



FACILITATION PANEL (FALP)

SEVENTH MEETING

Montréal, 22 to 26 October 2012

Agenda Item 5: Amendments to Annex 9

PROPOSED AMENDMENTS TO ANNEX 9 IN ORDER TO RAISE AWARENESS AND PREVENT THE OCCURRENCE OF UNRULY / DISRUPTIVE BEHAVIOUR IN THE AVIATION CONTEXT

(Presented by the United Arab Emirates)

SUMMARY

This Working Paper suggests that FALP should recommend that recommended practices 6.44 and 6.45 of Annex 9 are elevated to the status of ICAO standards.

Action by the Panel:

The FAL Panel is invited to consider the proposal described in this paper and agree that Annex 9 be amended, as set out in the Appendix.

1. INTRODUCTION

1.1 Aviation is the fastest-growing mode of transportation. Air traffic demand has grown without parallel. Since more and more people travel by air each day, it may well be expected that more and more incidents involving unruly behaviour will occur on board aircraft. It should be of no surprise then that ICAO's Aviation Security Panel (AVSECP) has on numerous occasions reported that the international aviation community is experiencing a steady increase in unruly and disruptive incidents. Clearly, the issue has attracted more attention since the 1990s. Back in 1997, reports indicated a peak of as much as 400% in the number of incidents as compared with 1995 levels.

1.2 Lately, IATA's most recent statistics have revealed a shocking 687% increase in incidents in 2009 as compared to 2007. A recent press report indicates that, in 2011, 127

incidents have occurred in the United States (US), 488 in Australia and 44 in the United Kingdom (UK). These reports are suggestive of an escalating trend.

1.3 In addition to the unprecedented growth in the number of people flying, other factors may also help to explain this emerging phenomenon. These factors include poor airline customer service, consumption of alcohol and illegal drugs, stuffy cabin air, smoking bans, claustrophobia, persistent flight delays, insufficient leg room in the cabin, overbooking situations, confined and cramped conditions on board aircraft, fear of flying, the mental conditions of passengers and crew, intrusive security measures, inappropriate crew training, the intrinsic level of stress that the air travel experience bears nowadays, and lack of prosecution and enforcement. In addition, a major problem when addressing unruly / disruptive behavior constitutes the lack of appropriate preventive measures. Quite often, passengers are simply not aware of the consequences of engaging in such behavior in an aviation environment.

1.4 These incidents “continue to be a concern, and a lasting solution needs to be found by addressing the root cause of the problem.” It is not disputed that “a minor infraction which may be inconsequential on the ground can produce disastrous effects in the air.

2. DISCUSSION

2.1 The eradication of unruly incidents in the aviation context requires a number of preventive measures. In light of the fact that some perceived flaws have been identified, ICAO has already engaged in a process to revise the adequacy of the international legal regime. Thus, ICAO has initiated the modernization of the Tokyo Convention of 1963. This also includes an examination of legal issues involving unruly / disruptive behaviour on board aircraft. Similarly, just recently, the High Level Conference on Aviation Security (12-14 September 2012) has strongly recommended that ICAO continues to work on such initiative with particular emphasis on unruly passengers.

2.2 Although the UAE strongly supports the revision of the international legal regime, international law-making will not of itself resolve the problem. Just as appropriate training of aviation staff is required, authorities must also strongly emphasize education of the travelling public. There is a strong case for effective preventive measures.

2.3 In this respect, thanks to proposal presented by the International Federation of Air Line Pilot’s Associations (IFALPA) at the 12th Session of the Facilitation Division (22 March – 2 April 2004), Annex 9 provides recommendations on samples notices to passengers on the consequences on unruly behaviour. However, in light of the undeniable increase of unruly / disruptive incidents, this paper argues that such recommended practices should be elevated to the status of ICAO standards. The time is ripe for such amendment.

3. UAE EXPERIENCE

3.1 The UAE has been at the forefront of educating passengers through its highly successful “Love your Sky” campaign. On 6 September 2011, the official website of this campaign was launched (www.loveyoursky.com). Other channels such as radio shows, TV and social media (Twitter and Facebook), as well as pamphlets and brochures which were distributed at airports, have also been used.

3.2 This campaign seeks to raise awareness of passenger safety and security through promoting best practices in flight and on the ground. It also purports to tackle unruly and disruptive behaviour on board aircraft. In this respect, the campaign provides guidelines on what behaviour will not be tolerated and how other passengers should react in cases where such incidents occur. It also highlights the consequences of engaging in such behaviour while the aircraft is in flight. The UAE is of the firm belief that increasing passenger awareness could significantly contribute to reducing the occurrence of these nefarious incidents.

4. ACTION BY THE FALP

4.1 In light of the foregoing, the FALP is invited to recommend the strengthening of recommended practices 6.44 and 6.45 with the adoption of two new ICAO standards, as set out in the Appendix.

APPENDIX

Amend Annex 9 as follows:

Chapter 6. International Airports — Facilities and Services for Traffic

E. Unruly passengers

6.44 ~~Recommended Practice.~~— Each Contracting State ~~should~~ shall increase passenger awareness of the unacceptability and legal consequences of unruly or disruptive behaviour in aviation facilities and on board aircraft.

6.45 ~~Recommended Practice.~~— Each Contracting State ~~should~~ shall ensure that airport and aircraft operators and public authorities provide training to relevant personnel concerning the identification and management of unruly passengers, including recognition and defusing of escalating situations, and crisis containment.

Note.— *Guidance material on the legal aspects of unruly/disruptive passengers can be found in Circular 288 — Guidance on the Legal Aspects of Unruly/Disruptive Passengers.*

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