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ASSEMBLY — 37TH SESSION
EXECUTIVE COMMITTEE

DRAFT TEXT FOR THE REPORT
ON
AGENDA ITEMS 13, 14 AND 15

The attached material on Agenda Items 13, 14 and 15 is submitted for consideration by the Executive Committee.

Agenda Item 13: Security policy

13.1 At its second and third meetings, the Executive Committee considered the subject of aviation security policy on the basis of a Council report on the ICAO Comprehensive Aviation Security Strategy (ICASS), a new strategy comprised of seven focus areas for the next two triennia (WP/18) which succeeds the Aviation Security Plan of Action adopted in 2002, and two other Council reports: one on updating the *Consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference* (WP/19); and one on the proposed adoption of the Declaration on Aviation Security developed in response to the attempted sabotage of Northwest Airlines Flight 253 on 25 December 2009 (WP/75). In addition, there were 15 papers submitted by States and Observers: WPs/97, 99, 100, 101, 164, 183, 247, 252, 255, 256, 257, 282, 283, 284 and 285.

13.2 The Council, in WP/18, reported on the seven strategic focus areas of a new aviation security strategy known as the ICASS – Strategic Plan of Action 2011-2016. The ICASS builds on the current Aviation Security Plan of Action and presents a number of important shifts in emphasis with respect to aviation security activities. The new strategy, among other things, focuses more intently on addressing security shortcomings through assistance to States. While funding of its core activities will be accommodated within the Organization’s proposed regular budget, the Committee was informed that new initiatives under the ICASS may require additional funding through voluntary contributions.

13.3 Colombia, in WP/99, highlighted the importance of efficient air transport and facilitation to the development of air transport hubs, and called for the establishment of one-stop security arrangements to benefit passengers originating in hubs within the Latin American regions. The paper notes the lack of ICAO guidance material on one-stop security arrangements and proposes the development of such guidance.

13.4 Japan, in WP/183, reported on efforts to enhance aviation security in the Asia and Pacific Region in the period since States and administrations participated in the Asia-Pacific Ministerial Conference on Aviation Security in Tokyo on 13 March 2010. An appendix featured the Asia-Pacific Joint Declaration on Aviation Security that was adopted by the Tokyo conference last March.

13.5 Nepal provided an overview of responses to security threats and corresponding activities in WP/285, including the actions taken to implement the recommendations of an ICAO security audit. The paper highlighted the importance of continuing to work in close cooperation to address threats to the security and integrity of the global air transport system.

13.6 Singapore, in WP/284, informed the Assembly of its positive experience with an Aviation Security Point of Contact (PoC) Network exercise it had conducted among Asia Pacific Economic Cooperation (APEC) Member States in August and September 2010.

13.7 Venezuela, in WP/256, proposed that guidance material be developed to assist States in establishing regulations in the area of human factors training for security personnel. The paper emphasized that States need guidelines and reference documents in order to identify human factors training requirements, and that the entities involved in applying security measures also need guidance on

how to establish human factors policies and programmes. Also highlighted was the need to develop specialized human factors training programmes for airport security staff.

13.8 Canada and the United States, in WP/97, drew attention to the substantive steps taken in recent months to raise the prominence of security within ICAO, notably the Secretariat restructuring that consolidates all security programmes within the Aviation Security Branch, thus improving coordination and efforts to enhance security globally. The paper also highlighted the development of the ICASS and increasing support for existing and new aviation security initiatives.

13.9 Japan and Singapore reported on the development of an Asia-Pacific Aviation Security Action Plan and its six key initiatives (WP/283). The plan provides a framework for enhancing aviation security collaboration among States of the Asia and Pacific Region.

13.10 In WP/247, the African Civil Aviation Commission (AFCAC) informed the Assembly that, as a result of the incident of 25 December 2009, a number of African States had adopted a joint declaration and an aviation security plan of action. As the paper focused on the work being done under the ISD-Security Programme, it was considered under Agenda Item 15 (Implementation Support and Development).

