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**International Civil Aviation Organization**

## PART VII. UNLAWFUL INTERFERENCE

### GENERAL

<b>A33-1: Declaration on misuse of civil aircraft as weapons of destruction and other terrorist acts involving civil aviation</b>
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*Witnessing* the abhorrent terrorist acts which occurred in the United States on 11 September 2001 resulting in the loss of numerous innocent lives, human suffering and great destruction;

*Expressing* its deepest sympathy to the United States, to the more than seventy other States worldwide which lost nationals and to the families of the victims of such unprecedented criminal acts;

*Recognizing* that such terrorist acts are not only contrary to elementary considerations of humanity but constitute also use of civil aircraft for an armed attack on civilized society and are incompatible with international law;

*Recognizing* that the new type of threat posed by terrorist organizations requires new concerted efforts and policies of cooperation on the part of States;

*Recalling* its Resolutions A22-5, A27-9 and A32-22 on acts of unlawful interference and terrorism aimed at the destruction of civil aircraft in flight;

*Recalling* United Nations General Assembly Resolution 55/158 on *measures to eliminate international terrorism* and United Nations Security Council Resolutions 1368 and 1373 on *condemning and combatting international terrorism*;

*The Assembly:*

1. *Strongly condemns* these terrorist acts as contrary to elementary considerations of humanity, norms of conduct of society and as violations of international law;

*Solemnly*

2. *Declares* that such acts of using civil aircraft as weapons of destruction are contrary to the letter and spirit of the *Convention on International Civil Aviation*, in particular its preamble and Articles 4 and 44, and that such acts and other terrorist acts involving civil aviation or civil aviation facilities constitute grave offences in violation of international law;

3. *Urges* all Contracting States to ensure, in accordance with Article 4 of the Convention, that civil aviation is not used for any purpose inconsistent with the aims of the *Convention on International Civil Aviation*, and to hold accountable and punish severely those who misuse civil aircraft as weapons of destruction, including those responsible for planning and organizing such acts or for aiding, supporting or harbouring the perpetrators;

4. *Urges* all Contracting States to strengthen cooperation in order to assist in the investigation of such acts and in the apprehension and prosecution of those responsible and to ensure that those who participated in these terrorist acts, whatever the nature of their participation, find no safe haven anywhere;

5. *Urges* all Contracting States to intensify their efforts in order to achieve the full implementation and enforcement of the multilateral conventions on aviation security, as well as of the ICAO Standards and Recommended Practices (SARPs) and Procedures relating to aviation security, to monitor such implementation, and to take within their territories appropriate additional security measures commensurate to the level of threat in order to prevent and eradicate terrorist acts involving civil aviation;
6. *Urges* all Contracting States to make contributions in the form of financial or human resources to ICAO's AVSEC mechanism to support and strengthen the combat against terrorism and unlawful interference in civil aviation; *calls on* Contracting States to agree on special funding for urgent action by ICAO in the field of aviation security referred to in paragraph 7 below; and *directs* the Council to develop proposals and take appropriate decisions for a more stable funding of ICAO action in the field of aviation security, including appropriate remedial action;
7. *Directs* the Council and the Secretary General to act urgently to address the new and emerging threats to civil aviation, in particular to review the adequacy of the existing aviation security conventions; to review the ICAO aviation security programme, including a review of Annex 17 and other related Annexes to the Convention; to consider the establishment of an ICAO Universal Security Oversight Audit Programme relating to, inter alia, airport security arrangements and civil aviation security programmes; and to consider any other action which it may consider useful or necessary, including technical cooperation; and
8. *Directs* the Council to convene, at the earliest date, if possible, in the year 2001, an international high-level, ministerial conference on aviation security in Montreal with the objectives of preventing, combatting and eradicating acts of terrorism involving civil aviation; of strengthening ICAO's role in the adoption of SARPs in the field of security and the audit of their implementation; and of ensuring the necessary financial means as referred to in paragraph 6 above.

<b>A17-1: Declaration by the Assembly</b>
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*Whereas* international civil air transport helps to create and preserve friendship and understanding among the peoples of the world and promotes commerce between nations;

*Whereas* acts of violence directed against international civil air transport and airports and other facilities used by such air transport jeopardize the safety thereof, seriously affect the operation of international air services and undermine the confidence of the peoples of the world in the safety of international civil air transport; and

*Whereas* Contracting States, noting the increasing number of acts of violence against international air transport, are gravely concerned with the safety and security of such air transport;

*The Assembly:*

*Condemns* all acts of violence which may be directed against aircraft, aircraft crews and passengers engaged in international air transport;

*Condemns* all acts of violence which may be directed against civil aviation personnel, civil airports and other facilities used by international civil air transport;

*Urgently calls upon* States not to have recourse, under any circumstances, to acts of violence directed against international civil air transport and airports and other facilities serving such transport;

*Urgently calls upon* States, pending the coming into force of appropriate international conventions, to take effective measures to deter and prevent such acts and to ensure, in accordance with their national laws, the prosecution of those who commit such acts;

*Adopts the following declaration:*

The Assembly of the International Civil Aviation Organization,

Meeting in Extraordinary Session to deal with the alarming increase in acts of unlawful seizure and of violence against international civil air transport aircraft, civil airport installations and related facilities;

Mindful of the principles enunciated in the *Convention on International Civil Aviation*;

Recognizing the urgent need to use all of the Organization's resources to prevent and deter such acts;

*Solemnly*

1. Deplores acts which undermine the confidence placed in air transport by the peoples of the world.
2. Expresses regret for the loss of life and injury and damage to important economic resources caused by such acts.
3. Condemns all acts of violence which may be directed against aircraft, crews and passengers engaged in, and against civil aviation personnel, civil airports and other facilities used by, international civil air transport.
4. Recognizes the urgent need for a consensus among States in order to secure widespread international cooperation in the interests of the safety of international civil air transport.
5. Requests concerted action on the part of States towards suppressing all acts which jeopardize the safe and orderly development of international civil air transport.
6. Requests application, as soon as possible, of the decisions and recommendations of this Assembly so as to prevent and deter such acts.

