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ASSEMBLY — 36TH SESSION

REPORT OF THE EXECUTIVE COMMITTEE ON AGENDA ITEM 15

(Presented by the Chairman of the Executive Committee)

The attached report on Agenda Item 15 has been approved by the Executive Committee. Resolutions 15/1, 15/2 and 15/3 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.

(20 pages)

Agenda Item 15: Aviation Security Programme

15.1 In its third meeting, the Executive Committee considered the subject of the Aviation Security Programme on the basis of a progress report by the Council reporting on developments in the Programme since the 35th Session of the Assembly (WP/55) and on the level of indicative contributions for the ICAO Aviation Security Plan of Action (WP/62) and two other Council reports: one on the threat to civil aviation posed by man-portable air defence systems (MANPADS) (WP/26 and Addendum No. 1), and one on updating the consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference, Resolution A35-9 (WP/27). In addition, there were 19 papers presented by States and Observers: WPs/66, 81, 83, 84, 86, 87, 92, 93, 118, 121, 127, 171, 173, 174, 180 and Corrigendum No.1, 212, 252, 255, 272.

15.2 The Council, in WP/55, reported on the activities and developments in the Aviation Security (AVSEC) Programme since the 35th Session of the Assembly. This included the Coordinated Assistance and Development (CAD) Programme established as of March 2006 and merged into the Implementation Support and Development (ISD) Branch as of June 2007. The report also provided progress achieved to-date and listed new activities for the Programme. The Committee was also provided with a three-year report on acts of unlawful interference, which included a reference to the legal context of reporting on acts of unlawful interference and associated analysis.

15.3 In WP/62, the Council elaborated on the U.S. \$ 17.9 million funding required by the AVSEC Plan of Action for the period 2008-2010. It was explained that approximately 48 percent of the cost of the AVSEC Plan of Action is being integrated into the Regular Budget. The gap of U.S. \$9.3 million will have to be bridged through the balance of funds remaining at the end of fiscal 2007. This balance of funds at the end of the fiscal year is expected to be U.S.\$ 4.7 million based on the average contributions which have been made over the last 2 years. Given this balance of funds, the shortfall is presently forecast to be U.S. \$4.6 million. This of course depends on the collection of funds achieving at least 65 percent of the assessed amount (currently the collection of funds stands at 32 percent).

15.4 In WP/92, the United States expressed its support for the Coordinated Assistance and Development Programme and recommended actions aimed at increasing Member State participation in fostering partnerships with other Member States having aviation security expertise. The United States currently provides security assistance and training to ICAO Member States through various bilateral or multilateral arrangements focused on ensuring that international security standards are met and sustained. In an effort to broaden the scope of such work, the United States encourages other donor States to share information with each other and with ICAO in order to reduce duplication in security assistance activities and to assist ICAO in ensuring that security deficiencies identified through the Universal Security Audit Programme (USAP) are addressed in a manner that leads to sustained compliance with Annex 17.

15.5 The Kingdom of Bahrain, in WP/272, presented on behalf of the Arab Civil Aviation Commission Member States, a concept of establishing a global group of experts in the field of aviation safety and security. This group would be similar to *Médecins Sans Frontières* and *Reporters Sans Frontières*, consisting of experts primarily comprised of global retired volunteers who wish to continue to utilize their talents and expertise in providing assistance to States.

15.6 Portugal, in WP/66 presented on behalf of the European Community Member States and the other members of the European Civil Aviation Conference (ECAC), noted that in the six years since 11 September 2001 considerable advances have been made worldwide in the standards of civil aviation security. In this context, it suggested priorities for building on those advances and further developing worldwide standards, and invited ICAO to take action accordingly in its work programme for the next three years. These priorities included a shift from creating new rules towards better implementation of existing ones, and the urgent search for a technology-based solution for screening liquids, gels and aerosols.