13.11 In WP/252, the International Air Transport Association (IATA) outlined the key recommendations for aviation security proposed by IATA and its member airlines at a global summit held in January 2010 in light of the incident of 25 December 2009. IATA called on the Assembly to recognize the importance of a global, collaborative effort in addressing new security threats, beginning with a formal and continuous consultation with industry. The paper identified a number of concrete steps — among them the deployment of a next-generation security checkpoint developed in concert by regulators and industry — that IATA believes should be implemented under ICAO's leadership. The paper also proposed the development of service level standards for measuring the performance of international passenger processing, and urged ICAO to produce guidance material on the subject.

13.12 In an information paper (WP/298), the Islamic Republic of Iran highlighted the importance of considering human rights and human dignity when developing and deploying new screening technologies, as well as the cost impact related to new aviation security measures.

13.13 Japan reported in an information paper (WP/164) on its ongoing evaluation of airport trials involving advanced imaging technology (AIT) designed to detect explosive chemical substances. Five different systems were examined during trials conducted at Tokyo Narita Airport from 5 July to 17 September 2010, with the voluntary participation of passengers.

13.14 Malaysia provided an information paper on the implementation of the Secure Freight Programme Pilot Project (WP/257), an initiative it has undertaken together with IATA, Malaysia Airports (KLIA) and a number of other participants involved in shipping air cargo. The trial stage commenced in May 2010 with the goal of implementing a National Secure Freight Programme. This paper was also presented under Agenda Item 52.

13.15 The Republic of Korea, in an information paper (WP/255), outlined its long-term development plans for civil aviation security. The plans include introducing improvements such as advanced screening technology and strengthening air cargo security, as well as the enhancement of the

national civil aviation security quality control system. The paper stressed the importance of international cooperation in addressing emerging threats.

13.16 Venezuela, in an information paper (WP/282), reviewed its experience with certifying national aviation security personnel, with the intention of assisting other States in achieving compliance with the requirements established in Standards 3.4.1 and 3.4.3 of Annex 17.

13.17 The Council, in WP/19, presented proposals to revise Assembly Resolution A36-20: *Consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference*. The proposed revisions reflect developments in the field of aviation security since the 36th Session of the Assembly, including the outcome of regional conferences on aviation security that took place in 2010 in response to the incident of 25 December 2009, as well as the adoption of a new aviation security strategy, ICASS, for the next two triennia. The draft Resolution also included amendments considered necessary to clarify the content of the present policies.

13.18 In WP/100, Belgium presented proposals for improving ICAO's aviation security capacity-building initiatives. It invited the Assembly, on behalf of the European Union and its Member States and the other States Members of the European Civil Aviation Conference (ECAC), to consider further revising Resolution A36-20 to include reference to several capacity-building principles, including a requirement to prioritize capacity-building activities on the basis of Universal Security Audit Programme (USAP) results.

13.19 The Assembly was also invited, in updating Resolution A36-20, to incorporate changes proposed in WP/101, a paper presented by Belgium, on behalf of the European Union and its Member States and the other States Members of ECAC. WP/101 focused on measures to ensure the effectiveness of aviation security policy despite the evolving terrorist threat. In addition to specific amendments to the Resolution, the paper identified issues requiring the attention of the Aviation Security Panel. It also expressed support for convening a High-Level Conference on Aviation Security during the 2011-2013 triennium.

13.20 In WP/75, the Council proposed that the Assembly adopt the Declaration on Aviation Security, a global response to the attempted sabotage of Northwest Airlines Flight 253 on 25 December 2009 as well as other threats to civil aviation. The Declaration contains the main elements of Joint Declarations adopted by a series of Ministerial-level regional conferences on aviation security held in 2010, and defines a number of key activities to be undertaken by ICAO and its Member States over the coming years.

13.21 The Committee noted with satisfaction the existing and new aviation security initiatives taken by ICAO, and commended the Secretary General for taking substantial steps to emphasize security's importance and maximize the efficient use of aviation security resources, notably by consolidating the security programmes within the Aviation Security Branch. Committee members expressed overwhelming support for ICAO's role in setting aviation security standards globally, and endorsed Amendment 12 to Annex 17 — *Security*.

13.22 The Committee expressed its appreciation to ICAO for developing the new aviation security strategies contained in the ICASS, and stressed the importance of its implementation. It was recommended that efforts be taken to ensure that ICAO's security work programme continues to be

funded within the parameters of the regular programme budget while still encouraging States to provide voluntary contributions in the form of human and financial resources, to the extent possible, to ensure the effectiveness of global aviation security.

