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## **ASSEMBLY — 40TH SESSION**

### **REPORT OF THE EXECUTIVE COMMITTEE ON AGENDA ITEM 12**

(Presented by the Chairperson of the Executive Committee)

The attached report on Agenda Item 12 has been approved by the Executive Committee. Resolutions 12/1, 12/2 and 12/3 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.*

(30 pages)

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

12.1 At its third and fourth meeting, the Executive Committee considered the subject of aviation security (AVSEC) policy based on the Council report on the *Implementation of the Global Aviation Security Plan (GASeP)* (WP/25), and on the *Outcome of the Second High-level Conference on Aviation Security (HLCAS/2)* (WP/26). Based on this information, the Committee also considered the Council's proposal for updating the *Consolidated Statement on Continuing ICAO Policies Related to Aviation Security* (WP/27), and a proposal for an updated Resolution on Addressing cybersecurity in civil aviation as well as its strategy (WP/28). In addition, there were 44 papers submitted by States and Observers: WPs/112, 141, 148, 165, 171, 172, 178, 219, 221, 243, 248, 250, 251, 253, 254, 283, 285, 286, 315, 328, 344, 348, 355, 357, 373, 386, 394, 395, 400, 405, 427, 466, 473, 489, 490, 491, 494, 495, 517, 528, 532, 543, 567 and 569.

12.2 Qatar addresses in WP/141 the subject of differentiation of airport screening for passengers and non-passengers and advocates that more work needs to be undertaken by the Aviation Security Panel (AVSECP) to achieve a more effective and efficient screening system.

12.3 United Arab Emirates discusses in WP/148 the need for and importance of strengthening cooperation and collaboration between States regarding sharing of relevant AVSEC information.

12.4 The African Civil Aviation Commission (AFCAC) on behalf of 54 Member States in WP/165 highlights the global challenges facing the implementation of AVSEC quality control obligations and proposes the enhancement of the AVSEC quality control programme and effective implementation thereof.

12.5 WPs/171 and 355 presented by Kazakhstan and the Russian Federation, respectively, provides information regarding the work done by the ICAO European and North Atlantic (EUR/NAT Office) and the need to strengthen the workforce in the EUR/NAT Office.

12.6 The Civil Air Navigation Services Organisation (CANSO) in WP/172 proposes that the current Secretariat Study Group on Cybersecurity (SSGC) be upgraded to an ICAO Panel under the ICAO Council, and that the newly formed "Trust Framework Study Group" should be placed under this new Panel as a working group. The newly created Cyber Resilience, Safety and Security Panel (CRSSP) should discuss and propose any new or adapted Standards and Recommended Practices (SARPs) and guidance material to ensure the consistency and coherency of all aviation cyber-related activities in ICAO Panels and various experts groups.

12.7 The International Air Transport Association (IATA) in WP/178 presents the need to rapidly undertake concrete actions for establishing clear, harmonized and holistic security taxonomies, timely and practical tools for effectively reporting AVSEC incidents.

12.8 The International Coordinating Council of Aerospace Industries Associations (ICCAIA) in WP/219 calls for the establishment of an ICAO entity, governed by Member States with support from industry, which is not constrained by the existing ICAO organizational structure. This entity should have the ability to ensure that all cybersecurity activities are effectively coordinated across ICAO and that

interfaces of cybersecurity with other disciplines are appropriately managed, as well as align the work being performed by existing panels and study groups.

12.9 The United Arab Emirates in WP/221 calls for the aviation community to work hand in hand to address cybersecurity. It recommends that ICAO address the multidimensional aspect of cybersecurity with the establishment of an appropriate structure for cybersecurity – in line with the Council instructions to conduct a feasibility study and gap analysis for the future structure of the ICAO cybersecurity work programme.

12.10 Airports Council International (ACI) in WP/243 suggests that a Cybersecurity Panel, if correctly resourced, could potentially address some issues by bringing a greater range of expertise and experience in membership, specifically on the topic of cybersecurity; a holistic approach to risk assessment with methodologies agreed and mutually understood by all stakeholders, drawing on regional and national experience; the ability to create working groups to dedicate more time and resources to the development of guidance material, programmes, capacity building, assistance and training, as required; and consideration of air navigation, safety and security issues in a single place.

12.11 Canada, on behalf of Australia, Jamaica, Japan, New Zealand, Singapore, United Arab Emirates, United States, Global Express Association, IATA, International Federation of Airline Pilots Associations (IFALPA), in WP/248 recognizes that the integration of outcome-focused and risk-based principles into the fabric of an organization and its AVSEC programmes is both complex and continually evolving. To support the priority objectives of the GAsEP, the sharing of such experiences with the global community, and developing tangible methods to further recognize and integrate such practices, principles and policies, is central to providing for a more sustainable and innovative global AVSEC ecosystem.

12.12 ACI in WP/250 reports that industry is working on urgent AVSEC innovations, ranging from incremental improvements to breakthrough innovations – such as a full rethink of passenger screening through Smart Security. Recognizing that both incremental and breakthrough solutions require a climate of innovation, ACI suggests specific steps which Member States and ICAO can take to help industry address the major challenges of tomorrow.

12.13 Australia, United Arab Emirates and United Kingdom in WP/251 encourage States to enter into collaborative arrangements and implement one-stop security arrangements, in order to increase the sustainability of the AVSEC system by avoiding unnecessary duplication of security controls, where determined to be equivalent and where consistent with ICAO guidance.

12.14 Argentina, Australia, Belgium, Brazil, Canada, China, France, Gambia, Germany, Ghana, Ireland, Italy, Japan, Jordan, Kenya, the Netherlands, New Zealand, Nigeria, North Macedonia, Portugal, Qatar, Romania, Saudi Arabia, Sierra Leone, Singapore, Switzerland, Turkey, United Arab Emirates, United Kingdom, United States, ACI and IATA in WP/253 recommend that States, industry and ICAO take practical actions to embed security culture into the aviation environment in alignment with the priority outcomes of the GAsEP which includes the implementation of security culture campaigns.

