



International Civil Aviation Organization

## WORKING PAPER

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English and French only<sup>1</sup>

### HIGH-LEVEL CONFERENCE ON AVIATION SECURITY (HLCAS)

Montréal, 12 to 14 September 2012

#### Agenda Item 7: The role of the Machine Readable Travel Document (MRTD) Programme, Advance Passenger Information (API) and Passenger Name Record (PNR)

#### PRESERVING INDIVIDUAL RIGHTS

(Presented by AFCAC on behalf of the 54 African States<sup>2</sup>)

#### SUMMARY

This paper presents the position of African States in respect of the implementation of Advance Passenger Information (API) and Passenger Name Record (PNR), to aid screening of passengers at destination airports, while preserving their individual rights.

Action: The High level Conference on Aviation Security is invited to endorse the recommendations in paragraph 3.1.

#### 1. INTRODUCTION

1.1 The Ministers in charge of civil aviation security in Africa declared in Addis Ababa in 2007 their intention to reposition aviation security in Africa. Subsequent to the event of 25 December 2009, on Northwest flight 253, ICAO encouraged member States to make collaborated efforts to address this new threat. To this end, the Conference of African Ministers responsible for civil aviation in collaboration with the AU, AFCAC, ICAO and other non-African ICAO member States met at Abuja on 11-13 April 2010 and adopted a Joint Declaration.

1.1 Key in the Declaration was the directive for its member States to develop and improve compatible systems for the collection and use of Advance Passenger Information (API) and Passenger Name Record (PNR) data.

<sup>1</sup> French translation provided by AFCAC

<sup>2</sup> Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cap Verde, Central African Republic, Chad, Comoros, Congo, Cote d'Ivoire, Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Southern Sudan, Sudan, Swaziland, Togo, Tunisia, Uganda, United Republic of Tanzania, Zambia, Zimbabwe

## 2. **PRESERVATION OF INDIVIDUAL RIGHTS:**

2.1 During the ICAO Assembly 37, in the Declaration on Aviation Security, the Assembly supported the transmission of Advance Passenger Information (API) and also emphasised on the need to protect passengers' privacy and civil liberties.

2.2 This ICAO Assembly 37 Declaration on Aviation Security will ease the challenges involved in and try to address concerns of States in respect of the individual rights of their nationals when they travel.

2.3 AFCAC supports the initiatives on the establishment of uniform measures for PNR data and the handling of such data by States. This initiative is in line with Facilitation Division meeting, held in Egypt, Cairo in 2004 and its adopted Recommended Practise 3.48 by the Council.

2.4 ICAO technical assistance is highly recommended in the areas of legal expertise and training. This can be through the development of a Legal guidance material.

## 3. **RECOMMENDATIONS**

3.1 The High-level Conference on Aviation Security is invited:

- a) To include in its conclusions, the technical assistance (legal, training, etc.) available in the implementation of Advance Passenger Information (API) and Passenger Name Record (PNR) information for States.
- b) To take into consideration and guard against the implications of implementation of API that may lead to stepping on the individual rights and privacy.

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