**A33-3: Increasing the effectiveness of ICAO  
(to face new challenges)**

**A34-1: Use of funds in the separate account established  
under Resolving Clause 3 of Assembly Resolution  
A33-27**

**CONTINUING ICAO POLICY RELATED  
TO UNLAWFUL INTERFERENCE**

**A38-15: Consolidated statement on continuing ICAO policies  
related to aviation security**

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

*Whereas* in Resolution A37-17 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 A37-17, Appendices A to I inclusive, and has amended the statement to reflect the decisions taken during the 38th 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 38th 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 A37-17.

## **APPENDIX A**

### **General policy**

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

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

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

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

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

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

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

*Recalling* the Declaration on Aviation Security that was adopted by the 37th Session of the Assembly;

*Recalling* the Joint Statements adopted at ICAO Regional Conferences on Aviation Security held in 2011 and 2012;

*Recalling* the Joint Communiqué issued by the ICAO-WCO Joint Conference on Enhancing Air Cargo Security and Facilitation – Synergy Through Cooperation, held in Singapore in July 2012;

*Recalling* the Communiqué of the High-level Conference on Aviation Security held in Montréal in September 2012, and the conference conclusions and recommendations; and

*Noting with satisfaction* the actions taken to implement 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 2011-2016 triennia;

*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 including any misuse of civil aircraft as a weapon of destruction and the death of persons on board and on the ground;
3. *Reaffirms* that aviation security must continue to be treated as a matter of highest priority and appropriate resources should be made available by ICAO and its Member States;
4. *Calls upon* all Member States to confirm their resolute support for the established policy of ICAO by applying the most effective security measures, individually and in cooperation with one another, to prevent acts of unlawful interference and to punish the perpetrators, planners, sponsors, and financiers of conspirators in any such acts;
5. *Reaffirms* ICAO's responsibility to facilitate the consistent and uniform resolution of questions which may arise between Member States in matters affecting the safe and orderly operation of international civil aviation throughout the world;
6. *Directs* the Council to continue, as an urgent priority, its work relating to measures for prevention of acts of unlawful interference, on the basis of the strategic direction provided under the ICAO Comprehensive Aviation Security Strategy, and ensure that this work is carried out with the highest efficiency and responsiveness;
7. *Expresses appreciation* to Member States for the voluntary contributions in the form of human and financial resources to the ICAO Comprehensive Aviation Security Strategy during the 2011-2013 triennium; and
8. *Urges* all Member States to continue to financially support the Organization's aviation security activities beyond those budgeted for under the regular programme through the 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* Member States which have not yet done so to become parties to the *Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Tokyo, 1963), to the *Convention for the Suppression of Unlawful Seizure of Aircraft* (The Hague, 1970), to the *Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation* (Montréal, 1971) and the 1988 *Supplementary Protocol to the Montréal Convention*, to the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* (Montréal, 1991), to the *Convention for the Suppression of Unlawful Acts Relating to International Civil Aviation* (Beijing, 2010), 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](http://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 Member States of national criminal laws providing severe penalties for such acts;

*The Assembly:*

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

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

## APPENDIX C

### Implementation of technical security measures

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

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

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

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

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

*Whereas* threats to the air cargo and mail systems as a whole require a global approach in the development and implementation of security requirements and best practices, including cooperation with relevant international organizations such as the World Customs Organization (WCO), Universal Postal Union (UPU), and International Maritime Organization (IMO);

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

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

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

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

*The Assembly:*

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



2. *Requests* that the Council complete, in addition to the International Explosives Technical Commission (IETC) mandate as prescribed by the *Convention on the Marking of Plastic Explosives for the Purpose of Detection*, studies into methods of detecting explosives or explosive materials, especially into the marking of those explosives of concern, other than plastic explosives, with a view to the evolution, if needed, of an appropriate comprehensive legal regime;
3. *Urges* all States on an individual basis and in cooperation with other States to take all possible measures for the prevention of acts of unlawful interference, in particular, those required or recommended in Annex 17 as well as those recommended by the Council;
4. *Urges* Member 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 *Aviation Security Manual* (Doc 8973 — Restricted) and available on the ICAO restricted website;
5. *Encourages* Member States to promote aviation security as a fundamental component of national, social and economic priorities, planning and operations;
6. *Encourages* Member States to work in partnership with industry to develop, conduct operational trials of, and implement effective security measures;
7. *Encourages* Member States, pursuant to their domestic laws, regulations and aviation security programmes, and in accordance with applicable SARPs and the capacity of each State, to promote the implementation of aviation security measures in a practical manner to:
  - a) broaden existing cooperation mechanisms amongst States and industry, as appropriate, for information exchange and the early detection of security threats to civil aviation operations;
  - b) share expertise, best practices and information relating to preventive security measures, including screening and inspection techniques, the detection of explosives, airport security behavioural detection, screening and credentialing of airport staff, human resource development and the research and development of relevant technologies;
  - c) utilize modern technologies to detect prohibited materials and to prevent the carriage of such materials on board aircraft while respecting the privacy and safety of individuals;
  - d) define aviation security measures that are risk-based, appropriate and proportionate to the threat, effective, efficient, operationally viable, economically and operationally sustainable, and take into account the impact on passengers and on legitimate trade;
  - e) address the continued threat posed by liquids, aerosols and gels (LAGs) explosives, including the implementation of technological solutions needed to gradually lift restrictions on the carriage of LAGs in cabin baggage;
  - f) treat flights arriving from States where LAGs screening is applied in the same way as flights from States where LAGs restrictions are applied;
  - g) intensify efforts in securing the air cargo and mail security system by:

