact on the aviation industry and that this impact must be taken into account by ICAO and Member States when making decisions on aviation security policies and measures; and

Reaffirming the commitments made in the Ministerial Declaration of the High-level Conference on COVID-19 (HLCC 2021), among others, the need to ensure a safe, secure, and orderly flow of traffic with operational readiness of aviation, and to ensure the long-term resilience of international aviation and incorporate the lessons learned from the current and past pandemics.

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 in flight and ~~including any attack on~~ civil airports by ~~ballistic missiles or drones~~ surface-to-air threats, attacks using UAS and other attacks from a distance, and the 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 as required and recommended in Annex 17 – *Aviation Security* and security-related provisions in Annex 9 – *Facilitation*, 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, and ensure that this work is carried out with the highest efficiency and responsiveness;
7. *Calls upon* ICAO and its Member States to implement UNSCR 2178, 2309, 2341, 2395, ~~and 2396 and 2482~~ in accordance with ~~the~~ *their* respective competencies and collectively demonstrate ICAO's global leadership in safeguarding international civil aviation against acts of unlawful interference;
8. *Recognizing* the leadership role of ICAO in the area of aviation security, requests the ~~Council~~ Secretary General to raise the profile of aviation security within ICAO and its regional offices

and ensure the long-term sustainability of the Organization's aviation security programme within the context of the Regular Programme Budget;

9. *Urges* all Member States to continue to financially support the Organization's aviation security activities with voluntary contributions in the form of human and financial resources beyond those budgeted for under the regular programme;

10. ~~*Expresses appreciation to the Aviation Security Panel for expeditiously developing the GAsEP and presenting the Plan to the Council for approval in consultation with Member States; Directs*~~ the Council to ensure the regular review of the GAsEP by the Aviation Security Panel so that it remains relevant, its priorities address existing and emerging threats and continues to serve as a useful tool for supporting Member States' efforts to achieve full implementation of Annex 17 — *Aviation Security*;

11. *Directs* the Council to consider the lessons learned from the implementation of the GAsEP, including the changes that have occurred in the aviation industry as a consequence of the COVID-19 pandemic, when making refinements to the Plan, ensuring it contains reflects clear and collective aviation security goals and targets, and is supported by concrete and measurable indicators along with a progress monitoring mechanism using existing processes and tools to assist guide ICAO, Member States and stakeholders in ensuring continuous improvement in aviation security; and

12. *Urges* all Member States to take actively participations in global and regional efforts towards meeting the GAsEP objectives, goals, targets and priorities at the national and regional levels, taking into account global aspirational targets of the GAsEP set for 2023 and 2030; and

13. *Urges* all Member States, industry and other stakeholders to continue to take practical actions towards the enhancement of security culture in aviation to support the effective implementation of security measures, and promote security awareness and optimal security behaviour by all entities and individuals.

APPENDIX B

International air law 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)¹, by the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (Beijing, 2010), by the *Protocol to*

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

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)²;

2. Calls upon Member 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 Member 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 Member 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 Member 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 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 interference against civil aviation by adopting appropriate provisions in law or treaty for that purpose and by concluding appropriate agreements to provide for the extradition of persons committing criminal attacks on international civil aviation.

² Lists of States Parties to aviation security legal instruments can be found at www.icao.int under the ICAO Treaty Collection.

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 actions to mitigate the threat, including those in Annex 17 — *Aviation Security* and security-related provisions in Annex 9 — *Facilitation* 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 continued 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 and other entities rests with the Member States;

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

Whereas a broad set of risk management strategies and tools must be employed to align security measures with security risk in order to ensure the effectiveness and sustainability of aviation security measures, taking into account any unintended impact on the safety of civil aviation;

Whereas countermeasures for protection of civil aviation can only be effective through employment of highly trained and competent security personnel, in addition to background checks, certification and quality control;

Whereas the COVID-19 pandemic may have required temporary alleviations of certain security requirements to be authorized as the case may be;

Recognizing the importance of carefully assessing and addressing the risks associated with the resumption of aviation operations, paying particular attention to risks deriving from the impact of the pandemic on staff;

Whereas the COVID-19 pandemic requires addressing security threats and risks taking into account new health-related risks, while ensuring a balance with facilitation and sustainability;

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

Whereas technology, process innovations and appropriate training are required to achieve effective and efficient aviation security and facilitation measures, and in defining the future of security screening regimes.