13.23 The Committee underscored the need for balancing aviation security and facilitation, and acknowledged the need to minimize disruptions or delays caused by repetitive security checks at transit/transfer airports on the basis of Standard 4.4.2 of Annex 17. The Committee agreed that there is a need to encourage further regional coordination and cooperation so that transfer passengers originating from other airports receive facilitated security screening and/or to promote one-stop security.

13.24 With regard to human factors, the Committee acknowledged its importance and stressed that it must always be taken into account, notwithstanding the high level of aviation security technology development in the aviation industry.

13.25 The Committee members agreed with the suggestion that industry and government roles in aviation security be aligned, as proposed in WP/252, and that a “checkpoint of the future” be developed.

13.26 The Committee stressed the importance of having an effective Aviation Security Point of Contact (PoC) Network for sharing threat and other information amongst Member States. It noted the PoC Network exercises that were carried out recently within the Asia and Pacific Region and recommended that such initiatives be undertaken in other regions. The Committee, moreover, encouraged States to register and use the PoC Network for sharing critical aviation security information.

13.27 With a view to increasing awareness of security among States and promoting increased cooperation, some Committee members called for an effort to reach out to all States to ensure fuller participation in regional and international aviation security conferences and events.

13.28 The Committee highlighted the importance of applying risk assessment in aviation security, and recommended that the Aviation Security Panel take into account a risk-based and layered approach to aviation security when proposing security-related Standards and Recommended Practices (SARPs). For this reason, it was further suggested that a risk assessment methodology be used by the international community. The Committee agreed that a clear understanding of the risks in the international aviation security environment would help States allocate their resources to the areas of highest priority.

13.29 The Committee recognized that the insider threat is substantial, and it recommended that the Aviation Security Panel further study the possible implementation of 100 per cent screening of persons other than passengers.

13.30 The Committee considered the draft Declaration on Aviation Security, proposed by the Council as a means of demonstrating States’ political will to strengthen aviation security worldwide. The Committee expressed broad and strong support for the draft Declaration and offered comments for refining its text, including a proposal to place more emphasis on the importance of aviation security capacity-building activities and technical assistance for developing States.

13.31 Completing its work on this agenda item, the Committee agreed to submit for adoption by the Plenary, a revised *Consolidated statement on the continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference* (with the exception of Appendix E, which is included in the report on Agenda Item 14), and the global Declaration on Aviation Security, taking into account the Committee's proposed amendments.

Resolution 13/xx: Consolidated statement on the continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference

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

Whereas in Resolution A36-20 the Assembly resolved to adopt at each session a consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference; and

Whereas the Assembly has reviewed proposals by the Council for the amendment of the consolidated statement of continuing ICAO policies in Resolution A36-20, Appendices A to H inclusive, and has amended the statement to reflect the decisions taken during the 37th Session;

The Assembly:

1. *Resolves* that the Appendices attached to this resolution constitute the consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference, as these policies exist at the close of the 37th Session of the Assembly;
2. *Resolves* to request that the Council submit for review at each ordinary session a consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference; and
3. *Declares* that this resolution supersedes Resolution A36-20.

APPENDIX A

General policy

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

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

Whereas the threat of terrorist acts, including those posed by the use of aircraft as a weapon of destruction, by the targeting of aircraft by man-portable air defence systems (MANPADS), other

surface-to-air missiles systems, light weapons and rocket-propelled grenades, by carrying on board liquids, gels and aerosols as component parts of an improvised explosive device, by sabotage or attempted sabotage using an improvised explosive device, by the unlawful seizure of aircraft, or by attack on aviation facilities and other acts of unlawful interference against civil aviation, has a serious adverse effect on the safety, efficiency and regularity of international civil aviation, endangering the lives of persons on board and on the ground and undermining the confidence of the peoples of the world in the safety of international civil aviation;

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

Recalling Assembly Resolutions A33-1 and A36-19 and the recommendations of the High-level, Ministerial Conference on Aviation Security held in February 2002;