12.15 South Africa in WP/254 provides the South African experience in dealing with a number of crimes affecting air travellers through the establishment of a collaborative structure and suggests that

one agency or department cannot shoulder the responsibility for protection of the aviation system against threats.

12.16 France in WP/283 shares its experience in ensuring an effective cybersecurity coordination mechanism through the creation of an Air Transport Cybersecurity Council, which already provides key outputs to protect civil aviation against cyber-attacks, and suggests that ICAO's strategy on this subject should be welcomed and encouraged as well as the creation of a dedicated collaborative and transversal body.

12.17 Argentina and Brazil, with the support of the Latin American Aviation Commission (LACAC) Member States, in WP/285 share experiences in GAsEP implementation, and suggest a platform to follow on the GAsEP Roadmap achievements. Specifically, it is suggested that the creation of a global sharing platform, in which the GAsEP Roadmap catalogue would be included, could be beneficial for States to identify solutions to achieve compliance with AVSEC Standards.

12.18 The United States in WP/286 recognizes positive progress in global AVSEC since the 39th Session of the Assembly, but suggests the 40th Session of the Assembly set an AVSEC agenda for the next triennium that is even more ambitious. Specifically, while the last triennium has set the framework via the development of the GAsEP and related tools, there must now be focus on action, effective implementation, monitoring, and improvement.

12.19 In WP/315, Finland on behalf of the European Union (EU) and its Member States and the other Member States of the European Civil Aviation Conference (ECAC) draws attention to the GAsEP implementation experience in the European Region, and urges ICAO, States and aviation entities to maintain the momentum so that the objectives of the GAsEP can, without delay, be turned into real world results, raising the global bar for AVSEC implementation.

12.20 Singapore, co-sponsored by Argentina, Armenia, Belgium, Brazil, Cambodia, Canada, China, Fiji, France, Italy, Japan, Jordan, Lao Peoples Democratic Republic, Marshall Islands, Nauru, New Zealand, Nigeria, Palau, Papua New Guinea, Philippines, Portugal, Russian Federation, Senegal, Switzerland, Thailand, Trinidad and Tobago, United Arab Emirates, and United Kingdom in WP/328 discusses the importance of promoting awareness of AVSEC to other agencies and organizations.

12.21 The Russian Federation in WP/344 presents information related to an integrated approach to further improve States' oversight activities, using new methods aimed at preventing people from violating AVSEC requirements and elevating the culture of passenger security.

12.22 Venezuela in WP/348 proposes that ICAO design and implement a network of Cybersecurity Points of Contact (PoCs), to 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.

12.23 Venezuela in WP/357 recalls the Regional Roadmap for the North American, Central American and the Caribbean (NACC), and South American (SAM) Regions to address challenges in the implementation of the GAsEP, and draws attention to a regionally-developed assessment system to determine the level of GAsEP implementation.

12.24 China in WP/373 shares its experience in implementing the GAsEP and the Asia Pacific (APAC) Regional Roadmap and suggests that a national AVSEC plan template be published.

12.25 Venezuela in WP/394 invites the Assembly to recognize that States need more information and guidance material to assist in the implementation of international standards, the design of strategies, and the application of best practices for protecting critical Information and Communication Technology (ICT) systems from acts of unlawful interference that could threaten the safety of civil aviation.

12.26 The Dominican Republic in WP/405 highlights the need to develop a matrix model for setting out priorities and frequency in respect of State AVSEC oversight activities. Such matrices would serve to identify mechanisms and methodologies for orderly and systematic compliance oversight, and ensure effective implementation of the National Civil Aviation Security Programme.

12.27 The United States in WP/427 recommends that ICAO establish a Council Technical Committee on Cybersecurity and Resiliency to centralize governance and properly address cybersecurity and resiliency in a holistic approach. The Committee will manage policy and integration of industry standards while evaluating potential development of technical SARPs.

12.28 In an information paper (WP/112), Finland on behalf of the European Union (EU) and its Member States describes the EU security oversight regime that is consistent with the objectives of the GAsEP. It outlines how EU AVSEC legislation, via Regulation (EC) No 300/2008 on common rules in the field of civil AVSEC, and its implementing legislation, requires EU Member States to regularly monitor all airports, operators and other entities applying AVSEC standards.

12.29 In an information paper (WP/386), the Interstate Aviation Committee (IAC) outlines the course of the implementation of the provisions of the GAsEP and the EUR/NAT AVSEC Roadmap.

12.30 In an information paper (WP/395), IATA presents its views on the need for coordinated, proactive and tangible progress on gaining visibility and managing aviation cybersecurity risks, and supports ICAO as the most appropriate organization to drive coherent global dialogue and action.

12.31 In an information paper (WP/400), the Dominican Republic presents a summary of progress in the aspects of regulation, technology, quality control, AVSEC training, and the cooperation provided to the global civil AVSEC system, as well as the intention of supporting the ICAO *No Country Left Behind* (NCLB) initiative.

12.32 In an information paper (WP/466), the Islamic Republic of Iran emphasizes the importance that future amendments to Annex 17 incorporate critical elements of State's aviation security oversight system.

12.33 In an information paper (WP/473), the Islamic Republic of Iran highlights the need for ICAO to adopt comprehensive and binding rules to be implemented by Member States, including addressing security threats of unmanned aerial vehicles in Annex 17.

12.34 In an information paper (WP/489), Venezuela (Bolivarian Republic of) informs progress in implementing the AVSEC Modernization Plan carried out by the “Simón Bolívar” Maiquetía International Airport.

12.35 In an information paper (WP/490), Venezuela (Bolivarian Republic of) shares its experience in the development of a Work Plan that seeks to implement Annex 17 SARPs particularly those related to cybersecurity.

12.36 In an information paper (WP/491), Cameroon informs of progress in developing and implementing tools for promoting security culture in airports.