- i. developing a strong, sustainable and resilient air cargo security framework;
    - ii. implementing robust security standards effectively;
    - iii. adopting a total supply chain approach to air cargo and mail security;
    - iv. establishing and strengthening oversight and quality control of air cargo and mail security;
    - v. engaging in bilateral and multilateral cooperative efforts to coordinate actions to harmonize and enhance air cargo and mail security and secure the global air cargo supply chain;
    - vi. sharing best practices and lessons learned with other States to enhance the overall level of air cargo and mail security; and
    - vii. strengthening initiatives to intensify capacity-building in air cargo and mail security; and
  - h) give consideration to the potential security vulnerability of unmanned aircraft systems in order to prevent unlawful interference.
8. *Calls upon* Member 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;
9. *Calls upon* Member States, while respecting their sovereignty, to minimize disruption to air travel resulting from confusion or inconsistent interpretation of standards by cooperating and coordinating actions in order to implement SARPs and guidance consistently, efficiently and effectively and by providing clear, well-timed and readily available information to the travelling public;
10. *Calls upon* Member States, when requesting another State to apply security measures to protect aircraft flying into its territory, to take fully into account the security measures already in place in the requested State and, where appropriate, to recognize those measures as equivalent;
11. *Urges* those Member States that have not already done so, to begin issuing only machine readable passports in accordance with the specifications of Doc 9303, Part 1;
12. *Requests* the *Council* to direct the Secretary General to:
- a) ensure that the provisions of Annex 17 and Annex 9 — *Facilitation* are compatible with and complementary to each other, provided that the effectiveness of security measures is not compromised;
  - b) where relevant, include items dealing with aviation security on the agenda of ICAO meetings;
  - c) continue to promote the development of effective and innovative security processes and concepts, through awareness raising regional and subregional aviation security events at the request of States concerned, including in cooperation with industry stakeholders and equipment manufacturers to develop the next generation of passenger and cargo screening processes;
  - d) continue to work with the Aviation Security Panel to address new and existing threats to civil aviation, and to develop appropriate preventive measures, including the screening and security control of persons other than passengers with access to secured airport facilities, enhanced screening of passengers and baggage, appropriate security controls for cargo, the supply chain and service providers, as well as the selection and training of persons executing and implementing security measures;
  - e) promote the development of mutual recognition processes with the goal of assisting States in achieving mutually beneficial arrangements, including one-stop security arrangements, which recognize the equivalence of their aviation security measures where these achieve the same outcomes, and which are based on an agreed comprehensive and continuous validation process and effective exchange of information regarding their respective aviation security systems; and

- f) continue to address other threats and risks, including cyber threats to aviation security, and risks to landside areas of airports and air traffic management security, in consultation with the Aviation Security Panel;
13. *Directs* the Council to require the Secretary General to update and amend at appropriate intervals the Aviation Security Manual and develop new guidance material, including detailed guidance material on liquids, aerosols and gels, and human factors, as required, designed to assist Member States in responding to new and existing threats to aviation and implementing the specifications and procedures related to civil aviation security;
14. *Directs* the Council to instruct the Secretary General and the Aviation Security Panel to ensure the periodic review and updating of the *ICAO Global Risk Context Statement*, which provides a risk assessment methodology for aviation security which may be considered by Member States for use in further developing their own national risk assessments and to include risk-based assessments with any recommendations for the adoption of new or amended aviation security measures in Annex 17 or in any other ICAO document;
15. *Directs* the Council to instruct the Secretary General and the Aviation Security Panel to ensure that appropriate fields of expertise are engaged in the assessment of aviation security risks and the development of SARPs, specifications, guidance material, and other mean to address issues of aviation security, including coordination with other panels; and
16. *Directs* the Council to instruct the Aviation Security Panel to continually assess its terms of reference and governing procedures to ensure there are no constraints on the Panel's ability to consider the full scope of aviation security issues.

#### APPENDIX D

##### **Action of States concerned with an act of unlawful interference**

a) *Acts of unlawful interference*

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

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

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

*The Assembly:*

1. *Expresses concern* about the challenges posed to security of civil aviation by new and existing threats and the changing modus operandi used in perpetrating acts of unlawful interference;
2. *Recalls* in this regard the relevant provisions of the Chicago, Tokyo, The Hague, Montréal and Beijing Conventions, the 1988 Supplementary Protocol to the Montréal Convention and the 2010 *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft*;
3. *Recommends* that States take into account the above considerations in the development of their policies and contingency plans for dealing with acts of unlawful interference;

