



International Civil Aviation Organization

WORKING PAPER

A39-WP/41

EX/20

6/6/16

ASSEMBLY — 39TH SESSION

EXECUTIVE COMMITTEE

Agenda Item 19: Facilitation and the ICAO Traveller Identification Programme (ICAO TRIP) Strategy

CONSOLIDATED STATEMENT OF CONTINUING ICAO POLICIES RELATED TO FACILITATION

(Presented by the Council of ICAO)

EXECUTIVE SUMMARY

In 2013, the 38th Session of the Assembly adopted Resolution A38-16 – *Consolidated statement of continuing policies related to facilitation*. The statement reflected developments in, as well as the future focus of, ICAO's work in this field. The Assembly requested the Council to keep the consolidated statement under review and advise the Assembly when changes to the statement are required. Accordingly, amendments to the consolidated statement are proposed to the draft Assembly Resolution, which is presented in the Appendix.

Action: The Assembly is invited to review and adopt the draft Assembly Resolution presented in the Appendix.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objective C — <i>Security and Facilitation</i> .
<i>Financial implications:</i>	The activities referred to in the attached Assembly paper will be undertaken subject to the resources available in the 2017 – 2019 Regular Programme Budget and/or from extra-budgetary contributions.
<i>References:</i>	Doc 10022, Assembly Resolutions in Force (as of 4 October 2013) A39-WP/19, Developments pertaining to the ICAO Public Key Directory (PKD) A39-WP/42, Developments pertaining to Annex 9 — <i>Facilitation</i> A39-WP/40, Developments pertaining to the ICAO Traveller Identification Programme (TRIP) Strategy

APPENDIX

A3839-16: Consolidated statement of continuing ICAO policies related to facilitation

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 38³⁹th 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

Appendix D — Passenger Data Exchange Systems

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 A38-16: ~~(Appendix D — Facilitation)~~ Consolidated statement of continuing policies related to 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 **Member** States recognize the relevance of traveller identification and border control management to aviation security and facilitation;

Whereas **Member** 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 Member 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 the global 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 Member States of the United Nations have resolved, under Resolution 70/1 adopted on 25 September 2015 to adopt a 2030 Agenda for Sustainable Development that includes a set of 17 Sustainable Development Goals (SDGs) supported by 169 targets, the target 16.9 being to provide legal identity for all, including birth registration by 2030;

Whereas the veracity and validity of machine readable travel documents (MRTDs) depends on the documentation used to establish identity, confirm citizenship or nationality and assess entitlement of the passport applicant (i.e. breeder documentation);

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 use of stolen blank passports, by those attempting to enter a country under a false identity, is increasing worldwide;

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 high-level cooperation among Member States is required in order to strengthen resistance to passport fraud, including the forgery or counterfeiting of passports, the use of forged or counterfeit passports, the use of valid passports by impostors, the use of expired or revoked passports, and the use of fraudulently obtained passports;

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 Member 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 Member 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 Convention Travel Documents (CTDs) are travel documents that States Parties to the 1951 Convention Relating to the Status of Refugees (“the 1951 Convention”) and the 1954 Convention Relating to the Status of Stateless Persons (“the 1954 Convention”) shall issue to refugees or stateless persons lawfully staying on their territory (see respective Article 28 of both Conventions), and as such are travel documents foreseen in two international treaties for persons benefitting from an internationally recognized status;

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* Member 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 implement rigorous processes and tools to safeguard the security and integrity of breeder documentation;

~~2.~~ 3. *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.~~ 4. *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.~~ 5. *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.~~ 6. *Urges* those Member States that have not already done so, to issue machine readable passports in accordance with the specifications of Doc 9303, Part 4;

~~6.~~ 7. *Urges Reminds* Member States to ensure that the expiration date of non-machine readable passports are withdrawn from circulation falls before 24 November 2015;

8. *Reminds* Member States to ensure that when issuing travel documents for refugees and stateless persons (“Convention Travel Documents (CTDs)”), these CTDs are machine readable, in accordance with the specifications of Doc 9303;
9. *Reminds* Member States to establish controls to safeguard against the theft of blank travel documents and the misappropriation of newly issued travel documents;
7. 10. *Urges* those Member States requiring assistance in building effective and efficient traveller identification and border control systems to contact ICAO without delay;
8. 11. *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;~~
12. *Requests* the Council to continue to explore technological solutions aimed at enhancing security and facilitation of border controls while improving clearance procedures, such as the Automated Border Control (ABC) gates;
13. *Requests* the Council to update the ICAO/United Nations High Commissioner for Refugees (UNHCR) *Guide for Issuing Machine Readable Convention Travel Documents for Refugees and Stateless Persons*;
9. 14. *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. 15. *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. 16. *Urges* all Member States to join the ICAO PKD and to use the information available from the ICAO PKD to validate eMRTDs at border controls; ~~and all receiving States to verify the digital signatures associated with ePassports; and~~
12. 17. *Urges Reminds* those Member States that are not already doing so to provide routine and timely submissions of ~~lost and stolen, lost, and revoked travel documents~~ passport data to the Interpol’s Automated Search Facility/Stolen and Lost Travel Document (SLTD) Database.
18. *Urges* those Member States that are not already doing so to query, at entry and departure border control points, the travel documents of individuals travelling internationally against the INTERPOL Stolen and Lost Travel Documents (SLTD) database.
19. *Urges* Member States to establish efficient and effective mechanisms in order to implement submissions to, and queries of, the SLTD 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 programmes and 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;

Whereas the threat of worldwide transmission of communicable diseases by means of air transport has increased in past years;

Whereas Annex 9 provides for the facilitation of assistance to aircraft accident victims and their families;

The Assembly:

1. *Urges* Member States to establish and utilize national facilitation programmes and 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.~~ 2. *Urges* Member States to participate in regional and subregional facilitation programmes of other intergovernmental aviation organizations;

~~4.~~ 3. *Urges* Member States to take all necessary steps, through national facilitation programmes and 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.~~ 4. *Urges* Member States to encourage the study of facilitation problems by their national and other facilitation programmes and 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.~~ 5. *Urges* neighbouring and bordering Member 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.~~ 6. *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, communicable diseases and other threats to national interests;

~~8.~~ 7. *Urges* Member States to call upon international aircraft and airport 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;

8. *Urges* Member States to implement the provisions of Annex 9 to facilitate assistance to aircraft accident victims and their families;

~~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.~~ 9. *Urges* States and aircraft and airport 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.~~ 10. *Urges* Member States to undertake dialogue and cooperation between national and regional facilitation and security-related bodies.

APPENDIX D

Passenger Data Exchange Systems

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

Whereas UN Security Council, in Resolution 2178 (2014), at paragraph 9, has called 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 or residence or nationality, as appropriate and in accordance with domestic law and international obligations.”

The Assembly:

1. *Urges* Member States to call upon aircraft operators offering international air transport services to participate in electronic data interchange systems by providing advance passenger information in order to achieve maximum efficiency levels in the processing of passenger traffic at international terminals;
2. *Urges* Member States, in the use of electronic data interchange systems, to ensure that the passenger data requirements conform to international standards adopted by relevant United Nations agencies for this purpose, and to ensure the security of such data; and
3. *Urges* Member States to assist and share best practices, as appropriate, with other Member States in the establishment of passenger data exchange systems.

— END —