The Assembly:

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

32. *Urges* all Member States on an individual basis and in cooperation with other Member 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;

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

54. *Urges* Member States to fully and sustainably implement Annex 17 — *Aviation Security* and the 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;

25. ~~*Urges*~~ ~~*Encourages*~~ the Council ~~Member States~~ to place high importance on the recently adopted Standards ~~to strengthen the response~~ that respond to the insider threat and ensure their effective implementation within their respective jurisdictions, and to continue adapting and adopting measures against this threat;

6. *Encourages* Member States to promote aviation security as a fundamental component of national, social and economic priorities, planning and operations;

7. *Encourages* Member States to work in partnership with industry to develop, conduct operational trials of, and implement effective security measures and innovative technologies, techniques and processes;

8. *Encourages* Member States and industry to coordinate their efforts to evolve aviation security screening to become more agile in responding to new threats, more seamless and passenger-centric while ensuring security objectives in Annex 17 — *Aviation Security* are constantly met;

~~89.~~ *Encourages* Member States and industry organizations all aviation entities to promote a strong and effective take practical steps to develop and organize campaigns to implement security culture in aviation; including the development of and security awareness programmes and campaigns among workforces and the general public that emphasize that security is everyone's responsibility, raise public awareness to further address the insider threat, and implement these programmes in partnership with all stakeholders within the aviation environment;

~~9.~~ *Encourages* Member States and industry organizations investing in the development of cybersecurity strategies to continue to develop a comprehensive Cybersecurity Strategy as well as mechanisms to identify and manage risk, including the sharing of appropriate information related to cybersecurity;

10. *Urges* Member States to maintain a competent, motivated and well-trained workforce and take actions to guarantee and maintain staff competencies that existed prior to the COVID-19 pandemic;

~~1011.~~ *Encourages* Member States to implement effective oversight, including remote techniques when restrictions or other circumstances do not allow for on-site monitoring activities, over all aspects of their aviation security regime in order to ensure that security measures are effectively and sustainably implemented;

~~112.~~ *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 Member 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) use modern technologies to detect prohibited items and materials and to prevent the carriage of such items and materials on board aircraft while respecting the privacy and safety of individuals;
- d) define aviation security measures that are evidence and risk-based, appropriate and proportionate to the threat, effective, efficient, multi-layered, operationally viable, economically and operationally sustainable, and take into account the impact on passengers, crew and on legitimate trade;

- e) intensify efforts in securing the air cargo and mail security system by:
- i. developing a strong, sustainable and resilient air cargo security framework;
 - ii. implementing robust security standards effectively and sustainably;
 - iii. adopting a total supply chain approach to air cargo and mail security, if appropriate;
 - iv. establishing and strengthening oversight and quality control of air cargo and mail security;
 - iv. 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;
 - v. sharing best practices and lessons learned with other Member States to enhance the overall level of air cargo and mail security; and
 - vi. strengthening initiatives to intensify capacity-building and innovation in air cargo and mail security;
- f) give consideration to the potential misuse of UASRPAS, and apply security measures in order to prevent their use in acts of unlawful interference;
- g) ensure that civil aviation security threat and risk assessments within their respective territories and airspace are performed continually, use these assessments to appropriately inform counter-measure development and adjust aviation security policy settings, and that States provide information to relevant stakeholders in a timely manner on all possible risks to civil aviation;
- h) address the risk of attacks in landside areas, including terminal buildings, by working with all stakeholders to:
- i. maintain an appropriate practical balance between the needs of effective and sustainable security measures and passenger facilitation;
 - ii. implement a set of risk-based measures that are flexible and practical, with clearly defined responsibilities among relevant actors;
 - iii. avoid, to the extent possible, the creation of vulnerabilities posed by from the generation of 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;
- i) ensure the protection of civil aviation against cyber-attacks and cyber threats; and
- j) address the risk posed by insiders through the exploitation of staff and their privileged access to secure areas and sensitive security information, taking into consideration the impact of the COVID-19 pandemic and the possibility that the pandemic has created new or exacerbated existing insider vulnerabilities.