4. *Urges* Member States to provide assistance to an aircraft subjected to an act of unlawful seizure, including the provision of navigation aids, air traffic services and permission to land;
5. *Urges* Member States to ensure that an aircraft subjected to an act of unlawful seizure which has landed in its territory is detained on the ground unless its departure is necessitated by the overriding duty to protect human life;
6. *Recognizes* the importance of consultations between the State where an aircraft subjected to an act of unlawful seizure has landed and the State of the operator of that aircraft as well as notification by the State where the aircraft has landed to the States of assumed or stated destination;
7. *Urges* Member States to cooperate for the purpose of providing a joint response in connection with an act of unlawful interference, as well as utilizing, if necessary, the experience and capabilities of the State of the operator, the State of manufacture and the State of registration of an aircraft which has been subjected to an act of unlawful interference, while taking measures in their territory to free the passengers and crew members of that aircraft;
8. *Condemns* any failure by a Member State to fulfil its obligations to return without delay an aircraft which is being illegally detained and to submit to competent authorities or extradite without delay the case of any person accused of an act of unlawful interference with civil aviation;
9. *Condemns* the reporting of false threats to civil aviation and *calls upon* Member States to prosecute the perpetrators of such acts in order to prevent the disruption of civil aviation operations; and
10. *Calls upon* Member States to continue to assist in the investigation of such acts and in the apprehension and prosecution of those responsible.

b) *Reporting on acts of unlawful interference*

*Whereas* official reports provided to ICAO in a timely manner by States concerned with acts of unlawful interference should contain comprehensive and credible information and constitute the basis for evaluation and analysis of acts; and

*Whereas* the ICAO online database of acts of unlawful interference is an effective tool for the prompt dissemination of information related to aviation security incidents, and is readily accessible by Member States through the ICAO Secure Portal (<https://portal.icao.int>);

*The Assembly:*

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

**APPENDIX E****The ICAO Universal Security Audit Programme**

*Whereas* the ICAO Universal Security Audit Programme (USAP) has been successful in meeting the mandate of Resolution A37-17, 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* Member States are committed to compliance with Annex 17 and the security-related provisions of Annex 9;

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

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

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

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

*Recognizing* the importance of a limited level of 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 Monitoring and Assistance Review Board;

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

*Recalling* that the 37th Session of the Assembly requested the Council to report 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 second cycle of audits in 2013;

*Considering* the approval by the Council of the application of a CMA to the USAP following the completion of the second cycle of audits in 2013; and

*Considering* the approval by the Council of a transition plan to a USAP-CMA involving full implementation of the new methodology beginning 1 January 2015;

*The Assembly:*

1. *Notes with satisfaction* that the first and second cycles of audits conducted under the USAP have 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. *Endorses* the Council's decision to extend the CMA to the USAP in 2015, following the successful completion of the second cycle of USAP audits in 2013 and a transition period;
4. *Requests* the Council to oversee the activities of the USAP-CMA as it monitors States' levels of effective implementation of the critical elements of an aviation security oversight system, compliance with the ICAO SARPs, and implementation of State corrective action plans;
5. *Endorses* the policy of a limited level of transparency of security audit results for the USAP-CMA, particularly relating to the prompt notification of the existence of significant security concerns;
6. *Urges* all Member States to give full support to ICAO by:
  - a) accepting USAP-CMA missions as scheduled by the Organization, in coordination with relevant States;
  - b) facilitating the work of the USAP-CMA teams;
  - c) preparing and submitting to ICAO all required documentation; and
  - d) preparing and submitting an appropriate corrective action plan to address deficiencies identified during USAP-CMA activities;
7. *Urges* all Member States to share upon request, if appropriate and consistent with their sovereignty, the results of audits and other USAP-CMA activities carried out by ICAO and the corrective actions taken by the audited State; and
8. *Requests* that the Council report to the next ordinary session of the Assembly on the overall implementation of the USAP-CMA.

## APPENDIX F

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

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

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

*The Assembly:*

1. *Directs* the Council to request the Secretary General to facilitate and coordinate technical assistance and support for States that need to improve their aviation security oversight, through the development of a coordinated, targeted and effective international aviation security capacity-building framework;
2. *Urges* Member States to voluntarily contribute financial and in-kind resources to increase the reach and impact of ICAO aviation security enhancement activities;

3. *Invites* Member States and relevant stakeholders to also contribute to the continued development of ICAO's *international aviation security capacity-building framework*;
4. *Invites* developed States to give assistance to the States 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;
5. *Invites* Member 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;
6. *Invites* Member States to take advantage of ICAO's capacity to provide, facilitate or coordinate short-term remedial assistance and long-term assistance to remedy deficiencies in their implementation of Annex 17 and 9 SARPs, and ICAO's capacity to make best use of USAP audit results for defining and targeting aviation security capacity-building activities for the benefit of Member States in need;
7. *Directs* the Council to request the Secretary General to assess the quality and effectiveness of ICAO assistance projects;
8. *Urges* Member States and relevant stakeholders to enter into partnership agreements for the organization and delivery of capacity-building activities, encompassing all parties concerned and including commitments to be made by all parties;
9. *Requests* the Council to direct the Secretary General to develop and update the ICAO Training Programme for Aviation Security, Aviation Security Training Packages (ASTPs) and Aviation Security Workshops, and promote the use of e-learning in aviation security training;
10. *Invites* Member States to contribute training documentation to aid in the future development and updates of the ICAO Training Programme for Aviation Security, ASTPs and Aviation Security Workshops;
11. *Requests* the Council to direct the Secretary General to oversee, develop, promote, and regularly re-evaluate the Aviation Security Training Centres (ASTCs) network to ensure that training standards are maintained and sound levels of cooperation are achieved;
12. *Urges* Member States to utilize ICAO ASTCs for security training;
13. *Urges* Member States and organizations to share with ICAO information on their assistance programmes and activities in order to promote the efficient and effective use of resources;
14. *Directs* the Council to request the Secretary General to facilitate the coordination of assistance programmes and activities by collecting information on such initiatives; and
15. *Urges* the international community to consider increasing assistance to States and enhancing cooperation amongst them, in order to be able to benefit from the achievement of the aims and objectives of the *Convention on the Marking of Plastic Explosives for the Purpose of Detection*, in particular through the International Explosives Technical Commission (IETC).