12.37 In an information paper (WP/494), Dominican Republic informs of measures adopted by the States related to the identification of certified AVSEC personnel.

12.38 In an information paper (WP/495), Dominican Republic describes Law No. 188-11 providing regulatory framework for the prosecution of crimes and crimes against Dominican civil aviation.

12.39 In an information paper (WP/517), Indonesia outlines the importance placed on aviation security by Indonesia, and shares its National Civil Aviation Security Programme implementation experiences.

12.40 In an information paper (WP/528), Finland on behalf of the European Union and its Member States, and the other Member States of the European Civil Aviation Conference; and Nigeria, Qatar, United Arab Emirates and Saudi Arabia presents text in the Appendix of the information paper that could form the basis for a new Declaration on Aviation Security.

12.41 In an information paper (WP/532), Qatar describes its approach to introducing aviation cybersecurity guidelines and aviation cybersecurity policy within the National Civil Aviation Security Programme.

12.42 In an information paper (WP/543), Oman illustrates its experience to update and amend national legislation in accordance with Annex 17 SARPs and security-related provisions in Annex 9. It encourages Member States to establish an internal mechanism to ensure compliance with international AVSEC and facilitation commitments.

12.43 In an information paper (WP/567), India presents the progress made in the implementation of registration and monitoring Remotely Piloted Aircraft and their security programme in 2018.

12.44 In an information paper (WP/569), India presents information on the implementation of two tier background screening system based on robust Biometric Data authentication.

## *Discussion*

### *Strategic priorities for the next triennium*

12.45 In WP/26, the Secretariat reported on actions as a result of the recommendations made by the Second High-level Conference on Aviation Security (HLCAS/2) held in Montréal in November 2018. The Committee noted with satisfaction the high level of State/industry participation in and the outcome of the HLCAS/2. Delegates also expressed appreciation to the ICAO Secretariat for the successful convening of the event. In reviewing the conference outcomes and follow-up actions, the Committee endorsed all recommendations of HLCAS/2 and supported actions taken by the ICAO Council and Secretariat. However, the Committee also encouraged continued attention to items that are still in progress, such as: the need to review the current cybersecurity coordinating mechanism, prioritization of aviation security within ICAO, and the potential formation of an Aviation Security and Facilitation Bureau.

12.46 Having noted with satisfaction that much work has been completed on the key points of United Nations Security Council Resolution (UNSCR) 2309 by the Secretariat, the Committee underscored the importance of Council ensuring that appropriate bodies (such as the Aviation Security Panel) continue to undertake work focused on the tenets of UNSCR 2309. These include areas such as: risk management and related guidance on risk-based policy and operational decision making; technology and innovative techniques; and quality control and oversight. Furthermore, delegates expressed the need to examine the process by which security Standards and supporting tools are developed and adopted, including how policy is scrutinized, the desired security outcomes articulated, and the impacts assessed.

### *Global Aviation Security Plan*

12.47 In WP/25, the Secretariat provided an overview of the extensive activity undertaken to develop and implement the Global Aviation Security Plan (GASeP) priority actions and tasks.

12.48 The efforts to fast-track the development of the GASeP as requested by the 39th Session of the Assembly were commended. Note was taken of the varying degrees of implementation in the different Regions and, in that context, the Committee urged States to continue to take action towards improvement, including in meeting the global targets, while recognizing the importance of the Universal Security Audit Programme and its ongoing reforms to effectively measure implementation.

12.49 In terms of implementation, delegates welcomed experiences shared by States in implementing the GASeP. There were many proposals for ICAO to consider creating a platform for reporting progress in the implementation of agreed priority actions, measures and tasks in the GASeP and to demonstrate progress made towards GASeP targets, such as through a GASeP repository on the Secure Portal, whereby the information therein will be updated as new data and material becomes available. The Committee also highlighted the importance of mapping existing aviation security capacity building activities to applicable Annex 17 – *Security SARPs* and attack methods identified in the ICAO *Aviation Security Global Risk Context Statement* (Doc 10108). Delegates also highlighted the important role played by Regional Offices and commended Regional Offices for the proactive support provided to Member States in facilitating the achievement of the global and regional targets through the effective implementation of the GASeP.

12.50 Concerning the future evolution of the GAsEP, the Committee acknowledged that, as a “living document”, the GAsEP would be revised as necessary and appropriate, and supported a triennial revision schedule. These revisions may address how to better link the GAsEP with Annex 17 – *Security SARPs*, where appropriate. However, the Committee considered that the proposal to incorporate in the next edition of the GAsEP Roadmap security-related provisions of Annex 9 – *Facilitation* would need further discussion.

### ***Regulatory Policy***

12.51 Recalling the conclusions of HLCAS/2, and in keeping with the GAsEP priority outcomes and relevant ICAO Assembly Resolutions, and also UNSCR 2309, the Committee agreed that outcome-focused and risk-based principles could inform the development of proposed amendments to Annex 17 – *Security* provisions and associated best practices. To that end, the Committee requested that the Aviation Security Panel consider the development of tangible methods to recognize and integrate such principles in decision-making processes as appropriate, with the goal of further strengthening the effectiveness, efficiency and sustainability of aviation security programmes.

12.52 Furthermore, the Committee expressed broad support for fostering innovation in aviation security, and called on Member States to coordinate with industry partners in order to facilitate the operational trials of new technologies and innovative techniques. In particular, the subject of passenger differentiation in the application of screening measures was raised as a possible evolution of screening activities when considering a risk-based and outcome-focused approach to aviation security. However, the Committee emphasized that, while alternative means of compliance exist, some of which can be found in the ICAO *Aviation Security Manual* (Doc 8973), the implementation of baseline security measures remains paramount to a robust aviation security system.

### ***Cybersecurity***

12.53 In an effort to further promote a consistent and coherent approach in managing cyber threats and risks, the Council, in WP/28, proposed a draft Resolution on how to best 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 sought 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.

