



DCTC Doc No. 36
3/4/14

INTERNATIONAL CONFERENCE ON AIR LAW

(Montréal, 26 March to 4 April 2014)

FINAL ACT

FINAL ACT

**of the International Conference on Air Law
Diplomatic Conference to Consider Amending the Tokyo Convention of 1963
held under the auspices of the International Civil Aviation Organization
at Montréal, 26 March to 4 April 2014**

The Plenipotentiaries at the International Conference on Air Law held under the auspices of the International Civil Aviation Organization met at Montréal from 26 March to 4 April 2014 to Consider Amending the *Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Tokyo Convention, 1963).

The Governments of the following 86 States were represented at the Conference and presented credentials in due and proper form:

Albania, the Republic of	Lesotho, the Kingdom of
Angola, the Republic of	Lithuania, the Republic of
Argentine Republic, the	Madagascar, the Republic of
Australia	Mali, the Republic of
Austria, the Republic of	Malta, the Republic
Azerbaijan, the Republic of	Mauritania, the Islamic Republic of
Bolivia, the Plurinational State of	Mexican States, the United
Botswana, the Republic of	Morocco, the Kingdom of
Brazil, the Federative Republic of	Namibia, the Republic of
Burkina Faso	Nepal, the Federal Democratic Republic of
Burundi, the Republic of	Netherlands, the Kingdom of the
Cabo Verde, the Republic of	New Zealand
Cambodia, the Kingdom of	Niger, the Republic of the
Cameroon, the Republic of	Nigeria, the Federal Republic of
Canada	Oman, the Sultanate of
Chad, the Republic of	Paraguay, the Republic of
Chile, the Republic of	Peru, the Republic of
China, the People's Republic of	Philippines, the Republic of the
Colombia, the Republic of	Poland, the Republic of
Congo, Republic of the	Portuguese Republic, the
Cote d'Ivoire, the Republic of	Qatar, the State of
Cuba, the Republic of	Republic of Korea, the
Czech Republic, the	Russian Federation, the
Denmark, the Kingdom of	Saudi Arabia, the Kingdom of
Dominican Republic, the	Senegal, the Republic of
Ecuador, the Republic of	Sierra Leone, the Republic of
Egypt, the Arab Republic of	Singapore, the Republic of
Equatorial Guinea, the Republic of	South Africa, the Republic of
Fiji, the Republic of	Spain, the Kingdom of
Finland, the Republic of	Sudan, the Republic of the
French Republic, the	Swaziland, the Kingdom of
Germany, the Federal Republic of	Sweden, the Kingdom of
Ghana, the Republic of	Swiss Confederation, the
Guinea, the Republic of	Togolese Republic, the
Haiti, the Republic of	Turkey, the Republic of
Hellenic Republic, the	Uganda, the Republic of
India, the Republic of	United Arab Emirates, the
Indonesia, the Republic of	United Kingdom of Great Britain and
Israel, the State of	Northern Ireland, the

Italy, the Republic of
 Jamaica
 Japan
 Jordan, the Hashemite Kingdom of
 Kenya, the Republic of
 Kuwait, the State of

United Republic of Tanzania, the
 United States of America, the
 Uruguay, the Eastern Republic of

The following nine international organizations were represented by Observers:

African Civil Aviation Commission (AFCAC)
 Agency for Air Navigation Safety in Africa and Madagascar (ASECNA)
 Arab Civil Aviation Commission (ACAC)
 International Air Transport Association (IATA)
 International Federation of Air Line Pilots' Associations (IFALPA)
 International Union of Aerospace Insurers (IUAI)
 Latin American Association of Air and Space Law (ALADA)
 McGill University
 United Nations Office on Drugs and Crime (UNODC)

The President of the Council of the International Civil Aviation Organization, Dr. Olumuyiwa Benard Aliu, opened the Conference.

The Conference elected as President Ms. Tan Siew Huay (Singapore), and further elected as Vice-Presidents:

First Vice-President	Mr. Levers Mabaso (South Africa)
Second Vice-President	Mr. Michael Jennison (United States)
Third Vice-President	Dr. Norberto Luongo (Argentina)
Fourth Vice-President	Dr. Małgorzata Polkowska (Poland)
Fifth Vice-President	His Highness Prince Turki Bin Faisal Al Saud (Saudi Arabia)

The Secretary General of the Conference was Mr. John Augustin, Director, Legal Affairs and External Relations Bureau, International Civil Aviation Organization. He was assisted by Dr. Jiefang Huang, Senior Legal Officer, who was the Executive Secretary, by Messrs. Andrew Opolot and Christopher Petras, Legal Officers, who were the Deputy Secretaries, and by Ms. Marla Weinstein, Legal Officer, who was Assistant Secretary. Conference services were provided under the direction of Dr. Fang Liu, Director, Administration and Services Bureau, with the assistance of Mr. James Wan, Deputy Director, Information Management and General Administrative Services, and other officials of the Organization.