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

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

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

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

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

*The Assembly:*

1. *Recognizes* that success in eliminating threats to civil aviation can only be achieved through the concerted effort of everyone concerned and a close working relationship between national agencies and aviation security regulators of all Member States;
2. *Urges* all Member States to insert into their multilateral and bilateral agreements on air services a clause on aviation security, taking into account the model clause adopted by the Council on 25 June 1986 and the model agreement adopted by the Council on 30 June 1989;
3. *Urges* all Member States to adopt the following key principles as the basis for international cooperation in aviation security and to ensure effective aviation security cooperation amongst States, ICAO and other relevant international organizations:
  - a) respect for the spirit of cooperation defined in bilateral and/or multilateral air services agreements;
  - b) recognition of equivalent security measures; and
  - c) focus on security outcomes;
4. *Urges* all Member States, who have not yet done so, to participate in the ICAO Aviation Security Point of Contact (PoC) Network, established for the communication of imminent threats to civil air transport operations, with the objective of providing a network of international aviation security contacts within each State, and to intensify their coordination and cooperation to ensure the exchange of best practices through the AVSECPaedia;
5. *Urges* the Council to request the Secretary General to promote initiatives which enable the establishment of technological platforms for the exchange of aviation security information among Member States;
6. *Requests* that the Council continue to:
  - a) gather the results of States' experience in cooperating with each other to prevent acts of unlawful interference with international civil aviation;



- b) analyse differing circumstances and trends in preventing threats to international civil aviation in different regions of the world; and
  - c) prepare recommendations for strengthening measures to deter and prevent such acts of unlawful interference;
7. *Directs* the Council to act with the requisite urgency and expedition to address new and existing threats to civil aviation, seeking to mitigate unnecessary disruption to air travel as a result of confusion or inconsistent implementation or interpretation of necessary measures, facilitating a common and consistent response by States, and encouraging clear communication by States to the travelling public.

## APPENDIX H

### International and regional cooperation in the field of aviation security

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

*The Assembly:*

1. *Invites* the Civil Air Navigation Services Organization (CANSO), the International Atomic Energy Agency (IAEA), the International Criminal Police Organization (ICPO/INTERPOL), the International Maritime Organization (IMO), the Organization for Security and Cooperation for Europe (OSCE), the United Nations Counter-Terrorism Committee Executive Directorate (UNCTED), the United Nations Counter-Terrorism Implementation Task Force (UNCTITF), the United Nations Office on Drugs and Crime (UNODC), the Universal Postal Union (UPU), the World Customs Organization (WCO), the European Union (EU), the European Civil Aviation Conference (ECAC), the International Air Transport Association (IATA), Airports Council International (ACI), the International Federation of Airline Pilots' Associations (IFALPA), the International Business Aviation Council (IBAC), the International Coordinating Council of Aerospace Industries Associations (ICCAIA), the Global Express Association (GEA), the International Federation of Freight Forwarders Associations (FIATA), The International Air Cargo Association (TIACA) and other stakeholders to continue their cooperation with ICAO, to the maximum extent possible, to safeguard international civil aviation against acts of unlawful interference;
2. *Directs* the Council to take into account the G8 Secure and Facilitated International Travel Initiative (SAFTI) and to continue its collaboration with this group and other relevant groups of States such as the Asia-Pacific Economic Cooperation Secure Trade in the Asia and Pacific Region (STAR) initiative in its work relating to development of countermeasures against the threat posed by man-portable air defence systems (MANPADS) and encourage their implementation by all Member States; and
3. *Directs* the Council to continue its cooperation with the United Nations Counter-Terrorism Committee (CTC), in the global effort to combat terrorism.

### Declaration on Aviation Security

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

- 1) strengthen and promote the effective application of ICAO Standards and Recommended Practices, with particular focus on Annex 17 — *Security*, and develop strategies to address current and emerging threats;
- 2) strengthen security screening procedures, enhance human factors and utilize modern technologies to detect prohibited articles and support research and development of technology for the detection of explosives, weapons and prohibited articles in order to prevent acts of unlawful interference;
- 3) develop enhanced security measures to protect airport facilities and improve in-flight security, with appropriate enhancements in technology and training;
- 4) develop and implement strengthened and harmonized measures and best practices for air cargo security, taking into account the need to protect the entire air cargo supply chain;
- 5) promote enhanced travel document security and the validation thereof using the ICAO Public Key Directory (PKD) in conjunction with biometric information, and the commitment to report on a regular basis, lost and stolen passports to the INTERPOL Lost and Stolen Travel Documents Database to prevent the use of such travel documents for acts of unlawful interference against civil aviation;
- 6) improve Member States' ability to correct deficiencies identified under the Universal Security Audit Programme (USAP) by ensuring the appropriate availability of audit results among Member States, which would enable better targeting of capacity-building and technical assistance efforts;
- 7) provide technical assistance to States in need, including funding, capacity building and technology transfer to effectively address security threats to civil aviation, in cooperation with other States, international organizations and industry partners;
- 8) promote the increased use of cooperation mechanisms among Member States and with the civil aviation industry, for information exchange on security measures in order to avoid redundancy, where appropriate, and for early detection and dissemination of information on security threats to civil aviation, including through the collection and transmission of advance passenger information (API) and passenger name record (PNR) data, as an aid to security, whilst ensuring the protection of passengers' privacy and civil liberties; and
- 9) share best practices and information in a range of key areas, such as: screening and inspection techniques, including assessments of advanced screening technology for the detection of weapons and explosives; document security and fraud detection; behaviour detection and threat-based risk analysis; screening of airport employees; the privacy and dignity of persons; and aircraft security.

