



Counter-Terrorism Travel Programme Summary

Building the Capacity of Member States to Prevent, Detect and Investigate Terrorist Offenses and Related Travel by Using Advance Passenger Information (API) and Passenger Name Record (PNR) Data

Programme Context

Members of terrorist groups and other transnational organized crime groups continue to take advantage of porous detection capacity across the globe. The many returning and relocating foreign terrorist fighters (FTFs) are a serious threat to global security. Air travel has globally increased the connectivity and is projected to double over the next 20 years. Also, other modes of transport such as maritime and rail increase mobility of all. Processing passenger data therefore is essential to the identification, detection and interception of FTFs and other serious criminals, including those that are otherwise unknown to authorities, both before, during and after travel.

In its resolution 2178 (2014), the Security Council called upon Member States to require airlines operating in their territories to provide advance passenger information (API) to appropriate national authorities to detect the departure from, attempted travel to, entry into or transit through their territories of FTFs. In resolution 2396 (2017), the Security Council built on resolution 2178 (2014) by creating new international obligations. In addition to reaffirming its requirements on API, the Security Council called on Member States to ‘develop the capability to collect, process and analyze, in furtherance of ICAO standards and recommended practices, passenger name record (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.’ In addition, enhanced use of lists with known criminals and terrorists is of the highest importance.

In its recent biennial review of the UN Global Counter-Terrorism Strategy (A/RES/72/284), the General Assembly reiterated its concern at the increasing flow of international recruits to terrorist organizations, including FTFs, and the threat that this poses to all Member States. It further encouraged Member States to address this threat ‘by enhancing their cooperation and developing relevant measures to prevent and tackle this phenomenon, including information-sharing, border management to detect travel, including through the implementation of obligations on the use of advance passenger information, passenger name record and biometric data, with full respect for human rights and fundamental freedoms.’

Programme Rationale

Despite the above-mentioned Security Council and General Assembly resolutions, capacities differ from State to State. This creates significant challenges for individual Member States, regions and beyond. Most Member States lack a full understanding of the use of passenger data to identify and detect FTFs, as well as the steps required to develop their own capacity in this area. The costs and complexity of creating an



effective and secure system are high. Member States run the risk of purchasing an expensive but not fit-for-purpose system or becoming involved in areas of personal data management that are ineffective, disproportionate or operationally and legally not specific enough for their national contexts.

Additionally, legal systems differ on key issues pertaining to the collection, transmission, use, retention and sharing of passenger data. Processing this personal data also raises human rights concerns that relate to the right to privacy, data protection and retention, as well as the risk of discriminatory profiling. This is especially true because API/PNR data encompasses a wide range of passenger data and may include e.g. credit card and other personal financial data, health information, meal preferences, travel companions. Moreover, there are significant conflict of laws issues that place the transport industry in considerable legal jeopardy. Carriers may be legally required by the country of destination to disclose passenger data but are at the same time prohibited by the country of departure from sending it. Unresolved, this conflict of laws prevents the optimal use of PNR data, including for purposes of counter-terrorism.

Upon request and funded by Member States and within its mandate, the UN has now developed a new global capacity-building initiative to support Member States to enhance their detection capacity to curb FTF mobility in compliance with the requirements of Security Council resolutions 2178 (2014) and 2396 (2017).

Programme Objectives

To assist Member States in building their capacities to prevent, detect, investigate and prosecute terrorist offences and other serious crimes, including their related travel, by collecting and analyzing passenger data, both API and PNR, in accordance with Security Council resolution 2396 (2017), ICAO Annex 9 standards and recommended practices (SARPs), as well as other international law obligations. The secondary purpose and mandate of the programme is to initiate new and engage in ongoing global activities that support the primary objective. Such activities can be mobilizing the global community to strengthen training and certification, standardization of data and transmission protocols and information exchange, support sharing of targeting rules and operational good practices on the detection and courting of illicit travel.

Programme Summary

Geographical coverage: Global. The programme targets all requesting Member States, specifically those most affected by the FTF phenomenon as a source, destination or transit country.

It will further benefit from the Travel Information Portal (TRIP) system, developed by the Government of the Netherlands and used both as a government single window for the carriers to provide API/PNR data and for the analysis in the Passenger Information Unit (PIU) by competent authorities. On 26 September 2018, the Dutch Government generously donated the Intellectual Property Rights of the TRIP system to the UN. The UN has now adopted the software under the new name goTravel, which is now ready to be deployed to enable Member States to collect, analyze, retain and share their own passenger data in compliance with international law obligations.



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Duration and costs: The costs of this five-year programme are approximately \$12 million per year. In addition to the donation of the TRIP software this programme has received funding of \$5,680,000 from the Netherlands and additional contributions have been received from India and Australia and other donors covering the first year. Additional donors such as Qatar, the European Union, Japan and others are considering the programme potential funding. An additional \$11.3 million is sought for the second year.

