

MEASURES TO PREVENT TERRORIST FROM ACQUIRING WEAPONS OF MASS DESTRUCTION

INPUT FROM THE INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO)

1. The activities of the International Civil Aviation Organization (ICAO) are focused on preventing acts of unlawful interference with civil aviation. As aircraft could be hijacked and turned into weapons of destruction, a number of ICAO provisions are developed to prevent aircraft hijackings. Provisions in Annex 17 — *Security* to the Convention on International Civil Aviation (Chicago Convention), the primary document specifying the Standards and Recommended Practices (SARPs) for international aviation security, were updated and strengthened at the twenty-first meeting of the ICAO Aviation Security Panel in March 2010. Amendment 12 to Annex 17 is expected to become applicable in 2011. Consistent and worldwide implementation of Annex 17 provisions is critical to closing gaps in security, denying terrorists opportunities to exploit aviation.
2. As overall efforts to prevent acts of unlawful interference with civil aviation, ICAO continues to play a leading role in promoting the security of travel documents, principally through its Machine Readable Travel Documents (MRTD) Programme, which specifies the worldwide standard for machine readable passports. ICAO has also established an Aviation Security Point of Contact (PoC) Network. The PoC Network, used successfully to communicate recommendations to States following the attempted sabotage of Northwest Airlines flight 253 on 25 December 2009, is comprised of aviation security officials authorized by participating States to send and receive sensitive threat information. To date, 98 States have joined.
3. The Universal Security Audit Programme (USAP) completed its first cycle of audits, involving a total of 181 Member States and one Special Administrative Region, in December 2007. As of 30 April 2010, audits of 64 Member States and one assessment of the European Commission aviation security inspection system had been completed under the second cycle of the programme. USAP audits have been instrumental in identifying aviation security concerns and providing recommendations for their resolution, thereby contributing directly to efforts to prevent international terrorism.
4. The ICAO Implementation Support and Development (ISD) Programme continues to coordinate aviation security assistance and training for Member States. One major activity involves assistance in support of States' efforts to comply with ICAO SARPs, provided in anticipation of future ICAO security audits or in order to rectify deficiencies already identified under the USAP.
5. The ICAO Legal Committee has prepared draft legal instruments to address new and existing threats. One draft instrument proposes to criminalize, *inter alia*, the act of using civil aircraft in service as a weapon, and the act of using biological, chemical and nuclear weapons (BCN weapons) or similar substances from civil aircraft to attack such aircraft or other targets on the ground. It further proposes to punish certain acts which demonstrate agreement to commit, or contribution to the commission of an offence, even if the offence has not been actually committed. Moreover, the draft intends to criminalize the unlawful transport by air of any BCN weapon or similar substances. A Diplomatic Conference will be held in Beijing, China, from 30 August to 10 September 2010 to finalize and adopt these instruments.