Noting actions taken so far by the Council, in particular the adoption of the ICAO Aviation Security Plan of Action in June 2002, as well as the new preventive measures, strengthening the means available to the Organization in order to counter new and existing threats to civil aviation; and

Endorsing the ICAO Comprehensive Aviation Security Strategy and its seven strategic focus areas, as adopted by the Council on 17 February 2010, which provides the framework for ICAO's aviation security activities for the next two triennia (2011-2016), to succeed the current Aviation Security Plan of Action;

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 acts and attempted acts of unlawful interference aimed at the destruction in flight of civil aircraft in commercial service including any misuse of civil aircraft as a weapon of destruction and the death of persons on board and on the ground;
3. *Reaffirms* that aviation security must continue to be treated as a matter of highest priority and appropriate resources should be made available by ICAO and its Member States;
4. *Calls* upon all Contracting 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 Contracting States in matters affecting the safe and orderly operation of international civil aviation throughout the world;
6. *Directs* the Council to continue, as an urgent priority, its work relating to measures for prevention of acts of unlawful interference, on the basis of the strategic direction provided under the ICAO Comprehensive Aviation Security Strategy, and ensure that this work is carried out with the highest efficiency and responsiveness;

7. *Expresses* appreciation to Contracting States for the voluntary contributions in the form of human and financial resources to the Aviation Security Plan of Action during the 2008-2010 triennium; and

8. *Urges* all Contracting States to continue to financially support the Organization's aviation security activities through the ICAO Comprehensive Aviation Security Strategy.

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 legal instruments*

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

The Assembly:

1. *Urges* Contracting States which have not yet done so to become parties to the *Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Tokyo, 1963), to the *Convention for the Suppression of Unlawful Seizure of Aircraft* (The Hague, 1970), to the *Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation* (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), and to the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (Beijing, 2010). Lists of States Parties to aviation security legal instruments can be found on www.icao.int under the ICAO Treaty Collection;

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

Plastic Explosives for the Purpose of Detection and to provide assistance requested by States encountering any difficulties in becoming parties to these instruments.

b) *Enactment of national legislation and conclusion of appropriate agreements*

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

The Assembly:

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

2. *Calls* upon Contracting States to take adequate measures relating to the extradition or prosecution of persons committing acts of unlawful seizure of aircraft, acts of sabotage or attempted sabotage or other acts or attempted acts of unlawful interference against civil aviation by adopting appropriate provisions in law or treaty for that purpose or by strengthening existing arrangements and by concluding appropriate agreements for the suppression of such acts which would provide for the extradition of persons committing criminal attacks on international civil aviation.

APPENDIX C

Implementation of technical security measures

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

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

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

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

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;

The Assembly:

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

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

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

4. *Urges* Contracting States 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 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 Security Manual for Safeguarding Civil Aviation Against Acts of Unlawful Interference* (Doc 8973) and available on the ICAO restricted website;

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

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

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

- b) share expertise, best practices and information relating to preventive security measures, including screening and inspection techniques, the detection of explosives, airport security behavioural detection, screening and credentialing of airport staff, human resource development and the research and development of relevant technologies;
- c) utilize modern technologies to detect prohibited materials and to prevent the carriage of such materials on board aircraft while respecting the privacy and safety of individuals; and
- d) replace restrictions on the carriage of liquids, aerosols and gels (LAGs) by the screening of LAGs when appropriate explosive detection technology becomes more widely available;

7. *Calls* upon Contracting States to examine information exchange mechanisms including the use of liaison officers and further use of Advance Passenger Information (API) provided by air carriers, to reduce the risk to passengers, while ensuring the protection of privacy and civil liberties;

8. *Calls* upon Contracting 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;

9. *Calls* upon Contracting 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;

10. *Urges* those Contracting States that have not already done so, to begin issuing only machine readable passports in accordance with the specifications of Doc 9303, Part 1;

11. *Requests* the Council to direct the Secretary General to:

- a) ensure that the provisions of Annex 17 and Annex 9 — *Facilitation* are compatible with and complementary to each other, provided that the effectiveness of security measures is not compromised;
- b) where relevant, include items dealing with aviation security on the agenda of ICAO meetings;
- c) continue to promote the adoption of effective security processes and concepts, through awareness raising regional and sub-regional aviation security events at the request of States concerned;
- d) develop and update the ICAO Training Programme for Aviation Security and Aviation Security Training Packages (ASTPs);