UN Implementing Entities: UNOCT will be responsible for overall programme management coordination through its capacity building arm, UNCCT. The programme will be implemented through an 'All-of-UN' approach, in partnership with the Counter-Terrorism Committee Executive Directorate (CTED), the International Civil Aviation Organization (ICAO), the United Nations Office of Information and Communication Technology (OICT) and the United Nations Office on Drugs and Crime (UNODC) and will also engage with the International Organization for Migration (IOM), the International Criminal Police Organization (INTERPOL), the Office of the High Commissioner for Human Rights (OHCHR), the Special Rapporteur on Human Rights in Counter-Terrorism, as well as the International Air Transport Association (IATA). A Management Board, chaired by UNOCT, in which all the implementing partners will be represented, will provide overall guidance.

This programme foresees a flexible four-tiered approach to build the detection capacity responsibly and in line with international human rights standards:

- (i) the **assessment** and first 'deep-dive' missions in beneficiary countries by CTED with ICAO, UNODC;
- (ii) the provision of **legislative assistance** by UNODC, in consultation with CTED, ICAO;
- (iii) institutional set-up of a **Passenger Information Unit** and capacity-building support by UNOCT/CCT and UNODC, in liaison with CTED and Member States, including raising awareness and expertise among countries on the use of API/PNR data to stem the flow of FTFs and with full support of ICAO in setting up **engagement** with (air) carriers; and
- (iv) the provision of information and communication **technology** (ICT) expertise by OICT, including the deployment, installation, enhancement and maintenance support of goTravel as an effective software solution for countries to collect and analyze API and PNR data.

Programme Description

The programme commenced October 1st, 2018 with a 6 months Inception Phase to be completed March 2019. The formal launch of the global programme will be marked with an event in April 2019 at the UNHQ. All Member States, donors and relevant organisations are invited to receive an introduction of the program, learn how they could participate in the program and discuss with a variety of global matter experts.

Programme Outcomes and Impact:

- Outcome 1: Assisted Member States have enhanced awareness to use passenger data to stem the flow of FTFs and other serious criminals as required by Security Council resolution 2178 (2014) and 2396 (2017), and have a full understanding of the necessary steps to comply with these resolutions;
- Outcome 2: Assisted Member States have strengthened legislative frameworks to regulate the collection, transmission, use, retention and sharing of passenger data in compliance with



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international human rights standards, and based on a universal standard that addressing existing conflict of laws that inhibit the international transfer and processing of PNR data;

- Outcome 3: Assisted Member States have effective PIUs in place, embedded in their national law enforcement structure, which have the capacity to collect passenger data and conduct risk assessments, implement appropriate targeting measures, as well as identify, detect and intercept FTFs and other serious criminals based on the systematic collection, analysis, use and sharing of passenger data including data acquisition from the industry; and
- Outcome 4: Assisted Member States operate within their jurisdiction an efficient and effective UN software solution, goTravel, autonomously used by their PIUs and centrally enhanced, maintained and supported by the Office of Information and Communication Technology of the Un Secretariat.

Programme Activities during the Inception Phase:

- Establish the overall programme management structure and a detailed programme plan with clear benchmarks and deliverable per annum for each implementing partner.
- Identify a preliminary list of beneficiary Member States, in consultation with donor countries providing similar capacity-building support and technical assistance.
- Adopt the TRIP system source code and undertake an in-depth peer review and analysis of the code to facilitate the UN certification process.
- Initiate consultations on human rights concerns and conflict of laws aspects pertaining to API/PNR data and assess human rights risks in line with the UN-wide human rights due diligence obligations.
- Improve the quality of programme indicators, establish gender markers, and develop a visibility and communication plan for the programme.
- Develop a resource mobilization and funding arrangement framework, including a business model to ensure that sustainable cost-recovery funds are generated from Service Level Agreements (SLAs) that will be entered into by Member States receiving goTravel enhancement, maintenance and support services, in view of enabling OICT's provision of a sustainable software solution addressing evolving API/PNR requirements.

Programme Activities during the Implementation Phase:

- Use an approved selection process for the selection and prioritization of beneficiary countries.
- Manage, further develop and support goTravel and deploy to beneficiary countries together with programme partners.
- Adopt guidelines on the responsible use of PNR data by Member States, which addresses conflict of laws inhibiting the international transfer and processing of such data.
- Support the establishment of a Global Informal Working group to share best practices on data/carrier connection, operational cooperation, interoperability and information exchange.
- Deliver, install and ensure the effective operational use of goTravel in requesting Member States for the duration of the programme, on the condition that the necessary hardware is ready and available.
- Initially this programme aims to deliver support to 7 countries in the first year and 13 in the second on any of the four tiers.
- To adjust ambition and/or capacity, UNOCT will undertake a mid-term and final evaluation of the programme to measure its impact and achievements at the output, outcome and objective level, as well as document lessons learned.