The Conference established a Commission of the Whole which was chaired by Ms. Tan Siew Huay (Singapore) and the following Committees and Groups:

Credentials Committee

Chairperson: Mr. Obaid Saif Al Nuaimi (United Arab Emirates)

Members: Canada
 Colombia
 Finland
 Indonesia
 United Arab Emirates

Drafting Committee

Chairperson: Mr. Levers Mabaso (South Africa)

Members: Argentina
Australia
Brazil
Burkina Faso
Canada
China
Finland
France
Ghana
India
Jamaica
Japan
Mauritania
Namibia
Netherlands
Republic of Korea
Russian Federation
South Africa
United Arab Emirates
United States of America
Uruguay

International Air Transport Association (IATA)
International Federation of Air Line Pilots' Associations (IFALPA)

Preambular and Final Clauses Committee

Chairperson: Mr. John Thachet (Canada)

Members: Canada
Chile
China
Congo
Denmark
Ecuador
Fiji
Germany
Jordan
Nigeria
Paraguay
Portugal
Qatar
Republic of Korea
Togo
United States of America

United Nations Office on Drugs and Crime (UNODC)

In-Flight Security Officers Special Group and Friends of the Chair

Chairpersons: Mr. Terry Olson (France)
Ms. Tan Siew Huay (Singapore)

Members: Argentina
Canada
China
Colombia
Cuba
Egypt
France
Italy
Japan
Kenya
Philippines
Saudi Arabia
South Africa
Sudan
Switzerland
United States of America

International Federation of Air Line Pilots' Association (IFALPA)

Jurisdiction Group

Chairperson: Mr. Mark Rodmell (United Kingdom)

Members: Bolivia
China
France
Germany
Jamaica
Kuwait
Mexico
Namibia
Nigeria
Russian Federation
Singapore
Spain
United Kingdom
United States of America

International Air Transport Association (IATA)

Resolutions Group

Chairperson: Mr. Juan Ramón Hernáiz Bravo (Mexico)

Members: Czech Republic
Japan
Kenya
Mauritania
Mexico
New Zealand
Peru
Poland

Singapore
South Africa
Sweden
Turkey
United States

International Air Transport Association (IATA)

Following its deliberations, the Conference adopted the text of the *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft*.

The said Protocol was opened for signature at Montréal this day by States participating in the Conference. It was also decided that after 4 April 2014 the said Protocol would be open to all States for signature at the Headquarters of the International Civil Aviation Organization in Montréal.

The text of the said Protocol is subject to verification by the Secretariat of the Conference under the authority of the President of the Conference within a period of ninety days from the date hereof as to the linguistic changes required to bring the texts in the different languages into conformity with one another.

A consolidated text of the *Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Tokyo Convention, 1963) as amended by the *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft* was also adopted at Montréal this day to facilitate the implementation of the rules contained in the said Convention and Protocol in a user-friendly manner. This text, established in six languages, is attached to the present Final Act.

The Conference furthermore adopted by consensus the following Resolution:

RESOLUTION
RELATING TO UPDATING CIRCULAR 288 - GUIDANCE MATERIAL ON THE
LEGAL ASPECTS OF UNRULY/DISRUPTIVE PASSENGERS

THE CONFERENCE,

RECOGNIZING that, under the Preamble and Article 44 of the *Convention on International Civil Aviation*, one of the aims and objectives of the International Civil Aviation Organization (ICAO) is to foster the planning and development of international air transport so as to meet the needs of the peoples of the world for safe, regular, efficient and economical air transport;

HAVING ADOPTED the *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Protocol);

MINDFUL of the fact that existing international law as well as the national laws and regulations in many States may not be fully adequate to deal effectively with less serious types of offences and other acts committed by unruly or disruptive passengers on board civil aircraft;

RECOGNIZING that the Conference decided not to include a list of offences and other acts within the Protocol, but recommended that ICAO Circular 288 – *Guidance Material on the Legal Aspects of Unruly/Disruptive Passengers* published in 2002 (ICAO Circular 288) be updated;

TAKING INTO ACCOUNT the special environment of aircraft in flight and inherent risks connected therewith, as well as the need to provide guidance on what constitutes unruly or disruptive behavior on board civil aircraft;

CONSIDERING the need to have an updated list of offences and other acts, in a document other than the Protocol, to serve as a guide for the purpose of facilitating States to deal with offences and other acts constituting unruly or disruptive behavior on board civil aircraft; and

CONSCIOUS that the adoption of the Protocol has also affected the subject matter of ICAO Circular 288;

RESOLVES:

TO URGE the Council of ICAO to request the Secretary General to update ICAO Circular 288 – *Guidance Material on the Legal Aspects of Unruly/Disruptive Passengers* to include a more detailed list of offences and other acts, as well as to make consequential changes to ICAO Circular 288 arising from the adoption of the *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft*;

TO REQUEST ICAO to disseminate the updated Circular to States; and

TO INVITE all Member States to include in their national laws and regulations, so far as practical, the elements of the updated Circular.

IN WITNESS WHEREOF the Delegates have signed this Final Act.

DONE at Montréal on the fourth day of April of the year Two Thousand and Fourteen in six authentic texts in the English, Arabic, Chinese, French, Russian and Spanish languages in a single copy which shall be deposited with the International Civil Aviation Organization and a certified copy of which shall be delivered by the said Organization to each of the Governments represented at the Conference.

ATTACHMENT

**CONSOLIDATED TEXT OF THE CONVENTION ON OFFENCES AND CERTAIN OTHER
ACTS COMMITTED ON BOARD AIRCRAFT (TOKYO, 1963) AND THE PROTOCOL TO
AMEND THE CONVENTION ON OFFENCES AND CERTAIN OTHER ACTS
COMMITTED ON BOARD AIRCRAFT (MONTRÉAL, 2014)**