



**International Air Law Treaty Workshop,
Dar es Salaam , Tanzania
25 to 27 February 2026**

Legal Affairs and External Relations Bureau

**INTERNATIONAL
CIVIL AVIATION
ORGANIZATION**





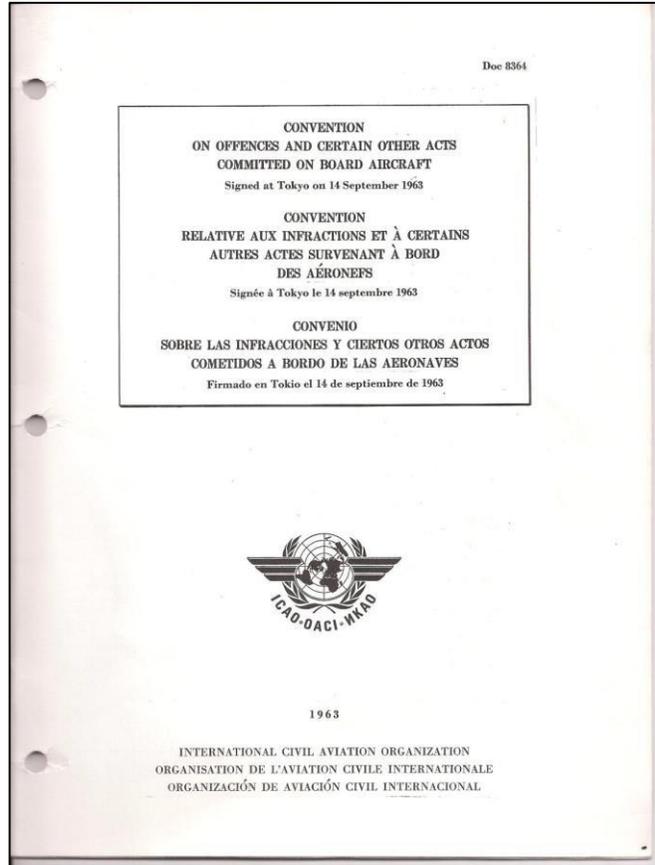
ICAO



Session 4: MP 14 - Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Montréal, 2014)

**Andrew Opolot, Legal Officer, Legal
Affairs and External Relations
Bureau, ICAO**

Convention on Offences and Certain Other Acts Committed on Board Aircraft, Tokyo Convention 1963



□ Notable relevant features

- Jurisdiction of the State of registration (R V. Martin [1956] All ER 86; US v. Cordova); (Article 3)
- Power of aircraft commander; disembarkation, delivery of offender to authorities (Article 5-10);
- Restraint and imposition of reasonable measures on offenders (Article 6)
- No specific offences
- State duty to accept disembarkation and delivery (Articles 12-15)
- No requirement to prosecute or extradite (Article 16)
- Immunity of aircraft commander, crew and assisting passengers (Article 10)

- signed at Tokyo on 14 September 1963
- in force since 4 December 1969
- 188 States Parties (on 1 February 2026)

Enforcement

Agencies often unaware of how to handle disembarked passengers delivered to airport. .

Jurisdiction

States reluctant to take jurisdiction for occurrences of foreign origin.

Deterrence

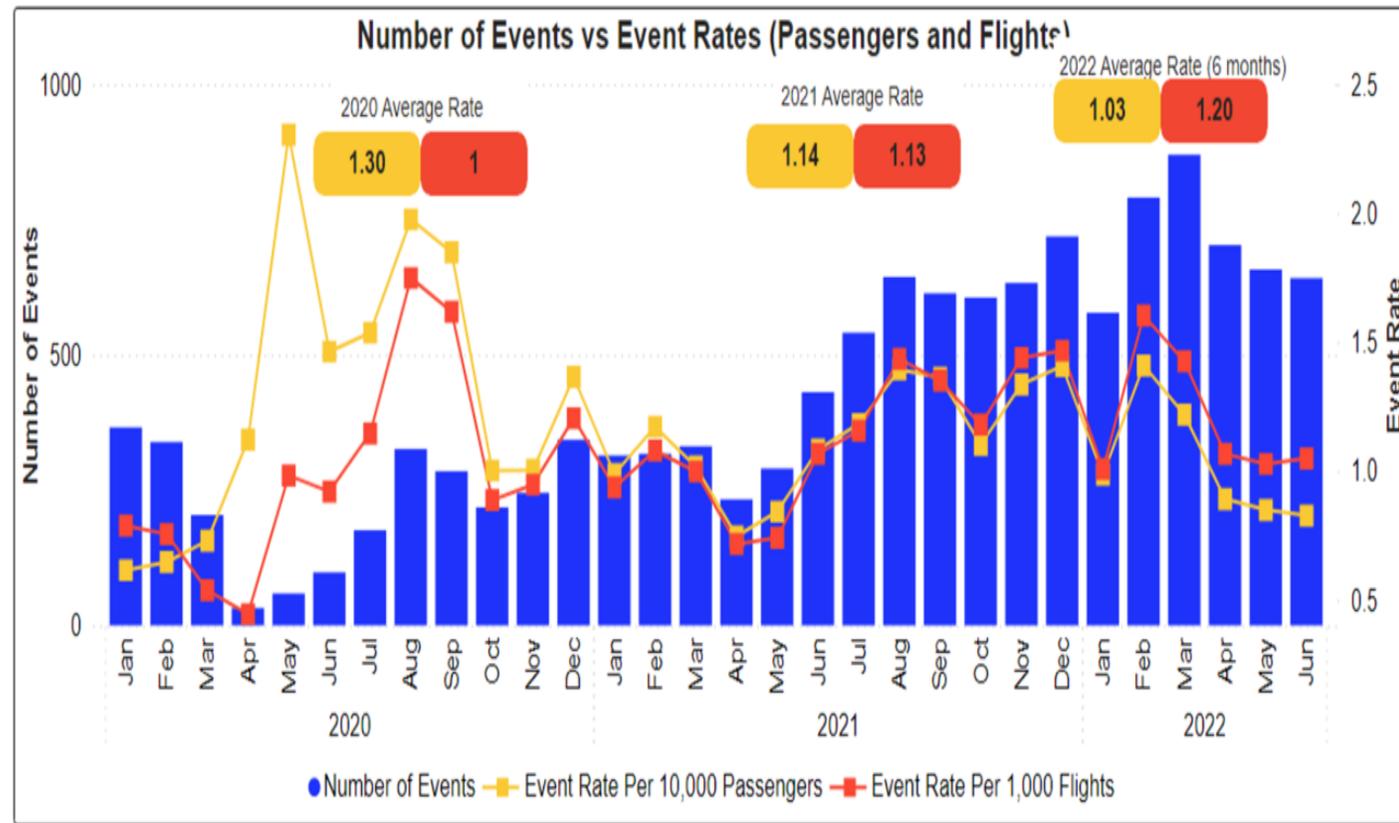
Passengers did not often see consequences for the conduct.