15.7 The Council, in WP/26 and Addendum No.1, presented a draft Assembly Resolution aimed at strengthening the aviation community's efforts to address the serious threat posed to civil aviation by man-portable air defence systems (MANPADS), other surface-to-air missiles systems, light weapons and rocket propelled grenades. It presented proposals for amendment of Resolution A35-11 taking into account the latest developments in the United Nations, such as adoption of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons and the United Nations Global Counter-Terrorism Strategy, as well as regional and national initiatives.

15.8 In WP/174, China reported on its implementation of the security control guidelines for screening liquids, aerosols and gels (LAGSs) recommended by ICAO, and pointed out that currently available technical equipment can not eliminate all threats of liquid explosives to civil aviation.

15.9 Singapore, in WP/171, described its experience and challenges faced in the implementation of the LAGs restrictions. Realising the need for better international harmonization of these measures, Singapore drew the Assembly's attention to the urgent need for ICAO to develop detailed guidance material in order to further assist States in the implementation of security controls for screening LAGs as soon as practicable.

15.10 In WP/118, ACI stressed that the additional security restrictions on the carriage of LAGs in hand baggage have had a serious effect on passenger facilitation and on the day to day management of airports. The impact has stemmed from the need to implement the additional measures themselves and a lack of harmonisation internationally. It expressed the industry's appreciation for the good work done by ICAO such as the establishment of the framework arrangements for a global solution. However, the industry believes that further leadership and urgent actions will be needed to achieve a global solution to the problems outlined in the paper.

15.11 In WP/212, Colombia invited the Assembly to amend the draft Resolution on consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference, contained in WP/27, in order to introduce guidance on the development of technological platforms which help to support the aviation Security Point of Contact Network so that States have timely and efficient access to information. This development should also contribute to the construction of a platform enabling the distribution of security information related to threats to civil aviation.

15.12 The United States, in WP/86, considered that in times of crises, the Aviation Security Points of Contact (PoC) Network provides to States the mechanism needed to collaborate and through which critical information can be shared before, during, and after an aviation security incident. It is

important that States have the ability to reach out to elements within an appropriate authority to share information that is critical to protecting the global aviation network and to harmonize responses to an immediate threat, if necessary. States should be encouraged to participate in this network and ensure that their own information is maintained and available for access by other States. The United States supported the continued development of the PoC network database comprised of key contacts for all Member States, and recommended that the Assembly urge all States to register with the PoC network and keep their information up-to-date.

15.13 In WP/87, the United States stressed that threats to aviation continue to evolve as terrorists seek to defeat existing measures and create new methods of targeting aircraft, passengers, and aviation facilities. Various techniques exist that can be of assistance to Member States in order to counter these ever-evolving threats. These techniques range from sophisticated and expensive technologies for screening passengers, baggage, and cargo, to less expensive technologies used as primary or supplemental screening. States can tailor their security regimes based on the size of their aviation system and resources available, while still meeting international standards. The United States proposed alternative measures and technologies to be considered when developing and expanding a Member State's aviation security regime. In addition to the deployment of high-tech equipment for the screening of passengers, baggage, and cargo, there are lower-cost mechanisms such as risk-based flexible measures, including an element of unpredictability or randomness that can add true value to an existing security regime, thereby increasing its effectiveness.

15.14 Egypt, in WP/81, considered that the Contracting State has an obligation to certify the persons carrying out screening operations. It emphasized the importance of the human factors in civil aviation security operations when implementing the advanced technology, and recommended some operational practices.

15.15 Thailand, in WP/93, stressed that the aviation security threat is ever higher in today's world. The level of security measures must be commensurate with the level of the threat and the vulnerabilities. It considered that a strategic security management system is the only way out and therefore a strategic security management should be integrated into the strategic business plan.

15.16 In WP/255, the Arab Civil Aviation Commission (ACAC) informed that the Arab States, during their Second International Conference on Arab Aviation Security held in Jeddah, Kingdom of Saudi Arabia, from 26 to 28 March 2007, considered many issues and subjects related to aviation security at the regional Arab level and their interrelation and interaction with the international civil aviation security system. It was stressed that the harmonization of international, regional and national security legislation and regulations is of utmost importance. In this context, it was proposed to create a unified legal system and a mechanism to be accepted by all ICAO Contracting States in order to ensure consistency, coherence and harmony with regard to civil aviation laws.