12.54 Delegates commended the work of ICAO and its Secretariat Study Group on Cybersecurity (SSGC) in addressing cybersecurity in civil aviation. In particular, the Assembly welcomed and endorsed the ICAO Cybersecurity Strategy, underlining the importance of developing a sustainable and comprehensive action plan for the implementation of the strategy, as well as continuing the work for the development of a robust cybersecurity framework. In an effort to further promote a consistent and coherent approach in managing cyber threats and risks, the Committee agreed to adopt the Assembly Resolution as included in Appendix A of A40-WP/28. This resolution will supersede Assembly Resolution A39-19 on *Addressing Cybersecurity in Civil Aviation*. The Committee agreed to submit the Resolution for adoption by the Plenary.

**Resolution A40-12/1 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 the 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;

*Recognizing* the multi-faceted and multi-disciplinary nature of cybersecurity challenges and solutions and noting that cyber risks can simultaneously affect a wide range of areas and spread rapidly;

*Reaffirming* the obligations under the *Convention on International Civil Aviation* (Chicago Convention) to ensure the safety, security and continuity of civil aviation;

*Considering* that the *Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation* (Beijing Convention) and *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (Beijing Protocol) would enhance the global legal framework for dealing with cyberattacks on international civil aviation as crimes and therefore wide ratification by States of those instruments would ensure that such attacks would be deterred and punished wherever in the world they occur;

*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;

*Recognizing* the work of the Secretariat Study Group on Cybersecurity, which greatly contributed to the format of the Cybersecurity Strategy by linking safety and security characteristics of cybersecurity;

*Recognizing* that aviation cybersecurity needs to be harmonized at the global, regional and national levels in order to promote global coherence and to ensure full interoperability of protection measures and risk management systems; and

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

*The Assembly:*

1. *Urges* Member States and ICAO to promote the universal adoption and implementation of the *Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation* (Beijing Convention) and *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (Beijing Protocol) as a means for dealing with cyberattacks against civil aviation;
2. *Calls upon* States and industry stakeholders to take the following actions to counter cyber threats to civil aviation:
  - a) Implement the Cybersecurity Strategy;
  - b) 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;
  - c) Define the responsibilities of national agencies and industry stakeholders with regard to cybersecurity in civil aviation;
  - d) 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;
  - e) 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;
  - f) 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;
  - g) 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;
  - h) Encourage a robust all-round cybersecurity culture within national agencies and across the aviation sector;
  - 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.

3. *Instructs* the Secretary General to:

- a) develop an action plan to support States and industry in the adoption of the Cybersecurity Strategy; and
- b) continue to ensure that cybersecurity matters are considered and coordinated in a crosscutting manner through the appropriate mechanisms in the spirit of the Strategy.

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12.55 Recognizing there is the need to continue the work of the SSGC in a more formalized manner, thereby allowing for the structured coordination with other expert groups of ICAO, the Committee welcomed the various proposals for governance structures in cybersecurity aimed to effectively coordinate cybersecurity activities across ICAO, ensure a multi-disciplinary approach to cybersecurity, and foster the sharing of information. The Committee discussed appropriate criteria which could underpin a governance structure, including: transparency across all aviation domains; bringing the work of the Secretariat Study Group on Cybersecurity (SSGC) and the Trust Framework Study Group (TFSG) under the aegis of an overarching structure; consistency across all relevant Annexes to the Convention on International Civil Aviation; managed by States and ensuring involvement of industry stakeholders; and keeping the number of experts to a manageable level. Accordingly, it instructed ICAO to swiftly conduct a feasibility study and gap analysis for consideration by the Council, in order to identify the most appropriate cybersecurity governance structure and coordinating mechanism, considering the above criteria.

12.56 The Committee welcomed implementation experiences shared by States and industry, acknowledging the importance of information sharing and guidance for all stakeholders. ICAO should therefore ensure the continued cybersecurity point of contact network development currently in progress, as well as continued maintenance and updating of the Repository for Cybersecurity.

***Collaboration and cooperation***

12.57 When considering the need for increased cooperation and collaboration between States, as called for by some Member States, the Committee supported the conclusion of the HLCAS/2 that one-stop security arrangements between like-minded States based on the recognition of equivalence of security measures can benefit the aviation security system by bringing about increased efficiency and more effective use of resources. The Committee therefore encouraged States to enter into collaborative arrangements and implement one-stop security arrangements in order to increase the sustainability of the aviation security system by avoiding unnecessary duplication of security controls, where consistent with the guidance material found in the ICAO *Aviation Security Manual* (Doc 8973) and relevant risk assessment.

12.58 While one-stop security arrangements may be challenging for some States to engage in, the Committee recognized that other approaches exist to achieve greater efficiency in aviation security. Such approaches include enhanced collaboration between States and among government agencies and aviation stakeholders by way of information sharing arrangements, multilateral agreements (e.g. memoranda of understanding) and cooperation mechanisms. In that regard, the Committee welcomed the initiative by a Member State, and encouraged other States to further explore similar approaches and collaborative arrangements.

### *Security Culture*

12.59 Taking into account the second priority objective of the GAsEP, develop security culture and human capability, the Committee agreed that the establishment of a robust and comprehensive security culture is imperative to the effective implementation and sustainability of aviation security measures over the long-term. Human factors play a critical role in mitigating threats to civil aviation. Promoting a positive security culture educates staff regarding aviation security threats and their impact and helps to mitigate against both insider threats and external threats, as personnel think and act in more security conscious ways and identify and report behaviours or activities of concern. In turn, this results in all personnel within the civil aviation realm feeling that they play a critical role within a security regime. The Committee recognized that in order to successfully develop a security culture, stakeholders must promote aviation security to all agencies involved in civil aviation, thereby supporting the initiatives put forth by several Member States, which encourage States and industry organizations to develop security culture and awareness programmes for all civil aviation stakeholders. In addition, the development of security culture also requires the support and direction of senior leadership to embed aviation security principles in all aspects of civil aviation operations.