- e) oversee, develop and promote the aviation security training centres (ASTCs) network within the existing framework to ensure training standards are maintained and sound levels of cooperation are achieved;
- f) continue to work with the Aviation Security Panel to address new and existing threats to civil aviation, and to develop appropriate preventive measures, including the screening of airport staff with access to secured airport facilities, enhanced screening of passengers and baggage, appropriate security controls for cargo, the supply chain and service providers, as well as the selection and training of persons executing and implementing security measures; and
- g) promote the development of mutual recognition processes with the goal of assisting States in achieving mutually beneficial arrangements, including one-stop security arrangements.

12. *Directs* the Council to require the Secretary General to update and amend at appropriate intervals the Security Manual and develop new guidance material, including detailed guidance material on liquids, aerosols and gels, and human factors, as required, designed to assist Contracting States in responding to new and existing threats to aviation and implementing the specifications and procedures related to civil aviation security;

13. *Directs* the Council to instruct the Aviation Security Panel to identify and develop a risk assessment methodology for aviation security and to include risk-based assessment with any recommendations for the adoption of new or amended aviation security measures in Annex 17 or in any other ICAO document; and

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

APPENDIX D

Action of States concerned with an act of unlawful interference

a) Acts of unlawful interference

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

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

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

The Assembly:

1. *Expresses* concern about the challenges posed to security of civil aviation by new and existing threats and the changing modus operandi used in perpetrating acts of unlawful interference;
2. *Recalls* in this regard the relevant provisions of the Chicago, Tokyo, The Hague, and Montréal Conventions, and the 1988 Supplementary Protocol to the Montréal Convention,
3. *Recommends* that States take into account the above considerations in the development of their policies and contingency plans for dealing with acts of unlawful interference;
4. *Urges* Contracting States to provide assistance to an aircraft subjected to an act of unlawful seizure, including the provision of navigation aids, air traffic services and permission to land;
5. *Urges* Contracting States to ensure that an aircraft subjected to an act of unlawful seizure which has landed in its territory is detained on the ground unless its departure is necessitated by the overriding duty to protect human life;
6. *Recognizes* the importance of consultations between the State where an aircraft subjected to an act of unlawful seizure has landed and the State of the operator of that aircraft as well as notification by the State where the aircraft has landed to the States of assumed or stated destination;
7. *Urges* Contracting States to cooperate for the purpose of providing a joint response in connection with an act of unlawful interference, as well as utilizing, if necessary, the experience and capabilities of the State of the operator, the State of manufacture and the State of registration of an aircraft which has been subjected to an act of unlawful interference, while taking measures in their territory to free the passengers and crew members of that aircraft;
8. *Condemns* any failure by a Contracting State to fulfil its obligations to return without delay an aircraft which is being illegally detained or to extradite or submit to competent authorities without delay the case of any person accused of an act of unlawful interference with civil aviation; and
9. *Calls* upon Contracting States to continue to assist in the investigation of such acts and in the apprehension and prosecution of those responsible.

b) Reporting on acts of unlawful interference

Whereas official reports filed by States concerned with acts of unlawful interference should provide credible information and constitute the basis for evaluation and analysis of acts; and

Whereas the ICAO online database of acts of unlawful interference is an effective tool for the prompt dissemination of information related to aviation security incidents, and is readily accessible by Contracting States;

The Assembly:

1. *Notes* with concern that many States experiencing acts of unlawful interference often do not provide the Council with the official reports on such acts;
2. *Urges* States to fulfil their obligations under Article 11 of The Hague Convention and Article 13 of the Montréal Convention as well as under Annex 17, following occurrences of unlawful interference, to forward to the Council, as soon as possible, all relevant information required by those Articles and SARPs in order to enable the Secretariat to retain accurate and complete information and to analyse trends and new threats to civil aviation;
3. *Directs* the Council to direct the Secretary General, within a reasonable time from the date of a specific occurrence of unlawful interference, to request that concerned States forward to the Council in accordance with their national law all relevant information concerning such an occurrence, including, particularly, information relating to extradition or other legal proceedings; and
4. *Requests* that the Council direct the Secretary General, in conjunction with the Aviation Security Panel, to monitor, collate, verify and analyse reported acts of unlawful interference, inform States of trends and potential and new threats, and develop appropriate guidance to deter new and existing threats.