<b>A36-18: Financial contributions to the Aviation Security Plan of Action</b>
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*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 US\$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 A35-10.

<b>A27-9: Acts of unlawful interference aimed at the destruction of civil aircraft in flight</b>
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*Considering* the recent acts of unlawful interference against international civil aviation which have resulted in the deaths of many innocent people and the destruction of civil aircraft, and expressing its most heartfelt sympathy to the families of all those who have died as a result of these criminal acts;

*Noting* with abhorrence repeated acts of unlawful interference aimed at the total destruction of civil aircraft in flight and the deaths of all on board;

*Recognizing* that all acts of unlawful interference against international civil aviation constitute serious crimes in violation of international law;

*Recalling* its Resolutions A17-1 and A27-7;

*Noting* Resolution 635 of the Security Council of the United Nations;

*The Assembly:*

1. *Condemns* energetically all recent criminal acts of destruction of civil aircraft in flight;
2. *Urges* Member States to intensify their efforts to implement fully the Standards, Recommended Practices and Procedures related to aviation security developed by ICAO and to take any appropriate additional security measures whenever an increase in the level of threat so requires;
3. *Requests* Member States, in a position to do so, to increase technical, financial and material assistance to States which need it to ensure universal application of these provisions;
4. *Urgently requests* Member States to accelerate studies and research related to security equipment and to the detection of explosives, with a view to their widespread application as soon as practicable, and to take an active part in the development of an international regime for the marking of explosives for detectability;
5. *Directs* the Council to take the necessary measures for the resumption of its work and that of its subsidiary bodies as soon as possible following the Assembly, in order to complete in the shortest possible time the whole programme which it adopted in its Resolution of 16 February 1989, and to undertake any other action which it considers necessary.

#### **OTHER MATTERS RELATED TO UNLAWFUL INTERFERENCE**

<b>A36-19: Threat to civil aviation posed by man-portable air defence systems (MANPADS)</b>
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*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 subregional 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 ongoing 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.

**A35-2: Application of Article IV of the Convention on the Marking of Plastic Explosives for the Purpose of Detection**

*Recognizing* the importance of the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* in the prevention of unlawful acts against civil aviation;

*Conscious* of the current proposal made by the International Explosives Technical Commission to amend the Technical Annex to the Convention for the purpose of increasing the required minimum concentration of the detection agent 2,3-Dimethyl-2,3-Dinitrobutane (DMNB) from 0.1 to 1.0 per cent by mass;

*Bearing in mind* the desirability of maintaining a uniform regime for the detection system of the explosives, particularly after the amendment to the Technical Annex; and

*Noting* the recommendation of the Legal Committee as approved by the Council that Article IV of the Convention should be applied *mutatis mutandis* to the explosives which are not marked in accordance with the amended Technical Annex;

*The Assembly:*

*Urges* the ICAO Contracting States which are Parties to the Convention to apply Article IV of the Convention in their mutual relations in the following manner:

- 1) The explosives which, at the time of manufacture, met the requirements in Part 2 of the Technical Annex but which no longer meet the requirements of Part 2 because of the above-mentioned amendment to the

Technical Annex, namely to increase the minimum concentration of the detection agent DMNB from 0.1 to 1.0 per cent by mass, shall be subjected to the provisions of Article IV, paragraphs (2) and (3), from the entry into force of that amendment.

- 2) Accordingly, when such an amendment to Part 2 of the Technical Annex enters into force, each State Party not having expressly objected to the amendment shall take the necessary measures to ensure that:
  - a) all stocks of those explosives in its territory referred to in the preceding paragraph are destroyed or consumed for purposes not inconsistent with the objectives of this Convention, marked or rendered permanently ineffective within a period of three years from the entry into force of the amendment, if these explosives are not held by its authorities performing military or police functions; and
  - b) all stocks of those explosives referred to in sub-paragraph (a) held by its authorities performing military or police functions and that are not incorporated as an integral part of duly authorized military devices are destroyed or consumed for purposes not inconsistent with the objectives of this Convention, marked or rendered permanently ineffective within a period of fifteen years from the entry into force of the amendment.
- 3) The foregoing paragraph shall apply to any State Party that withdraws its objection to the amendment as from the date it expresses its consent to be bound.
- 4) The above paragraphs shall apply *mutatis mutandis* to any future amendment to the Technical Annex unless any Contracting State notifies all other Contracting States and the Council that it does not agree to such application. Such notification shall take place within the 90-day period referred to in paragraph 3 of Article VII of the Convention.

**A20-1: Diversion and seizure by Israeli military aircraft of a Lebanese civil aircraft**

**A22-5: Sabotage and destruction of a Cuban civil aircraft on scheduled service in the Caribbean with the loss of 73 passengers and crew**

**A35-1: Acts of terrorism and destruction of Russian civil aircraft resulting in the deaths of 90 people — passengers and crew members**

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Whereas ICAO requires air carrier revenue, cost and operational data to assist the Council in assessment of the effectiveness of measures proposed for the implementation of the Strategic Objectives of the Organization, and for environmental planning, investment studies and other purposes;

*The Assembly:*

1. *Requests* the Council to instruct the Secretary General to issue periodically a study on regional differences in the level of international air transport operating costs, analysing how differences in operations and input prices may affect their levels and the impact that changes in costs may have on air transport tariffs; and
2. *Urges* Member States to make every effort to obtain from their international air carriers with the least possible delay the cost, revenue and other data requested by ICAO.