~~12. Calls upon Member States to enhance their use of information exchange mechanisms, particularly Advance Passenger Information (API) and Passenger Name Record (PNR) data provided~~

by air carriers, to strengthen aviation security and reduce the risk to passengers, while ensuring the protection of privacy and civil liberties;

~~13. ——— Calls upon Member States to support and contribute to ICAO's work on the development and implementation of a PNR Standard in line with UNSCR 2396;~~

1413. *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;

1514. *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 to reduce duplication;

1615. *Requests* ICAO the Council to direct the Secretary General to:

- a) ensure that the provisions of Annex 17 — *Aviation Security* and Annex 9 — *Facilitation* are compatible with and complementary to each other;
- b) continue to promote the development of effective and innovative security processes and concepts, through awareness-raising regional and sub-regional aviation security events at the request of Member States concerned, including in cooperation with industry stakeholders and equipment manufacturers to develop the next generation of passenger and cargo screening processes;
- c) continue to support the work of the Aviation Security Panel in addressing new and existing threats to civil aviation, and to develop appropriate preventive evidence and risk-based measures;
- d) promote the development of mutual recognition processes with the goal of assisting Member States in achieving mutually beneficial arrangements, including one-stop security arrangements, which recognize the equivalence of their aviation security measures where these achieve the same outcomes, consistent with Annex 17 requirements, and which are based on an agreed comprehensive and continuous validation process and effective ongoing exchange of information regarding their respective aviation security systems; and
- e) continue to address other threats and risks, including cyber threats to aviation security, risks to landside areas of airports and air traffic management security, in consultation with the Aviation Security Panel and the Cybersecurity Panel; and

1716. *Directs* the Council to require the Secretary General to update and amend at appropriate intervals the ICAO *Aviation Security Manual* (Doc 8973) and develop new guidance material 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;

1817. *Directs* the Council to instruct the Secretary General and the Aviation Security Panel to ensure the periodic review and updating of the ICAO *Aviation Security Global Risk Context*

Statement (Doc 10108 — Restricted), 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, in line with Doc 10108, with any recommendations for the adoption of new or amended aviation security measures in Annex 17 or in any other ICAO document;

1918. *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

2019. *Directs the Council to instruct the Aviation Security Panel to* continually assess it's the Aviation Security Panel terms of reference and establish governance procedures to ensure there are no constraints on the Panel's ability to consider the full scope of aviation security issues; and

20. *Directs the Secretary General to continue to ensure that aviation security is appropriately positioned as a core tenet and functional component of the ICAO Secretariat, commensurate with its criticality to the advancement, sustainability, and safe and orderly development of international civil aviation.*

APPENDIX D

The ICAO Universal Security Audit Programme – Continuous Monitoring Approach

Whereas the ICAO Universal Security Audit Programme – Continuous Monitoring Approach (USAP-CMA) has been successful in meeting the mandate of Resolution A39-18/A40-11, Appendix E D;

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 – *Aviation Security* Standards, and the security-related provisions Standards of Annex 9 – *Facilitation*;

Whereas the establishment of an effective aviation security oversight system by Member 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-CMA 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 Member States, serving as a catalyst for their continued efforts to meet their international obligations in the field of aviation security;

Considering that USAP-Continuous Monitoring Approach (CMA) audit results make an important contribution to the understanding of the aviation security posture globally, regionally, and in individual Member States; and that the GASP relies on the compiled USAP-CMA data can also be used to ascertain

whether Member States are ~~meeting~~ achieving the aspirational targeted levels of security set out in the GASeP;

Recognizing that the effective implementation of State corrective action plans to address deficiencies identified through USAP-CMA 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 Member 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 Member States through the high-level Secretariat Monitoring and Assistance Review Board;

Recognizing that the continuation of the USAP-CMA, and the continued evolution of this programme, 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* that full implementation of the USAP-CMA began on 1 January 2015;~~

Recognizing that the impact of the COVID-19 pandemic and resource constraints have limited the frequency with which audits can be conducted;

Recalling that the 40³⁹th 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-CMA is fundamental ~~has proven to be instrumental~~ in improving global aviation security through auditing and continuous monitoring of the aviation security performance of Member States ~~the identification of aviation security concerns and in providing recommendations for their resolution;~~

