International Civil Aviation Organization

WORKING PAPER

SECOND HIGH-LEVEL CONFERENCE ON AVIATION SECURITY (HLCAS/2)

Montréal, 29 to 30 November 2018

Agenda Item 4: Achieving better synergies with other areas
        b) Security-related provisions of Annex 9 (Facilitation)
        c) Implementation of aviation security-related resolutions of the United Nations

PNR STANDARD(s)

(Presented by the United States)

SUMMARY
The promulgation of an ICAO Standard(s) on the collection, use and analysis of Passenger Name Record (PNR) data is needed to further strengthen States' ability to identify risks to deter terrorist travel as called for in UNSCR 2396 and enhance global security.
Action by the High-level Conference on Aviation Security is in paragraph 6.

1. **INTRODUCTION**

1.1   United Nations Security Council Resolution (UNSCR) 2396, adopted unanimously in December 2017 with 66 co-sponsors, creates new global obligations and provisions for Member States to deter terrorist travel and address the problem of foreign terrorist fighters (FTFs) departing conflict zones of Iraq and Syria for their countries of origin or other countries. Furthermore, UNSCR 2396 expresses concern that FTFs may use civil aviation both as a means of transportation and as a target, and may use cargo both to target civil aviation and ship materiel. As reinforced in June 2018 at the UN's High Level Conference on Counterterrorism, ICAO's leadership must set the tone and ensure global security standards meet current threats.

1.2   Of urgent concern to combat would-be terrorists and terrorist activities, is the need to elevate the collection, use, processing and protection of Passenger Name Record (PNR) data to standards within Annex 9 and/or Annex 17 to meet the obligations of UNSCR 2396. A similar urgent course of action was taken by ICAO Member States following the adoption of UNSCR 2178 in 2014, ultimately resulting in Standard 9.5 of Annex 9 — *Facilitation*, requiring the use of advance passenger information in border screening.

2.   **PNR SUPPORTS GLOBAL EFFORTS TO DETECT AND DETER TERRORIST TRAVEL**

2.1   Physical inspection of a traveller and a travel document is only a small part of border controls on passengers arriving by air. Effective border security incorporates analysis of secure electronic data, some of which is provided at the time a passenger buys a ticket and some that becomes known when a passenger boards an aircraft. Passenger identification controls must be applied before the arrival of the passenger in the country of destination, to enable relevant border agencies to perform risk-based assessments of passengers and the goods they are carrying. Analysis of this data can illuminate the hidden connections between known terrorists and their unknown associates.

2.2   The use of PNR has been identified by Member States, the UN and regional organizations as one of the most important tools to detect and deter illicit and terrorist travel. UNSCR 2396 obligates Member States to develop the capability to collect, process and analyse PNR data and to ensure PNR data is used by and shared with all their competent national authorities, with full respect for human rights and fundamental freedoms for the purpose of preventing, detecting and investigating terrorist offenses and related travel.

2.3   Since 2010, the World Customs Organization (WCO) Contact Committee for WCO/IATA /ICAO Guidelines on Advanced Passenger Information (API) has been working to update the electronic reporting standards for PNR. This work has been essential to defining the parameters of what comprises PNR, but more work must be done to ensure widespread use of PNR to help identify high-risk and potential terrorist travel prior to arrival on our collective shores.

3.   **PNR AS A CROSS CUTTING ISSUE**

3.1   At the Tenth ICAO Facilitation Panel that took place in Montréal in September of 2018, the Panel noted that UNSCR 2396 had urged ICAO to work with its Member States to establish a Standard for the collection, use, processing and protection of PNR data. This issue was raised as one with some urgency to help address issues relating to the protection of such data and to help resolve the conflict of laws between requirements to disclose and to protect the data. Several States offered to support the Secretariat in working towards developing the Standard in question without which States cannot derive the full benefits of using PNR data.

3.2   Acknowledging the role of ICAO to promulgate standards and recommended practices for aviation security as well as those for facilitation, traveller facilitation and border security tools called for under UNSCR 2396 are matters for both the Aviation Security Panel and Facilitation Panel to deliberate over. Therefore, even though the Facilitation Panel is the technical lead on PNR, the Aviation Security Panel should take an active role in ensuring priority is placed on accomplishing the goals set forth in UNSCR 2396.

4.   **CAPACITY BUILDING**

4.1   UNSCR 2396 specifically encourages improved cooperation between ICAO and CTED, in coordination with other relevant UN entities to identify areas where Member States may need technical assistance and capacity-building to implement the obligations of this resolution related to PNR and API and watch lists, as well as the implementation of the Global Aviation Security Plan (GASeP). UNSCR 2396 also calls upon Member States, the UN, and other international, regional, and sub-regional entities

to provide technical assistance, resources and capacity building to Member States in order to implement such capabilities.

4.2   Advancing PNR use will take time and resources. Current initiatives through the UN Office on Counterterrorism (UNOCT), United Nations Office of Drugs and Crime (UNODC), the WCO, Global Counter Terrorism Forum (GCTF) are aimed at assisting countries with development and implementation of PNR systems, including the discussion of legal frameworks, effective policies, best practices, and challenges in developing and implementing these requirements.

5.   **CONCLUSION**

5.1   ICAO's active participation with the UN on counterterrorism issues signifies its commitment to prioritizing the work of the Security Council and establishing global practices to reduce the threat of terrorism. Developing standards that serve to detect terrorist travel is a shared responsibility of the Aviation Security and Facilitation Panel. Working in unison to promulgate PNR as a standard will enhance the global security community's ability to identify risks, detect and deter terrorism.

6.   **ACTION BY THE HIGH-LEVEL CONFERENCE**

6.1   The High-level Conference on Aviation Security is invited to:

a) acknowledge the need for ICAO to establish a Standard(s) regarding the collection, use and analysis of PNR data;

b) recognize that both the Aviation Security Panel and the Facilitation Panel must play a role to advance UN Security Council obligations related to PNR;

c) encourage the Aviation Security Panel and the Facilitation Panel to prioritize the development of a Standard(s) on PNR collection, use and analysis; and

d) request that the Secretariat identify the key tasks, timelines and any barriers to proposing such a Standard(s).

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