APPENDIX E

The ICAO Universal Security Audit Programme

Editorial Note. — The Appendix related to the ICAO Universal Security Audit Programme (USAP) will be considered with the report to the Assembly on progress made in the execution of the USAP under Item 14, Universal Security Audit Programme (USAP).

APPENDIX F

Assistance to States in establishing aviation security oversight capacity for the protection of international civil aviation

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

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

The Assembly:

1. *Directs* the Council to request the Secretary General to facilitate and coordinate technical assistance and support for States that need to improve their security oversight and airport security as identified in the Universal Security Audit Programme (USAP) reports;

2. *Invites* developed countries to give assistance to the countries which are not able to implement programmes of recommended technical measures for the protection of aircraft on the ground and, in particular, in the processing of passengers, their cabin and hold baggage, and cargo, mail, courier and express parcels;
3. *Invites* Contracting States to consider requesting assistance from ICAO and other international organizations to meet their technical assistance requirements arising from the need to protect international civil aviation;
4. *Invites* Contracting States to take advantage of ICAO short-term remedial assistance and longer-term State assistance projects to remedy deficiencies identified during audits;
5. *Directs* the Council to request the Secretary General to assess the quality and effectiveness of ICAO assistance projects;
6. *Urges* all States that have the means to do so to increase technical, financial and material assistance to countries in need of such assistance to improve aviation security through bilateral and multilateral efforts, that are fully coordinated, through ICAO;
7. *Urges* Contracting States to utilize ICAO ASTCs for security training;
8. *Urges* Contracting 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;
9. *Directs* the Council to request the Secretary General to facilitate the coordination of assistance programmes and activities by collecting information on such initiatives; and
10. *Urges* the international community to consider increasing assistance to States and enhancing cooperation amongst them, in order to be able to benefit from the achievement of the aims and objectives of the *Convention on the Marking of Plastic Explosives for the Purpose of Detection*, in particular through the International Explosives Technical Commission (IETC).

APPENDIX G

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

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

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

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

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

APPENDIX H

International and regional cooperation in the field of aviation security

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

The Assembly:

1. *Invites* the Civil Air Navigation Services Organization (CANSO), the International Atomic Energy Agency (IAEA), the International Criminal Police Organization (ICPO/INTERPOL), the

Organization for Security and Cooperation for Europe (OSCE), the United Nations Office on Drugs and Crime (UNODC), the Universal Postal Union (UPU), the International Air Transport Association (IATA), Airports Council International (ACI), the International Federation of Airline Pilots' Associations (IFALPA) 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 Contracting States; and

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

Declaration On Aviation Security

The Assembly, *recognizing* the need to strengthen aviation security worldwide, in light of the continuing threat to civil aviation, including the attempted sabotage of Northwest Airlines flight 253 on 25 December 2009; and *acknowledging* the value of the joint declarations on civil aviation security emanating from regional conferences held with a view to enhancing international cooperation, hereby *urges* Member States to take the following actions to enhance international cooperation to counter threats to civil aviation:

- 1) strengthen and promote the effective application of ICAO Standards and Recommended Practices, with particular focus on Annex 17 — *Security*, and develop strategies to address current and emerging threats;
- 2) strengthen security screening procedures, enhance human factors and utilize modern technologies to detect prohibited articles and support research and development of technology for the detection of explosives, weapons and prohibited articles in order to prevent acts of unlawful interference;
- 3) develop enhanced security measures to protect airport facilities and improve in-flight security, with appropriate enhancements in technology and training;
- 4) develop and implement strengthened and harmonized measures and best practices for air cargo security, taking into account the need to protect the entire air cargo supply chain;
- 5) promote enhanced travel document security and the validation thereof using the ICAO Public Key Directory (PKD) in conjunction with biometric information, and the commitment to report on a regular basis, lost and stolen passports to the INTERPOL Lost and Stolen Travel Documents Database to prevent the use of such travel documents for acts of unlawful interference with civil aviation;