15.17 The Council, in WP/27, presented proposals to revise Assembly Resolution A35-9: *Consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference*, in the light of developments in the field of aviation security since the 35th Session of the Assembly, namely, the threat to civil aviation operations posed by an alleged terrorist plot against civil aircraft over the North Atlantic, which would have involved the component parts of an improvised explosive device, including a home-made liquid explosive, being taken through the passenger and cabin baggage security checkpoint for assembly airside, probably on the aircraft; the

establishment of an Aviation Security Point of Contact (PoC) Network for the communication of imminent threats to civil air transport operations; and the establishment of the Implementation Support and Development (ISD) Branch. The draft text also included amendments considered necessary to clarify the content of the present policies.

15.18 IATA, in WP/83, considered that today's aviation security system is at a high level but can be inefficient and too reactive to events. It suggested some key principles of a risk-based security approach, which aim to build strength and efficiency by focusing on the main risks.

15.19 In addition, WP/84 explained IATA's approach to ensure that all its member airlines adopt a Security Management Systems (SEMS) approach in their operations. It informed that SEMS is now a mandatory requirement for IATA members, and they will be assessed for SEMS via the IATA Operational Safety Audit (IOSA). IATA considered the role of management systems in the aviation security environment and identified the benefits of the SEMS based approach endorsed by all stakeholders regarding security regulation and the operational delivery of security controls. It then highlighted the benefits that such an approach can provide in supporting the ongoing development and maintenance of a secure and effective aviation transport system and in meeting the requirements of Annex 17.

15.20 The International Transport Workers' Federation (ITF), in WP/180 and Corrigendum No.1, recommended that airline operators equip cabin crew members with discreet, secure, hands-free, wireless communications devices. Such devices would enhance communications between cabin and flight crew members, available law enforcement personnel, and ground-based support staff, thereby minimizing the potential for a successful re-enactment of the terrorist attacks of 11 September 2001. To support the rapid and widespread adoption of this important terrorism prevention tool, ITF invited the Assembly to work with union, industry, and government security representatives to develop technical implementation plans, and encourage Contracting States to adopt these plans.

15.21 In WP/127, the World Tourism Organization (UNWTO) stressed that safety and security in aviation and tourism are not only of paramount importance in terms of prevention of human tragedy, they also have wide ramifications for the world economy. Aviation is closely associated with tourism, which generates a higher contribution of gross domestic product, jobs and investment than most other economic activities. This is particularly the case in developing countries where tourism is the principal service sector activity. As the UNWTO's mandate is to foster responsible, safe, secure and sustainable tourism, with a current focus on poverty alleviation, the organization is concerned with the safety, security and facilitation of travel, including both international and domestic components of all modes of transportation. Furthermore, UNWTO fosters a culture of travel and tourism safety and security at the highest levels of government and industry in the context of tourism's decisive social and economic importance. The paper illustrated the close relationship between aviation and tourism on safety, security and facilitation issues and urged closer cooperation on these issues between the aviation and tourism communities.

15.22 In an information paper (WP/121), Australia reported on the major developments in Australian Aviation Security and how it continues to build stronger policies in relation to aviation security consistent with ICAO recommendations. Australia also considered that ICAO's programmes need continued support from all States.

15.23 In an information paper (WP/173), Indonesia reported on its aviation security programme and the efforts of the Directorate General of Civil Aviation to prevent potential acts of unlawful interference against civil aviation operations and the efforts which the DGCA of Indonesia has taken to get the travel ban on its certified operators lifted.