12.60 The Committee also acknowledged that political support for security culture must be turned into practical actions and welcomed the various initiatives reported by Member States to develop and implement practical campaigns that highlight the importance of security at the airport and its surrounds. Building upon the recommendation of the HLCAS/2 calling for States and industry to take practical steps to develop security culture programmes, such as high profile campaigns, the Committee supported the development of flyers, posters, workshops, briefings, and handouts, among other targeted outreach mechanisms to embed aviation security awareness into all civil aviation operations. Additionally, the Committee noted the importance of both practical tools for reporting security incidents and recurring security awareness training, as presented by States and industry. The Committee requested that ICAO continue work on the development of tools to enhance security awareness and security culture, making it a priority and designating 2020 as the “Year of Security Culture”.

### *State oversight activities*

12.61 The Committee underscored the critical importance of quality control for sustainability in aviation security. Given the required improvements necessary in the area of quality control as indicated by the Universal Security Audit Programme-Continuous Monitoring Approach (USAP-CMA) audits, there was wide consensus among delegates that States should be encouraged to give priority to devoting adequate resources and putting in place an appropriate organization to ensure the effective implementation of quality control activities.

12.62 Moreover, the Committee took note of the need to assist States in determining priority and frequency of oversight activities and recommended that the Aviation Security Panel consider including in its work programme the development of guidance material on this matter.

### ***Strengthening regional implementation***

12.63 The Assembly recognized the important role ICAO Regional Offices play in assisting Member States to address common issues and challenges in implementing both Annex 9 - *Facilitation* and Annex 17 - *Security*, the GAsEP, corrective action plans, facilitating assistance missions, supporting regional group meetings, and helping address other issues specific to each ICAO Region. With regard to the level of staffing in these ICAO Regional Offices, the Assembly determined that it should be based on needs and left at the discretion of the Secretary General who will take into account the levels of implementation in the Region.

### ***Assembly Resolutions and Declaration on Aviation Security***

12.64 In WP/27, the Council proposes revisions to Resolution A39-18 to reflect developments in aviation security since the last Assembly and to provide aviation security policy direction to Member States and ICAO for the next triennium. The text of the revised Resolution received broad support and was considered appropriate for adoption, following which it would be reviewed again by the Aviation Security Panel ahead of the 41st Session of the Assembly.

12.65 The Committee considered the draft Declaration on Aviation Security, proposed by some Member States, including those Member States of the European Union (EU), and of the European Civil Aviation Conference (ECAC) as a means of demonstrating States' political will to strengthen aviation security worldwide. Delegates considered it important that the draft Declaration reflects significant developments in the field of aviation security in the past three years, and considers the critical role of ICAO in the global effort to engage the international civil aviation community towards further enhancing aviation security.

12.66 Completing its work on this agenda item, the Committee agreed to submit for adoption by the Plenary a revised *Consolidated statement on continuing ICAO policies related to aviation security* taking into account comments received. The Committee also expressed appreciation to South Africa for leading the "Friends of the Chairperson" drafting group tasked by the Committee to refine the text of the global Declaration on Aviation Security, which now supersedes the previous Declaration adopted during the 37th Session of the ICAO Assembly (2010). This new declaration can be found after A40-12/2 as Resolution A40-12/3.

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**Resolution A40-12/2: 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 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, Appendices A to H inclusive, and has amended the statement to reflect the decisions taken during the 40th 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 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.

**APPENDIX A**

**General policy**

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

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

*Whereas* the evolving nature of the threat of terrorist acts, including those posed by concealed explosive devices, landside attacks, man-portable air defence systems (MANPADS), other surface-to-air missiles systems, chemical threats, attacks using Remotely Piloted Aircraft Systems (RPAS), abuse of the air cargo system for terrorist purposes, cyber-attacks and other acts of unlawful interference against civil aviation, including, in particular, the developing insider threat, has a serious adverse effect on the safety, efficiency and regularity of international civil aviation, endangering the lives of persons on board and on the ground and undermining the confidence of the peoples of the world in the safety of international civil aviation;

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

*Recalling* that Resolutions A27-12 and A29-16 remain in force;

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

*Recalling* 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) 2309 (2016), 2395 (2017) and 2396 (2017) related to threats to international peace and security caused by terrorist acts;

*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 efforts made by States to implement the GASeP since it was approved for implementation;

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

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

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

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

*The Assembly:*

1. *Strongly condemns* all acts of unlawful interference against civil aviation wherever and by whomsoever and for whatever reason they are perpetrated;
2. *Notes with abhorrence* all acts and attempted acts of unlawful interference aimed at the destruction in flight of civil aircraft including any attack on civil airports by ballistic missiles or drones, and 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, 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 2309, 2395 and 2396 in accordance with the respective competencies and collectively demonstrate ICAO's global leadership in safeguarding international civil aviation against acts of unlawful interference;
8. *Recognizing* the leadership role of ICAO in the area of aviation security, requests the Council to ensure the long-term sustainability of the Organization's aviation security programme within the context of the Regular Programme Budget;
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;
11. *Directs* the Council to consider the lessons learned from the implementation of the GASeP when making refinements to the Plan, ensuring it reflects clear and collective aviation security goals and targets, and is supported by concrete and measurable indicators to guide ICAO, States and stakeholders in ensuring continuous improvement in aviation security; and
12. *Urges* all Member States to take active participation in global and regional efforts towards meeting the GASeP objectives, goals, targets and priorities at the national and regional levels.