- 6) improve Member States' ability to correct deficiencies identified under the Universal Security Audit Programme (USAP) by ensuring the appropriate availability of audit results among Member States, which would enable better targeting of capacity-building and technical assistance efforts;
- 7) provide technical assistance to States in need, including funding and capacity building to effectively address security threats to civil aviation, in cooperation with other States, international organizations and industry partners;
- 8) promote the increased use of cooperation mechanisms among Member States and with the civil aviation industry, for information exchange on security measures in order to avoid redundancy, where appropriate, and for early detection and dissemination of information on security threats to civil aviation, including through the collection and transmission of advance passenger information (API) and passenger name record (PNR) data, as an aid to security, whilst ensuring the protection of passengers' privacy and civil liberties; and
- 9) share best practices and information in a range of key areas, such as: screening and inspection techniques, including assessments of advanced screening technology for the detection of weapons and explosives; document security and fraud detection; behaviour detection and threat-based risk analysis; and screening of airport employees and the privacy and dignity of persons.

Montréal, October 2010

Agenda Item 14: Universal Security Audit Programme (USAP)

14.1 At its second meeting, the Executive Committee considered the Universal Security Audit Programme (USAP) on the basis of a progress report by the Council (WP/32), together with working papers presented by Colombia (WP/249 and WP/250).

14.2 The Executive Committee noted the results achieved by the USAP during the current triennium and supported WP/32, including the direction given by the Council regarding the conduct of a study to assess the feasibility of applying the continuous monitoring approach to the USAP following the conclusion of the current audit cycle in 2013.

14.3 The Executive Committee further recognized and welcomed the introduction of a limited level of transparency with respect to USAP audit results, as well as the mechanism to deal with significant security concerns (SSeCs) in a timely manner. The Committee agreed that transparency and the SSeC mechanism will contribute to the identification and prioritization of capacity-building efforts.

14.4 Colombia, in WP/249 and WP/250, emphasized the importance of providing continuous training to USAP auditors to ensure the harmonization of audit criteria, concepts and methodology. Colombia also recalled that States have sovereign responsibility in determining how they comply with international Standards.

14.5 The Executive Committee supported the view that auditor training and harmonization of the audit process was very important and should be emphasized.

14.6 The Executive Committee sought clarification with regard to paragraph 5 of the draft Assembly Resolution at Appendix C to WP/32. The Secretariat agreed to consider the need for any amendments to the text to clarify the intent with respect to the discretion of States to share the results of security audits carried out in their territory and related corrective actions.

14.7 In view of the deliberations and the unanimous support for the continuation of the USAP as an essential tool to oversee the implementation of Annex 17 — *Security*, and in order to address the future direction of the Programme, the Executive Committee agreed to submit to the Plenary the following draft Assembly Resolution regarding amendments to Appendix E of the Consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference.

Resolution 13/XX, Appendix E: Consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference

APPENDIX E

The ICAO Universal Security Audit Programme

Whereas the ICAO Universal Security Audit Programme (USAP) has been successful in meeting the mandate of Resolution A36-20, Appendix E;

Whereas the primary objective of the Organization continues to be that of ensuring the safety and security of international civil aviation worldwide;

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

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

Recalling that the 36th Session of the Assembly directed the Council to ensure the continuation of the USAP following the initial cycle of audits at the end of 2007 focusing, wherever possible, on a State's capability to provide appropriate national oversight of its aviation security activities through the effective implementation of the critical elements of a security oversight system; and expanding future audits to include relevant security-related provisions of Annex 9 — *Facilitation*;

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 has validated an increased level of implementation of ICAO security Standards;

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

Considering the introduction of a limited level of transparency 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 Audit Results 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; and

Recognizing the need to consider the future nature and direction of the USAP following the completion of the current audit cycle in 2013 and the direction given by the Council to conduct a study to assess the feasibility of extending the continuous monitoring approach (CMA) to the USAP after the conclusion of the current audit cycle;

The Assembly:

1. *Notes* with satisfaction that the ICAO Universal Security Audit Programme (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 establish a mechanism to validate the implementation of State corrective action plans through the conduct of ICAO coordinated validation missions or other means when sufficient evidence is presented by a State to warrant such a mission;
4. *Endorses* the policy of transparency of security audit results for the second cycle of the USAP, particularly relating to the prompt notification of the existence of significant security concerns;
5. *Urges* all Member States to give full support to ICAO by:
 - a) accepting the audit missions as scheduled by the Organization, in coordination with relevant States;
 - b) facilitating the work of the audit teams;
 - c) preparing and submitting to ICAO the required pre-audit documentation; and
 - d) preparing and submitting an appropriate corrective action plan to address deficiencies identified during the audit, as well as other post-audit documentation;
6. *Urges* all Member States, if requested by another State, to share the results of the audit carried out by ICAO and the corrective actions taken by the audited State, as appropriate and consistent with their sovereignty; and
7. *Requests* that the Council report to the next ordinary session of the Assembly on the overall implementation of the USAP, including its decision with regard to the study to assess the feasibility of extending the CMA to the USAP after the conclusion of the current audit cycle in 2013.

Agenda Item 15: Implementation Support and Development (ISD)

15.1 At its second meeting, the Executive Committee considered the subject of the Implementation Support and Development (ISD) Programme on the basis of a report by the Council (WP/17) describing a new strategy for coordinated aviation security assistance, and a Council Report on updating the consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference, Resolution A36-20 (WP/19), which was presented under Agenda Item 13 (Security Policy). In addition, there were five papers submitted by States and Observers: WPs/247, 248, 274, 279 and 299.

15.2 The Council, in WP/17, recommended a new strategy for coordinated aviation security assistance, consistent with the ICAO Comprehensive Aviation Security Strategy (ICASS) presented in WP/18, and outlined steps for assisting States. The three components of the new strategy include capacity-building, raising awareness and improving ICAO's training and advisory services in aviation security. To address critical security deficiencies which pose a risk to global civil aviation, the paper further proposed a series of activities to be undertaken by the ISD Security Programme.

15.3 Venezuela, in WP/279, highlighted the need for ICAO to develop new Aviation Security Training Packages (ASTPs) covering topics such as threat and risk analysis, and aviation security human factors. The working paper also suggested that ICAO foster the establishment of additional Aviation Security Training Centres (ASTCs) in order to help meet Member States' requirements for aviation security training.

15.4 In WP/247, the African Civil Aviation Commission (AFCAC) informed the Assembly, on behalf of its 53 Member States, that as a result of the incident of 25 December 2009 a number of African States adopted a joint declaration and aviation security plan of action. The paper further highlighted the work being done under the ISD Programme in light of USAP audit results, and the role played by ICAO Aviation Security Regional Officers (ASROs).

15.5 In WP/248, AFCAC examined the impact of the ISD Programme, noting its positive contribution generally and within Africa in particular. However, noting the availability of existing ICAO Aviation Security Training Centres (ASTCs) and other training resources, AFCAC underscored the need to adopt a more aggressive approach to aviation security training, primarily by increasing training activities. It further proposed a joint ICAO-AFCAC effort, linking ICAO's regional activities with further development and implementation of the African Aviation Security Roadmap.

15.6 In an information paper (WP/299), the Islamic Republic of Iran stressed the need for ICAO to assist developing States as a matter of priority. It suggested that security deficiencies could be addressed by developing training and user-friendly guidance material for developing States. The paper also called for increased training activities.

15.7 The Republic of Korea (ROK), in WP/274, provided information on its National Civil Aviation Training Programme and approved training organizations. The paper outlined the criteria the ROK uses for approving an AVSEC training organization and described the entities currently offering such training. It also highlighted efforts to further improve training in the ROK, and informed the Assembly of ICAO's recent endorsement of the Aviation Security Training Centre (ASTC) of the Korea Airports Corporation.

15.8 The Executive Committee noted the positive work in the field of assistance and training during the present triennium and supported the new assistance strategy contained in WP/17. In this regard, the Secretariat announced that its assistance initiatives would be greatly increased to States in need. Additionally, in view of the continued emphasis on training, the number of ASTCs would not be restricted. ICAO would, however, maintain firm oversight of the network to ensure that ASTCs fulfill their responsibilities according to the endorsement criteria.

15.9 Numerous members of the Executive Committee supported the importance of aviation security training and assistance, and emphasized the need to continually develop ICAO's training material, be it on a global or regional level, using e-learning and blended learning methodology.

— END —