## APPENDIX G

### Air mail

Whereas the Assembly has given ongoing directions with regard to ICAO's work in the field of international air mail;

*The Assembly:*

1. *Urges* Member States to take into account the effects on international civil aviation whenever policy is being formulated in the field of international air mail, and particularly at meetings of the Universal Postal Union (UPU); and
2. *Directs* the Secretary General to furnish to the UPU, on request and as stipulated in relevant cooperation arrangements between UPU and ICAO, information of a factual character which may be readily available.

<b>A38-16: Consolidated statement of continuing policies related to facilitation</b>
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Whereas Annex 9 — *Facilitation*, was developed as a means of articulating the obligations of Member States under Articles 22, 23 and 24 of the Convention and standardizing procedures for meeting the legal requirements referred to in Articles 10, 13, 14, 29 and 35;

Whereas implementation of the Standards and Recommended Practices in Annex 9 is essential to facilitate the clearance of aircraft, passengers and their baggage, cargo and mail and manage challenges in border controls and airport processes so as to maintain the efficiency of air transport operations; and

Whereas it is essential that Member States continue to pursue the objective of maximizing efficiency and security in such clearance operations;

*The Assembly:*

1. *Resolves* that the Appendices attached to this resolution and listed below constitute the consolidated statement of continuing ICAO policies related to facilitation, as these policies exist at the close of the 38th Session of the Assembly:

Appendix A — Development and implementation of facilitation provisions

Appendix B — National and international action in ensuring the security and integrity of traveller identification and border controls

Appendix C — National and international action and cooperation on facilitation matters

2. *Requests* the Council to keep the consolidated statement related to facilitation under review and advise the Assembly as appropriate when changes are needed to the statement; and
3. *Declares* that this resolution supersedes Resolution A37-20 (Appendix D — Facilitation).

## APPENDIX A

### Development and implementation of facilitation provisions

*Whereas* the *Convention on the Rights of Persons with Disabilities* and its Optional Protocol, that had been adopted in December 2006 by the United Nations General Assembly, entered into force on 3 May 2008;

*Whereas* the development of specifications for machine readable travel documents by the Organization has proved effective in the development of systems that expedite the movement of international passengers and crew members through clearance control at airports while enhancing immigration compliance programmes; and

*Whereas* the development of a set of standard signs to facilitate the efficient use of airport terminals by travellers and other users has proved effective and beneficial;

*The Assembly:*

1. *Urges* Member States to give special attention to increasing their efforts to implement Annex 9 Standards and Recommended Practices;
2. *Urges* Member States to give due regard to Doc 9984, *Manual on Access to Air Transport by Persons with Disabilities*, in their implementation of the relevant provisions of Annex 9;
3. *Requests* the Council to ensure that Annex 9 — *Facilitation*, is current and addresses the contemporary requirements of Member States with respect to administration of border controls, cargo and passengers; advances in technologies related to such administration; cargo facilitation; the handling of and responses to health-related and other disruptive events to aviation; and unaccompanied minors;
4. *Requests* the Council to ensure that relevant guidance material is current and responsive to the requirements of Member States;
5. *Requests* the Council to ensure that the provisions of Annex 9 — *Facilitation*, and Annex 17 — *Security*, are compatible with and complementary to each other; and
6. *Requests* the Council to update Doc 9636, *International Signs to Provide Guidance to Persons at Airports and Marine Terminals*, to ensure that it is current and responsive to the requirements of Member States.



**APPENDIX B****National and international action in ensuring the security and integrity of traveller identification and border controls**

*Whereas* States recognize the relevance of traveller identification and border control management to aviation security and facilitation;

*Whereas* States recognize that the ability to uniquely identify individuals requires a holistic and coordinated approach, which links the following five interdependent elements of traveller identification and border control management into a coherent framework:

- a) Foundational documents, tools and processes required to ensure authentic evidence of identity;
- b) The design and manufacture of standardized Machine Readable Travel Documents (MRTDs), including e-Passports, that comply with ICAO specifications;
- c) Processes and protocols for document issuance by appropriate authorities to authorized holders, and controls to combat theft, tampering and loss;
- d) Inspection systems and tools for the efficient and secure reading and verification of MRTDs at borders, including use of the ICAO PKD; and
- e) Interoperable applications that provide for timely, secure and reliable linkage of MRTDs and their holders to available and relevant data in the course of inspection operations;

*Whereas* States require capacity to uniquely identify individuals and require tools and mechanisms available to establish and confirm the identity of travellers;

*Whereas* the ICAO Traveller Identification Programme (ICAO TRIP) Strategy provides a framework for achieving the maximum benefits of travel documents and border controls by bringing together the elements of identification management, and building on the success of the ICAO MRTDs Programme;

*Whereas* the passport is the main official document that denotes a person's identity and citizenship and is intended to inform the State of transit or destination that the bearer can return to the State which issued the passport;

*Whereas* international confidence in the integrity of the passport is essential to the functioning of the international travel system;

*Whereas* the security of traveller identification and border controls depends on a robust identification management system and the integrity of the travel document issuance process;

*Whereas* Member States of the United Nations have resolved, under the Global Counter-Terrorism Strategy adopted on 8 September 2006, to step up efforts and cooperation at every level, as appropriate, to improve the security of manufacturing and issuing identity and travel documents and to prevent and detect their alteration or fraudulent use;

*Whereas* Resolution 1373 adopted by the United Nations Security Council on 28 September 2001 decided that all States shall prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents;