## APPENDIX B

### **International legal instruments, enactment of national legislation and conclusion of appropriate agreements for the suppression of acts of unlawful interference with civil aviation**

a) *International air law instruments*

Whereas the protection of civil aviation from acts of unlawful interference has been enhanced by the *Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Tokyo, 1963), by the *Convention for the Suppression of Unlawful Seizure of Aircraft* (The Hague, 1970), by the *Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation* (Montréal, 1971), by the *Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation* (Montréal, 1988), by the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* (Montréal, 1991), by the *Convention for the Suppression of Unlawful Acts Relating to International Civil Aviation* (Beijing, 2010)<sup>1</sup>, by the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (Beijing, 2010), by the *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Montréal, 2014), and by bilateral agreements for the suppression of such acts;

*The Assembly:*

1. *Urges* Member States which have not yet done so to become parties to the *Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Tokyo, 1963), to the *Convention for the Suppression of Unlawful Seizure of Aircraft* (The Hague, 1970), to the *Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation* (Montréal, 1971) and the 1988 *Supplementary Protocol to the Montréal Convention*, to the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* (Montréal, 1991), to the *Convention for the Suppression of Unlawful Acts Relating to International Civil Aviation* (Beijing, 2010), to the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (Beijing, 2010), and to the *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Montréal, 2014)<sup>2</sup>;

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.

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

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

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.

## **APPENDIX C**

### **Implementation of technical security measures**

*Whereas* protection of civil aviation against acts of unlawful interference requires continued vigilance and development and implementation of positive safeguarding action by the Organization and its Member States;

*Whereas* a clear need exists for the strengthening of security to be applied to all phases and processes associated with the carriage of persons, their cabin and hold baggage, cargo, mail, courier and express parcels, and in protecting civil aviation against cyber-attacks, and threats to the landside areas of airports, as well as attacks carried out or facilitated by insiders;

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

*Whereas* such Machine Readable Travel Documents also enable high-level cooperation among States to strengthen resistance to passport fraud, including the forgery or counterfeiting of passports, the use of valid passports by impostors, the use of expired or revoked passports, and the use of fraudulently obtained passports;

*Whereas* the use of Machine Readable Travel Documents and other passenger information tools can also be employed for security purposes, adding an important layer to the international civil aviation system, in order to detect terrorists and prevent acts of unlawful interference well before the aircraft boarding process;

*Whereas* threats to the air cargo and mail systems as a whole require a global approach in the development and implementation of security requirements and best practices, including cooperation with

relevant international organizations such as the World Customs Organization (WCO), Universal Postal Union (UPU), and International Maritime Organization (IMO);

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

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

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

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

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

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

*The Assembly:*

1. *Urges* the Council to continue to attach the highest priority to the adoption of effective, risk-based and operationally-viable measures for the prevention of acts of unlawful interference commensurate with the current threat to the security of international civil aviation, to take into account the innovative and evolving nature of that threat, and to keep up to date the provisions of Annex 17 to the Chicago Convention from a threat and risk perspective;
2. *Urges* the Council to adopt Standards to strengthen the response to insider threat;
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;
4. *Reiterates* the responsibility of all States for the implementation of effective aviation security measures within their territory, taking into account the evolving threat;
5. *Urges* Member States to fully and sustainably implement Annex 17 — *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) and other security-related guidance material available on the ICAO restricted website;

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;
8. *Encourages* Member States and industry organizations to take practical steps to develop and organize campaigns to implement security culture and security awareness programmes among workforces, raise public awareness to further address the insider threat, and implement these programmes in partnership with all stakeholders within the aviation environment;
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. *Encourages* Member States to implement effective oversight over all aspects of their aviation security regime in order to ensure that security measures are effectively and sustainably implemented.
11. *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) use modern technologies to detect prohibited materials and to prevent the carriage of such materials on board aircraft while respecting the privacy and safety of individuals;
  - d) define aviation security measures that are risk-based, appropriate and proportionate to the threat, effective, efficient, multi-layered, operationally viable, economically and operationally sustainable, and take into account the impact on passengers and on legitimate trade;
  - e) intensify efforts in securing the air cargo and mail security system by:
    - i. developing a strong, sustainable and resilient air cargo security framework;
    - ii. implementing robust security standards effectively and sustainably;
    - iii. adopting a total supply chain approach to air cargo and mail security, if appropriate;
    - iv. establishing and strengthening oversight and quality control of air cargo and mail security;

- v. engaging in bilateral and multilateral cooperative efforts to coordinate actions to harmonize and enhance air cargo and mail security and secure the global air cargo supply chain;
  - vi. sharing best practices and lessons learned with other States to enhance the overall level of air cargo and mail security; and
  - vii. strengthening initiatives to intensify capacity-building in air cargo and mail security;
- f) give consideration to the potential misuse of RPAS, and apply security measures in order to prevent their use in acts of unlawful interference;
- g) ensure that civil aviation threat and risk assessments within their respective territories and airspace are performed, and that States provide information to relevant stakeholders in a timely manner on all possible risks to civil aviation;
- h) address the risk of attacks in landside areas, including terminal buildings, by working with all stakeholders to:
- i. maintain a practical balance between the needs of effective and sustainable security measures and passenger facilitation;
  - ii. implement a set of risk-based measures that are flexible and practical, with clearly defined responsibilities among relevant actors;
  - iii. avoid, to the extent possible, the creation of vulnerabilities from the generation of 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.
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;
14. *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;
15. *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;

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16. *Requests* the Council to direct the Secretary General to:
- a) ensure that the provisions of Annex 17 — *Security* and Annex 9 — *Facilitation* are compatible with and complementary to each other;
  - b) continue to promote the development of effective and innovative security processes and concepts, through awareness-raising regional and subregional aviation security events at the request of States concerned, including in cooperation with industry stakeholders and equipment manufacturers to develop the next generation of passenger and cargo screening processes;
  - 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 measures;
  - d) promote the development of mutual recognition processes with the goal of assisting States in achieving mutually beneficial arrangements, including one-stop security arrangements, which recognize the equivalence of their aviation security measures where these achieve the same outcomes, consistent with Annex 17 requirements, and which are based on an agreed comprehensive and continuous validation process and effective exchange of information regarding their respective aviation security systems; and
  - 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;
17. *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;
18. *Directs* the Council to instruct the Secretary General and the Aviation Security Panel to ensure the periodic review and updating of the ICAO *Global Risk Context Statement* (Doc 10108), which provides a risk assessment methodology for aviation security which may be considered by Member States for use in further developing their own national risk assessments and to include risk-based assessments with any recommendations for the adoption of new or amended aviation security measures in Annex 17 or in any other ICAO document;
19. *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
20. *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