~~52. *Requests the Council to direct* the Secretary General to ensure that the USAP-CMA continues to assess and measure the sustainable and effective implementation ~~implement improvements aimed at ensuring consistent interpretation~~ of Annex 17 Standards, including risk-based approaches to their compliance as appropriate, and security-related Standards of Annex 9; ~~a more operational focus to the USAP-CMA programme, addressing serious deficiencies in a timely manner; and applying a risk based approach to audit prioritization, thus ensuring effective reporting of Member States' risk based and outcomes focused compliance with relevant security objectives; and to evaluate the implementation of these improvements;~~~~

23. *Expresses its appreciation* to Member States for their cooperation in the USAP-CMA audit process and for making available security experts to be certified as USAP-CMA auditors to serve as short-term experts ~~in~~ for the conduct of USAP-CMA audits, as well as long-term experts to act as USAP-CMA audit team leaders;

34. *Requests* the Council to ensure the continuation and sufficient resourcing of the USAP-CMA and to oversee its activities, as it monitors Member States' ability to establish and maintain sustainable aviation security systems, in compliance with the ICAO security-related Standards, and implementation of State corrective action plans to address deficiencies identified during USAP-CMA audits in a timely manner;
45. *Notes* the work carried out by the ICAO Secretariat, in consultation with Member States, to review the scope and methodology of the USAP-CMA and urges the Secretariat to continue to improve the effectiveness of the programme, in consultation with the Secretariat Study Group on the USAP-CMA;
6. *Endorses* the policy of a limited level of disclosure of security USAP-CMA audit results ~~for the USAP-CMA, particularly relating~~ including to the prompt notification of the existence of significant security concerns;
7. *Urges* all Member States to give full support to ICAO by:
- a) signing the Memorandum of Understanding regarding the USAP-CMA;
 - b) preparing and submitting to ICAO all required documentation according to established timelines ~~accepting~~ prior to USAP-CMA missions activities as scheduled by ICAO the Organization, in coordination with relevant States;
 - c) facilitating the work of USAP-CMA teams during the conduct of USAP-CMA activities;
 - ~~d) preparing and submitting to ICAO all required documentation; and~~
 - e) d) preparing and submitting an appropriate corrective action plan to address deficiencies identified during USAP-CMA activities; and
 - e) implementing those corrective measures within timelines agreed upon between Member States and ICAO.
8. *Requests* ~~the Council to direct~~ the Secretary General to ensure the long-term financial sustainability of the USAP-CMA by taking measures to incorporate the funding requirements for staffing and its activities within the Regular Programme Budget as soon as possible ~~and to the extent practicable; and~~
9. *Urges* ~~all Member States to share, as appropriate, and consistent with their sovereignty, the results of audits and other USAP-CMA activities carried out by ICAO and the corrective actions taken by the audited State; and~~
109. *Requests* that the Council submit a progress report to the next ordinary session of the Assembly on the overall implementation of the USAP-CMA.

APPENDIX E

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

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

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

The Assembly:

1. ~~Directs the Council to request~~ the Secretary General to use the Organization's influence to promote efforts worldwide by Member States and other aviation entities to deliver effective coordinated technical assistance and support for Member States by encouraging that need to improve their aviation security oversight, including through the development of a coordinated, targeted and prioritized effective international aviation security capacity-building activities framework;
2. Urges Member States to voluntarily contribute financial and in-kind resources to increase the reach and impact of ICAO aviation security enhancement activities;
3. ~~Directs the Council to request~~ the Secretary General to ensure that contributions received for aviation security implementation support and development activities ISD-SEC be fully committed to those ISD-SEC activities only;
4. Urges Member States able to do so to assist in the delivery of effective and targeted capacity-building activities in the area of aviation security. Such activities should include development, training and other necessary resources, technical assistance and implementation support and development, technology transfers and programmes the provision of other necessary resources, where it is needed to enable all Member States to achieve an enhanced and effective aviation security regime;
5. 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;
6. Invites Member States to also consider requesting assistance from other international and regional organizations to meet their technical assistance requirements arising from the need to protect international civil aviation;
7. 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;
8. ~~Directs the Council to request~~ the Secretary General to facilitate the coordination of assistance programmes and activities to the extent possible, including by collecting any available information on such initiatives;

