ICAO FACILITATION PANEL 9
Agenda Item 3
Amendments to Annex 9

Counter-Terrorism Committee Executive Directorate (CTED)

United Nations

Nikolaus Schultz, Legal Officer
Montreal, Canada, 4-7 April 2016

ICAO FALP/9

Setting out the requirements for API under UN Security Council Resolution 2178 (2014)

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I. UN Security Council resolution 1373 (2001)

II. UN Security Council resolution 1624 (2005)

III. UN Security Council resolution 2178 (2014)

SC Resolution 2178 (2014) Operative Paragraph 9

"The Security Council, …

Acting under Chapter VII of the Charter of the United Nations,…

9. **Calls upon** Member States to **require** that airlines operating in their territories provide advance passenger information to the appropriate national authorities in order to detect the departure from their territories, or attempted entry into or transit through their territories, by means of civil aircraft, of individuals designated by the Committee established pursuant to resolutions 1267 (1999) and 1989 (2011) ("the Committee"), and further calls upon Member States to report any such departure from their territories, or such attempted entry into or transit through their territories, of such individuals to the Committee, as well as sharing this information with the State of residence or nationality, as appropriate and in accordance with domestic law and international obligations;"

SC Resolution 2178 (2014)

- Security Council document S/2015/377 (the "API report")

- 55 Member States operating APIS

- More than 30,000 foreign terrorist fighters (FTF)

- From more than 100 countries

SC Resolution 2178 (2014) API as an effective CT tool

- ISIL (Da'esh) and Al-Qaida Sanctions List (SC resolution 2253)

- INTERPOL Databases

- National and regional watch lists

SC Resolution 2178 (2014)
SC Resolution 1373 (2001)

- Effective evidence based traveller risk assessment and screening

- Denial of safe haven

- Prevent FTFs from crossing borders

SC Resolution 2178 (2014)

Security Council Presidential Statement S/PRST/2015/11:

"The Security Council expresses **great concern** that many Member States still have not required airlines operating in their territories provide to appropriate national authorities advanced passenger information of travelers in order to detect the departure from their territories, or attempted entry into or transit through their territories, by means of civil aircraft, of individuals designated by the Committee established pursuant to resolutions 1267 (1999) and 1989 (2011), as is called for in paragraph 9 of resolution 2178 (2014)."

SC Resolution 2178 (2014)

Security Council Presidential Statement S/PRST/2015/11:

"The Security Council notes that only 51 Member States to date are reported to be using advanced passenger information to support evidence - based traveler risk assessment and screening procedures, according to the report (S/2015/377) provided by the Counterterrorism Executive Directorate (CTED), and **strongly encourages** Member States to urgently begin using advance passenger information to support evidence-based traveler risk assessment and screening procedures including collection and analysis of travel data without resorting to profiling based on stereotypes founded on grounds of discrimination prohibited by international law, as is encouraged in paragraph 2 of resolution 2178 (2014), and further encourages Member States to consider utilizing Passenger Name Record data to enhance traveler screening. The Security Council notes that such actions can be particularly effective at reducing the ability of foreign terrorist fighters to evade detection at their borders."

Increasing the use of APIS

- CTITF/UNCCT series of five regional workshops on "Raising Awareness and Building Capacity on Advance Passenger Information" (CTED, IATA, ICAO, INTERPOL, IOM, OSCE)

- FTF priority countries in South and South East Asia; Middle East and North Africa; Europe, Central Asia; Sahel, Maghreb, West, Central and East Africa

- Elevating the use of API to a Recommended Practice, preferably a Standard, in Annex 9

Internet resources

- CTC/CTED: www.un.org/en/sc/ctc
- UN Documents on FTFs: http://www.un.org/en/sc/ctc/resources/index.html#ftf_documents
- Global Counter-Terrorism Strategy: http://www.un.org/terrorism/strategy-counter-terrorism.shtml
- 1267 Committee: http://www.un.org/sc/committees/1267/
- 1540 Committee: http://www.un.org/sc/1540/
- UNODC TPB: http://www.unodc.org/unodc/en/terrorism/index.html
- Alliance of Civilizations: http://www.unaoc.org/
- Visits: http://visit.un.org/wcm/content/
- Library: http://www.un.org/Depts/dhl/
- Official documents: http://www.un.org/en/documents/

Thank you.
Comments and Questions?