### **The ICAO Universal Security Audit Programme**

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

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

*Whereas* Member States are committed to compliance with Annex 17 – *Security* Standards, and the security-related provisions of Annex 9 – *Facilitation*;

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

*Recalling* that the ultimate responsibility to ensure the security of civil aviation rests with Member States;

*Considering* that the USAP has proven to be instrumental in the identification of aviation security concerns and in providing recommendations for their resolution, and that the Programme continues to enjoy the support of States, serving as a catalyst for their continued efforts to meet their international obligations in the field of aviation security;

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

*Recognizing* that the effective implementation of State corrective action plans to address deficiencies identified through USAP audits is an integral and crucial part of the monitoring process in order to achieve the overall objective of enhancing global aviation security;

*Recognizing* the importance of a limited level of disclosure with respect to ICAO aviation security audit results, balancing the need for States to be aware of unresolved security concerns with the need to keep sensitive security information out of the public realm;

*Considering* the approval by the Council of a mechanism to address significant security concerns (SSeCs) in a timely manner;

*Recognizing* the importance of a coordinated strategy for facilitating assistance to States through the high-level Secretariat Monitoring and Assistance Review Board;

*Recognizing* that the continuation of the USAP is essential to create mutual confidence in the level of aviation security between Member States and to encourage the adequate implementation of security-related Standards;

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

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

*The Assembly:*

1. *Notes with satisfaction* that the USAP has proven to be instrumental in the identification of aviation security concerns and in providing recommendations for their resolution;
2. *Expresses its appreciation* to Member States for their cooperation in the audit process and for making available security experts to be certified as USAP auditors to serve as short-term experts in the conduct of audits, as well as long-term experts to act as USAP audit team leaders;
3. *Requests* the Council to ensure the continuation of the USAP-CMA and to oversee its activities, as it monitors States' ability to sustainably implement their aviation security systems, compliance with the ICAO security-related Standards, and implementation of State corrective action plans;
4. *Notes* the work carried out by the ICAO Secretariat, in consultation with Member States, to review the scope and methodology of the USAP-CMA;
5. *Requests* the Council to direct the Secretary General to implement improvements aimed at ensuring consistent interpretation of Annex 17 Standards, a more operational focus to the USAP-CMA programme, addressing serious deficiencies in a timely manner; and applying a risk-based approach to audit prioritization, thus ensuring effective reporting of Member States' risk-based and outcomes-focused compliance with relevant security objectives; and to evaluate the implementation of these improvements;
6. *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;
7. *Urges* all Member States to give full support to ICAO by:
  - a) signing the Memorandum of Understanding regarding the USAP-CMA;
  - b) accepting USAP-CMA missions as scheduled by the Organization, in coordination with relevant States;
  - c) facilitating the work of USAP-CMA teams;
  - d) preparing and submitting to ICAO all required documentation; and
  - e) preparing and submitting an appropriate corrective action plan to address deficiencies identified during USAP-CMA activities;
8. *Requests* the Council to direct the Secretary General to ensure the long-term financial sustainability of the USAP by taking measures to incorporate the funding requirements for its activities within the Regular Programme Budget as soon as possible and to the extent practicable;

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

10. *Requests* that the Council 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 States and other aviation entities to deliver coordinated technical assistance and support for States that need to improve their aviation security oversight, including through the development of a coordinated, targeted and effective international aviation security capacity-building framework;

2. *Urges* Member States to voluntarily contribute financial and in-kind resources to increase the reach and impact of ICAO aviation security enhancement activities;

3. *Directs* the Council to request the Secretary General to ensure that contributions received for ISD-SEC be fully committed to ISD-SEC activities only;

4. *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;

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 by collecting 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, 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 initiatives;
13. *Requests* the Council to direct the Secretary General to oversee, develop, promote, support and regularly re-evaluate the ICAO Aviation Security Training Centre (ASTC) network to ensure that training standards are maintained and sound levels of cooperation are achieved; and
14. *Urges* Member States to use ICAO ASTCs for 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 States under the international legal instruments on aviation security and under the SARPs adopted by the Council on aviation security could be complemented and reinforced in multilateral and bilateral cooperation between States;

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

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

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

*The Assembly:*

1. *Recognizes* that success in eliminating threats to civil aviation can only be achieved through the concerted effort of everyone concerned and a close working relationship between national agencies and aviation security regulators of all Member States;
2. *Urges* all Member States to insert into their multilateral and bilateral agreements on air services a clause on aviation security, taking into account the model clause adopted by the Council on 25 June 1986 and the model agreement adopted by the Council on 30 June 1989;
3. *Urges* all Member States to adopt the following key principles as the basis for international cooperation in aviation security and to ensure effective aviation security cooperation amongst States, ICAO and other relevant international organizations:
  - a) respect for the spirit of cooperation defined in bilateral and/or multilateral air services agreements;
  - b) recognition of equivalent security measures; and
  - c) focus on security outcomes;
4. *Urges* all Member States, who have not yet done so, to participate in the ICAO Aviation Security Point of Contact (PoC) Network, established for the communication of imminent threats to civil air transport operations, with the objective of providing a network of international aviation security contacts within each State, and to intensify their coordination and cooperation to ensure the exchange of best practices through the AVSECPaedia;
5. *Urges* the Council to request the Secretary General to promote initiatives which enable the establishment of technological platforms for the exchange of aviation security information among Member States;
6. *Requests* that the Council continue to:
  - a) gather the results of States' experience in cooperating with each other to prevent acts of unlawful interference with international civil aviation;
  - b) analyse differing circumstances and trends in preventing threats to international civil aviation in different regions of the world; and
  - c) prepare recommendations for strengthening measures to deter and prevent such acts of unlawful interference;
7. *Directs* the Council to act with the requisite urgency and expedition to address new and existing threats to civil aviation, seeking to mitigate unnecessary disruption to air travel as a result of confusion or inconsistent implementation or interpretation of necessary measures, facilitating a common and consistent response by States, and encouraging clear communication by States to the travelling public.