15.24 In WP/252, the Kingdom of Saudi Arabia reported on the outcomes of the Second International Conference for Arab Civil Aviation Security held in Jeddah, Kingdom of Saudi Arabia, from 26 to 28 March 2007 which it hosted in co-operation with ICAO and ACAC. It informed that many issues and subjects related to aviation security were discussed and a Conference declaration was issued expressing the Arab States' vision of global aviation security and their determination to support enhancement of security and the protection of passengers, airports, and aviation operations in the Arab Region.

15.25 The Committee underscored the continued high-level of threat to civil aviation and acknowledged that aviation security is a profoundly complex subject with its technical, economic, legal and political elements. It was underlined that ICAO, being a leader in aviation security, should address the threat environment with a holistic approach addressing issues within its jurisdiction and competency.

15.26 The Committee expressed its appreciation to ICAO for the expeditious development of security control guidelines for screening liquids, aerosols and gels (LAGs) following the alleged plot against civil aircraft over the North Atlantic in August 2006. However, it was stressed that there is an urgent need for harmonizing the implementation of measures on the carriage of LAGs internationally, thus facilitating transfer of passengers at airports without compromising security. In this context, it was recommended that further leadership and actions be taken including through consideration of the technical proposals contained in WPs/118, 171 and 174.

15.27 With regard to the security standards contained in the ICAO Annexes, it was suggested that a thorough review of their current development process be undertaken by the Council, and reported back to the next Session of the Assembly. The Committee also recommended that the Aviation Security Panel should be instructed to review its terms of reference and governing procedures at an early date with the objective of removing perceived constraints on the Panel's ability to consider the full scope of aviation security issues. It was further suggested that special aviation security assemblies or aviation security divisional meetings could be held to address security challenges in a more comprehensive manner.

15.28 The Committee stressed the importance of risk assessment in aviation security.

15.29 One Committee member highlighted the point that the e-learning methodology for training development be expanded upon within the ASTC network. Further discussions would be held in conjunction with the AVSEC Panel Training Working Group.

15.30 The Committee agreed that the Assembly should task the Council with studying and progressing the concepts and proposals in paragraphs 15.25 to 15.29.

15.31 The Committee considered that the relevant draft Resolutions should be amended to reflect the ambition to see expeditious progress towards the full integration of the security budget in the Regular Programme Budget.

15.32 The Committee members supported all efforts undertaken to-date to counter the threat to civil aviation operations posed by MANPADS and expressed its unanimous support for the draft resolution presented by the Council in WP/26 and Addendum No.1.

15.33 Completing its work on this agenda item, the Committee agreed to submit for adoption by the Plenary, Resolutions 15/1, 15/2 and 15/3, taking into account the Committee's proposals, with the exception of Appendix E which is included in the report on Agenda Item 16.

RESOLUTIONS FRAMED BY THE EXECUTIVE COMMITTEE AND RECOMMENDED FOR ADOPTION BY THE ASSEMBLY

Resolution 15/1

Financial contributions to the Aviation Security Plan of Action

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

Whereas the threat of terrorist acts, unlawful seizure of aircraft and other acts of unlawful interference against civil aviation, including acts aimed at destruction of aircraft, as well as acts aimed at using the aircraft as a weapon of destruction, have a serious adverse effect on the safety, efficiency and regularity of international civil aviation, endanger the lives of persons on board and on the ground and undermine the confidence of the peoples of the world in the safety of international civil aviation;

Recalling its Resolution A35-10;

Endorsing the Aviation Security Plan of Action adopted by the Council, to urgently address the new and emerging threats to civil aviation, in particular the establishment of an ICAO Universal Security Audit Programme relating to, *inter alia*, airport security arrangements and civil aviation security programmes, the review of the adequacy of the existing aviation security conventions and the review of the ICAO aviation security programme, including a review of Annex 17 and other related Annexes to the Convention;

Convinced that aviation security remains a critical and priority programme of ICAO and of the need to establish and implement work programmes in the next triennium to address the issues identified under Assembly Resolution A35-10; and

Noting that the Secretary General had integrated close to 50 per cent of the Aviation Security Plan of Action into the Regular Budget and that the funding required to implement the work programme relating to aviation security could not be fully included within the Regular Budget for 2008-2010 due to budgetary and financial constraints;