9. ~~Directs the Council to request~~ the Secretary General to monitor and evaluate the quality and effectiveness of ICAO assistance projects and to provide regular reports on the use of financial and in-kind resources and on the measured impacts of such contributions;
10. Urges Member States and relevant stakeholders to partner for the organization and delivery of capacity-building activities, documenting the commitments made by each party;
11. ~~Requests the Council to direct~~ the Secretary General to update and enhance the ICAO ~~Training Programme for Aviation Security~~ Training Programme, Aviation Security Training Packages (ASTPs) and Aviation Security Workshops, and promote other methods of aviation security training such as e-learning and blended learning;
12. Urges Member States to contribute to the ICAO Aviation Security Training Programme ~~activities initiatives~~;
13. ~~Requests the Council to direct~~ the Secretary General to oversee, develop, promote, support, ~~maintain~~ and regularly re-evaluate the ICAO Aviation Security Training Centre (ASTC) network to ensure that training ~~requirements are met standards are maintained~~ and sound levels of cooperation are achieved; and
14. Urges Member States to use ICAO ASTCs for ~~aviation~~ security training.

APPENDIX F

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

Whereas the rights and obligations of Member States under the international ~~air law 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 Member 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 focusing on security outcomes, recognition of equivalence and one-stop security, and respecting the spirit of cooperation defined in multilateral and/or bilateral air services agreements are policy principles whose implementation can contribute significantly to aviation security sustainability;

The Assembly:

1. *Recognizes* that success in eliminating threats to civil aviation can only be achieved through the concerted effort of everyone concerned and a close working relationship between national agencies and aviation security regulators of all Member States;

2. *Urges* all Member States to insert into their multilateral and bilateral agreements on air services a clause on aviation security, taking into account the model clause adopted by the Council on 25 June 1986 and the model agreement adopted by the Council on 30 June 1989;
3. *Urges* all Member States to adopt the following key principles as the basis for international cooperation in aviation security and to ensure effective aviation security cooperation amongst Member 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* ICAO ~~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 ICAO ~~the Council~~ continue to:
 - a) ~~gather the results of~~ encourage Member States to report on their 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 Member States, and encouraging clear communication by Member States to the travelling public.

APPENDIX G

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 Member States and concerned international and regional organizations; and

Recognizing the development of the United Nations Global Counter-Terrorism Coordination Compact to strengthen the common UN approach to supporting Member States with the implementation of the United Nations Global Counter-Terrorism Strategy and relevant UN resolutions and mandates.

The Assembly:

1. *Invites* the Civil Air Navigation Services Organization (CANSO), the International Atomic Energy Agency (IAEA), the International Criminal Police Organization (ICPO/INTERPOL), the International Maritime Organization (IMO), the Organization for Security and Cooperation for Europe (OSCE), the United Nations Counter-Terrorism Committee Executive Directorate (UNCTED), the United Nations Counter-Terrorism Implementation Task Force (UNCTITF), United Nations Office of Counter-Terrorism (UNOCT), the United Nations Office on Drugs and Crime (UNODC), the Universal Postal Union (UPU), the World Customs Organization (WCO), the African Union (AU), the European Union (EU), the Arab Civil Aviation Organization Commission (ACACO), 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;~~
32. *Directs* the Council to continue its cooperation with the UN Counter-Terrorism Committee (CTC) in areas of aviation security and border management, in the global effort to combat terrorism; and requests the Secretary General to use the Organization's expertise to assist the UN Counter-Terrorism Executive Directorate (UNCTED) in the conduct of country visits to assess the counter-terrorism efforts of Member States including progress made, remaining shortfalls, and priority areas for technical assistance needs, as well as to identify terrorism-related trends and challenges and best practices employed in the implementation of relevant Security Council resolutions; and

3. *Directs* the Secretary General to use the Organization's expertise in the field of aviation security and border management to support the work of the UN Global Counter-Terrorism Coordination Compact framework to strengthen the common UN approach to prevent and counter terrorism, and to assist the UN Office of Counter-Terrorism (UNOCT) in their efforts to provide technical assistance and capacity-building support to Member States while ensuring assistance activities are coordinated to avoid duplication of effort and ensure the efficient use of resources.

— END —