## APPENDIX 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 States and concerned international and regional organizations;

*The Assembly:*

1. *Invites* the Civil Air Navigation Services Organization (CANSO), the International Atomic Energy Agency (IAEA), the International Criminal Police Organization (ICPO/INTERPOL), the International Maritime Organization (IMO), the Organization for Security and Cooperation for Europe (OSCE), the United Nations Counter-Terrorism Committee Executive Directorate (UNCTED), the United Nations Counter-Terrorism Implementation Task Force (UNCTITF), United Nations Office of Counter-Terrorism (UNOCT), the United Nations Office on Drugs and Crime (UNODC), the Universal Postal Union (UPU), the World Customs Organization (WCO), the African Union (AU), the European Union (EU), the Arab Civil Aviation Commission (ACAC), the African Civil Aviation Commission (AFCAC), the European Civil Aviation Conference (ECAC), the Latin American Civil Aviation Commission (LACAC), the International Air Transport Association (IATA), Airports Council International (ACI), the International Federation of Airline Pilots' Associations (IFALPA), the International Business Aviation Council (IBAC), the International Coordinating Council of Aerospace Industries Associations (ICCAIA), the Global Express Association (GEA), the International Federation of Freight Forwarders Associations (FIATA), The International Air Cargo Association (TIACA), and other stakeholders to continue their cooperation with ICAO, to the maximum extent possible, to safeguard international civil aviation against acts of unlawful interference;

2. *Directs* the Council to take into account the G8 Secure and Facilitated International Travel Initiative (SAFTI) and to continue its collaboration with this group and other relevant groups of States such as the Asia-Pacific Economic Cooperation Secure Trade in the Asia and Pacific Region (STAR) initiative in its work relating to development of countermeasures against the threat posed by man-portable air defence systems (MANPADS) and encourage their implementation by all Member States; and

3. *Directs* the Council to continue its cooperation with the United Nations Counter-Terrorism Committee (CTC), in the global effort to combat terrorism.

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### **Resolution A40-12/3: Declaration on aviation security – affirming global commitment to strengthening implementation**

The Assembly, *recognizing* the need to strengthen aviation security worldwide, in light of the continuing threat to civil aviation since the Declaration on Aviation Security of the 37th Session of the ICAO Assembly, including recent attacks on Metrojet flight 7K9268 on 31 October 2015 and of Daallo Airlines flight DA0159 on 2 February 2016, and the armed attacks at Brussels airport on 22 March 2016 and at Istanbul Ataturk airport on 28 June 2016; *acknowledging* the importance of United Nations Security Council resolution (UNSCR) 2309 adopted on 22 September 2016 and the development of the Global

Aviation Security Plan (GASeP) endorsed by the ICAO Council on 15 November 2017; and *noting* with appreciation regional aviation security conferences hosted by Egypt, Panama, Portugal and Thailand to promote the implementation of the GASeP; and the Second High-level Conference on Aviation Security held in Montréal in 2018, hereby *urges* Member States and stakeholders to take the following actions to enhance security and strengthen international cooperation to counter threats to civil aviation:

- 1) place greater efforts to implement UNSCR 2309, 2341, 2395, 2396 and 2482 in accordance with the respective competencies and affirm ICAO's global leadership in matters relating to safeguarding international civil aviation against acts of unlawful interference;
- 2) promote awareness of threats and risks to civil aviation through information sharing between States and with stakeholders, and through continued attention to the ICAO *Global Risk Context Statement* (Doc 10108);
- 3) further strengthen and promote the effective development, adoption and implementation of ICAO Standards and Recommended Practices, with particular focus on Annex 17 — *Security*;
- 4) continue to develop and share new and innovative approaches to strengthen aviation security and counter ongoing and emerging threats and risks;
- 5) ensure the swift implementation of Assembly Resolution A40-12/2 on *Addressing Cybersecurity in Civil Aviation*;
- 6) take practical steps to promote security culture and security awareness programmes in partnership with all stakeholders within the aviation environment;
- 7) encourage effective coordination and cooperation between aviation security and other disciplines to ensure a holistic and coordinated approach to aviation security, facilitation and safety matters to deliver robust national and global aviation systems;
- 8) take active participation in global and regional efforts towards fully meeting the GASeP objectives, goals, aspirational targets and priorities at the national and regional levels, and share experiences and lessons learned in implementing these actions with ICAO;
- 9) ensure the effective implementation of the security-related provisions of Annex 9 — *Facilitation*;
- 10) implement obligations relating to the use of Advance Passenger Information (API) and Passenger Name Record (PNR) data, with full respect for human rights and fundamental freedoms, in accordance with objectives of UNSCR 2396 and 2482;
- 11) provide technical assistance to States in need, including funding, capacity-building, access to technology, that is sustainable and effectively addresses security threats and risks to civil aviation, in cooperation with other States, international organizations and industry partners, consistent with the *No Country Left Behind initiative*;

- 12) support the Organization in its development of further cooperation and coordination with other UN agencies and other relevant international organizations to contribute towards strengthening global aviation security efforts;
- 13) through increased participation and active engagement, enhance the Organization's capacity and capabilities to effectively address global aviation security threats and risks, including through the prioritization of aviation security matters in both Headquarters and Regional Offices; and
- 14) support the work of the Organization's Regional Offices to promote aviation security development and collaboration amongst Member States and stakeholders.

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