The Assembly:

1. *Expresses* its appreciation to the Contracting States for the voluntary contributions in the form of human and financial resources expected to reach at least U.S. \$ 4.6 million by the end of 2008 for the implementation of the Aviation Security Plan of Action during the 2008-2010 triennium;
2. *Urges* all Contracting States, as soon as possible, and preferably as part of their 2008 assessment, to provide voluntary contributions to finance the implementation of the Aviation Security Plan of Action, the suggested contributions to be based upon the 2008 scales of assessments approved by the Assembly for the Regular Budget;
3. *Urges* all Contracting States to make pledges of voluntary contributions in advance and make contributions early in 2008 so as to ensure the proper planning and implementation of the Aviation Security Plan of Action;
4. *Urges* the Council to support the long term sustainability of the Aviation Security Plan of Action by continuing to incorporate the funding requirements within the Regular Budget progressively, and accordingly *requests* that the Secretary General make specific proposals for their complete integration in Programme budgeting for 2011-2013; and
5. *Declares* that this resolution supersedes Assembly Resolution A 35-10.

Resolution 15/2

Threat to civil aviation posed by man-portable air defence systems (MANPADS)

Expressing its deep concern regarding the global threat posed to civil aviation by terrorist acts, in particular the threat posed by man-portable air defence systems (MANPADS), other surface-to-air missiles systems, light weapons and rocket-propelled grenades;

Recalling United Nations General Assembly resolutions 61/66 on the illicit trade in small arms and light weapons in all its aspects, 60/77 on prevention of the illicit transfer and unauthorized access to and use of man-portable air defence systems, 61/71 on assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them and 60/288 on the United Nations Global Counter Terrorism Strategy;

Noting the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (A/60/88) and the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, Elements for Export Controls of MANPADS, and the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Material;

Noting with satisfaction the ongoing efforts of other international and regional organizations aimed at developing a more comprehensive and coherent response to the threat to civil aviation posed by MANPADS; and

Recognizing that the specific threat posed by MANPADS requires a comprehensive approach and responsible policies on the part of States;

The Assembly:

1. *Urges* all Contracting States to take the necessary measures to exercise strict and effective controls on the import, export, transfer or retransfer and stockpile management of MANPADS and associated training and technologies, as well as limiting the transfer of MANPADS production capabilities;

2. *Calls upon* all Contracting States to cooperate at the international, regional and sub-regional levels with a view to enhancing and coordinating international efforts aimed at implementing countermeasures carefully chosen with regard to their effectiveness and cost, and combating the threat posed by MANPADS;

3. *Calls upon* all Contracting States to take the necessary measures to ensure the destruction of non-authorized MANPADS in their territory, as soon as possible;

4. *Urges* all Contracting States to implement the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons as referred to in the United Nations General Assembly resolution 61/66 on the illicit trade in small arms and light weapons in all its aspects;

5. *Urges* all Contracting States to apply the principles defined in the Elements for Export Controls of MANPADS of the Wassenaar Arrangement;

6. *Directs* the Council to request that the Secretary General monitor on an on-going basis the threat to civil aviation posed by MANPADS, continuously develop appropriate countermeasures to this threat, and periodically request that Contracting States inform the Organization regarding the status of implementation of the resolution and the measures taken to fulfil its requirements; and

7. *Declares* that this resolution supersedes Resolution A35-11.

Resolution 15/3

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 A35-9 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 A 35-9, Appendices A to H inclusive, and has amended the statement to reflect the decisions taken during the 36th 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 36th 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 A35-9.