*Whereas* enhanced and intensified cooperation among States is required in order to combat and prevent identification and travel document fraud;

*Whereas* the criminal focus worldwide has been increasingly shifting from travel document fraud to identification fraud;

*Whereas* ICAO has set up the Public Key Directory (PKD) to verify, validate and authenticate biometrically-enhanced MRPs (ePassports), thereby strengthening their security and the integrity of border controls; and

*Whereas* Member States request from ICAO Programmes technical assistance and capacity-building support in strengthening their traveller identification and border control programmes;

*The Assembly:*

1. *Urges* States, through their travel document and border control programmes, to uniquely identify individuals to maximize security and facilitation benefits, including preventing acts of unlawful interference and other threats to civil aviation;
2. *Urges* Member States to intensify their efforts in developing and implementing a robust identification management system and safeguard the security and integrity of the travel document issuance process;
3. *Requests* the Council to direct the Secretary General to implement the ICAO TRIP Strategy to assist Member States to uniquely identify individuals, and to enhance the security and integrity of their travel documents and border controls;
4. *Requests* Member States to intensify their efforts to safeguard the security and integrity of traveller identification and border controls, and to assist one another in these matters;
5. *Urges* those Member States that have not already done so, to issue machine readable passports in accordance with the specifications of Doc 9303, Part 1;
6. *Urges* Member States to ensure that the expiration date of non-machine readable passports falls before 24 November 2015;
7. *Urges* those Member States requiring assistance in building effective and efficient traveller identification and border control systems to contact ICAO without delay;
8. *Requests* the Council to ensure that specifications and guidance material contained in Doc 9303, *Machine Readable Travel Documents*, remain up to date in the light of technological advances, and to continue to explore technological solutions aimed at enhancing security and facilitation of border controls;
9. *Requests* the Council to continue the work on further strengthening the security and integrity of traveller identification and border controls, and developing guidance material to assist Member States to further those objectives;
10. *Urges* the Council to explore ways of intensifying assistance and capacity-building support to Member States in the traveller identification and border control areas, including a proactive leadership role for ICAO in facilitating and coordinating such assistance in the international community;
11. *Urges* all States to join the ICAO PKD; and all receiving States to verify the digital signatures associated with ePassports; and
12. *Urges* those Member States that are not already doing so to provide routine and timely submissions of lost and stolen passport data to the Interpol's Automated Search Facility/Stolen and Lost Travel Document Database.

**APPENDIX C****National and international action and cooperation on facilitation matters**

*Whereas* there is a need for continuing action by Member States to improve the effectiveness and efficiency of clearance control formalities;

*Whereas* the establishment and active operation of national facilitation committees is a proven means of effecting needed improvements;

*Whereas* cooperation on facilitation matters amongst Member States and with the various national and international parties interested in facilitation matters has brought benefits to all concerned; and

*Whereas* such cooperation has become vital in the light of the proliferation of non-uniform passenger data exchange systems that adversely affect the viability of the air transport industry;

*The Assembly:*

1. *Urges* Member States to establish and utilize national facilitation committees and adopt policies of cooperation on a regional basis among neighbouring States;
2. *Requests* the Council to develop relevant guidance material on the establishment of national facilitation programmes and/or committees, as appropriate, as supplementary to the provisions of Annex 9;
3. *Urges* Member States to participate in regional and subregional facilitation programmes of other intergovernmental aviation organizations;
4. *Urges* Member States to take all necessary steps, through national facilitation committees or other appropriate means, for:
  - a) regularly calling the attention of all interested departments of their governments to the need for:
    - i. making the national regulations and practices conform to the provisions and intent of Annex 9; and
    - ii. working out satisfactory solutions for day-to-day problems in the facilitation field; and
  - b) taking the initiative in any follow-up action required;
5. *Urges* Member States to encourage the study of facilitation problems by their national and other facilitation committees and to coordinate the findings of their committees on facilitation problems with those of other Member States with which they have air links;
6. *Urges* neighbouring and bordering States to consult one another about common problems that they may have in the facilitation field whenever it appears that these consultations may lead to a uniform solution of such problems;
7. *Urges* Member States, aircraft operators and airport operators to continue to cooperate intensively as regards:
  - a) identification and solution of facilitation problems; and
  - b) developing cooperative arrangements for the prevention of illicit narcotics trafficking, illegal immigration and other threats to national interests;

8. *Urges* Member States to call upon international operators and their associations to participate to the extent possible in electronic data interchange systems in order to achieve maximum efficiency levels in the processing of passenger and cargo traffic at international terminals;
9. *Urges* Member States, in their use of electronic data interchange systems, to ensure that their passenger data requirements conform to international standards adopted by relevant United Nations agencies for this purpose;
10. *Urges* States and operators, in cooperation with interested international organizations, to make all possible efforts to speed up the handling and clearance of air cargo, while ensuring the security of the international supply chain; and
11. *Urges* Member States to undertake dialogue and cooperation between national and regional facilitation and security-related bodies.

**A38-17: Consolidated statement of continuing ICAO policies and practices related to environmental protection — General provisions, noise and local air quality**

**A38-18: Consolidated statement of continuing ICAO policies and practices related to environmental protection — Climate change**

**A38-12: Consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation**

**A35-15: Consolidated statement of continuing ICAO policies and practices related to a global air traffic management (ATM) system and communications, navigation and surveillance/air traffic management (CNS/ATM) systems**

**A29-3: Global Rule Harmonization**

**A29-13: Improvement of Safety Oversight**

**A29-14: Humanitarian Flights**

**A27-11: Airport and airspace congestion**