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 the unlawful seizure of aircraft, or by attack on aviation facilities and other acts of unlawful interference against civil aviation, have 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 A35-11 and the recommendations of the High-level, Ministerial Conference on Aviation Security held in February 2002; and

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 emerging threats to civil aviation;

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 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 Contracting 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, 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, in particular the implementation of the ICAO Aviation Security Plan of Action and ensure that this work is carried out with the highest efficiency and responsiveness;
7. *Welcomes* the integration of 48 percent of the Aviation Security Plan of Action into the Regular Budget and requests the Council to take total integration as an essential parameter of the development of the 2011-2013 triennium budget; and
8. *Urges* all Contracting States to continue to support the ICAO Aviation Security Plan of Action, by concluding voluntary funding memorandums with the Organization since the Plan's full implementation will still be dependent on voluntary contributions until such time as it is fully included in the Regular Budget.

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* (Montreal, 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*, (Montreal, 1988) as well as by the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* (Montreal, 1991) 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* (Montreal, 1971) and the 1988 Supplementary Protocol to the Montreal Convention, and to the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* (Montreal, 1991). List 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 instruct the Secretary General to continue to remind States of the importance of becoming parties to the Tokyo, The Hague and Montreal Conventions, to the 1988 Supplementary Protocol to the Montreal Convention and the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* and to provide assistance requested by States encountering any difficulties in becoming parties to these instruments.

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 or other acts of unlawful interference against civil aviation, and in particular to include in their legislation rules for the severe punishment of such persons; 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 or other acts of unlawful interference against civil aviation by adopting appropriate provisions in law or treaty for that purpose or by strengthening existing arrangements 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 Contracting 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 checked 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 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 and to keep up to date the provisions of Annex 17 to the Chicago Convention;
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 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. *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;
7. *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, not later than 1 April 2010;
8. *Requests* the Council to instruct 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) convene regional aviation security seminars 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 and develop the aviation security training centres (ASTCs) network to ensure training standards are maintained and sound levels of cooperation are achieved; and
- f) continue to analyze potential threats to civil aviation and appropriate preventative measures, involving, among other things, employee access to secured facilities, threats to non-secured areas, MANPADS, effective screening of passengers, baggage and cargo, and the security supply chain and service providers; and

9. *Directs* the Council to instruct 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, as required, designed to assist Contracting States in responding to emerging threats to aviation and implementing the specifications and procedures related to civil aviation security; and

10. *Directs* the Council to instruct the Aviation Security Panel to review its terms of reference and governing procedures at an early date with the objective of removing perceived 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 emerging 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 Montreal Conventions, and the 1988 Supplementary Protocol to the Montreal 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 basis for evaluation and analysis of acts;

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 Montreal 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 analyze trends and emerging threats to civil aviation;

3. *Directs* the Council to instruct 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 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 analyze reported acts of unlawful interference, inform States on trends and potential and emerging threats, and develop appropriate guidance to deter new and emerging threats.

APPENDIX E

The ICAO Universal Security Audit Programme

Editorial Note.— The Appendix related to the ICAO Universal Security Audit Programme (USAP) has been considered with the report to the Assembly on progress made in the execution of the USAP under Item 16 “Universal Security Audit Programme (USAP)”.

APPENDIX F

Assistance to States in the implementation of technical measures for the protection of international civil aviation

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

Whereas, notwithstanding assistance given, some countries, in particular developing countries, 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 checked baggage, cargo, mail, courier and express parcels;

3. *Invites* Contracting States to consider requesting assistance from the Implementation Support and Development (ISD) Branch, other international organizations such as the United Nations Development Program, and the Technical Co-operation Programme to meet their technical assistance requirements arising from the need to protect international civil aviation;

4. *Invites* Contracting States to take advantage of short-term remedial assistance available under the ISD Programme and longer-term State assistance projects under the Technical Co-operation Programme to remedy deficiencies identified during audits;

5. *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 the ICAO ISD Programme;

6. *Urges* Contracting States to utilize ICAO aviation security training centres (ASTCs) for security training; and

7. *Urges* the international community to consider increasing assistance to States and enhance 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 bilateral cooperation between States;

Whereas the 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 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 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, through the Regional Offices, to promote initiatives which enable the establishment of technological platforms for the exchange of aviation security information among Contracting States;

5. *Recommends* 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 emerging 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 Air Line 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.

— END —