An offence in one State may not be an offence in another

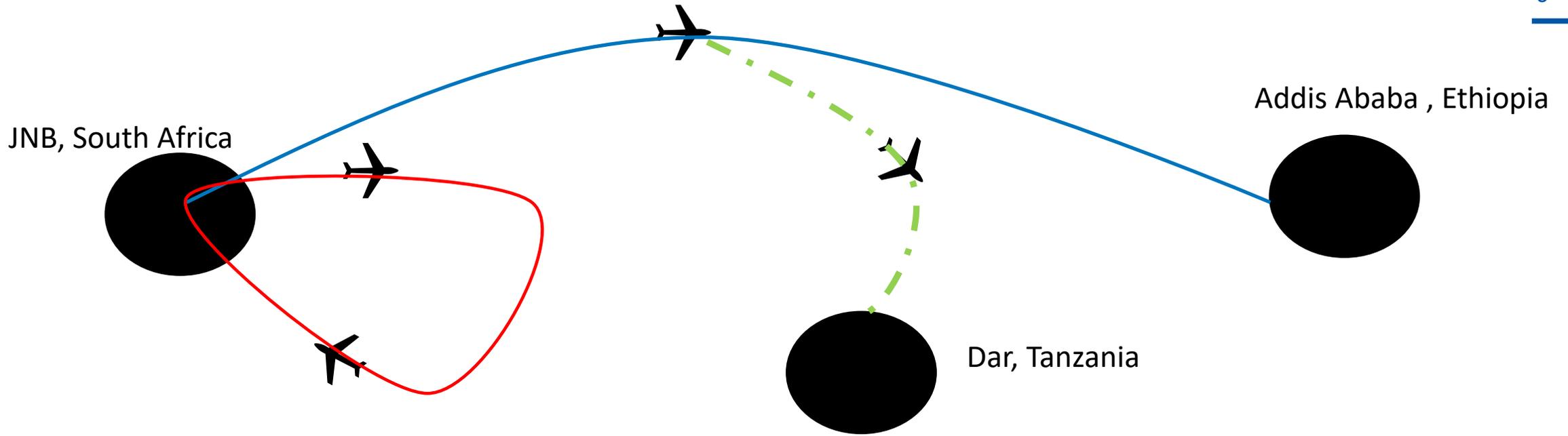
Educating courts, law enforcement and regulators is essential to ensure that the letter and the spirit of the Convention are respected in every national setting.

Diversion of flights for disembarkation or delivery is costly for all

The Montréal Protocol 2014 and the State of the issue of Unruly Passengers 2020-2025



Example of the jurisdictional problem



The aircraft is registered in, and the airline is based in SA. The flight departs but there is an unruly passenger incident en route over the Indian Ocean in international waters

Scenario 1 – Captain elects to return to Johannesburg – SA has jurisdiction so police and prosecutors can deal with the passenger under SA law. No problems!

Scenario 2 – Captain elects to continue to Addis Ababa (scheduled destination) – SA authorities as State of aircraft registration have jurisdiction under the Tokyo Convention. But they are 5,900km away. What can the police at ADD do?

Scenario 3 – Captain elects to divert to Dar, Tanzania, but again SA has jurisdiction, so what can the Tanzanian police do?

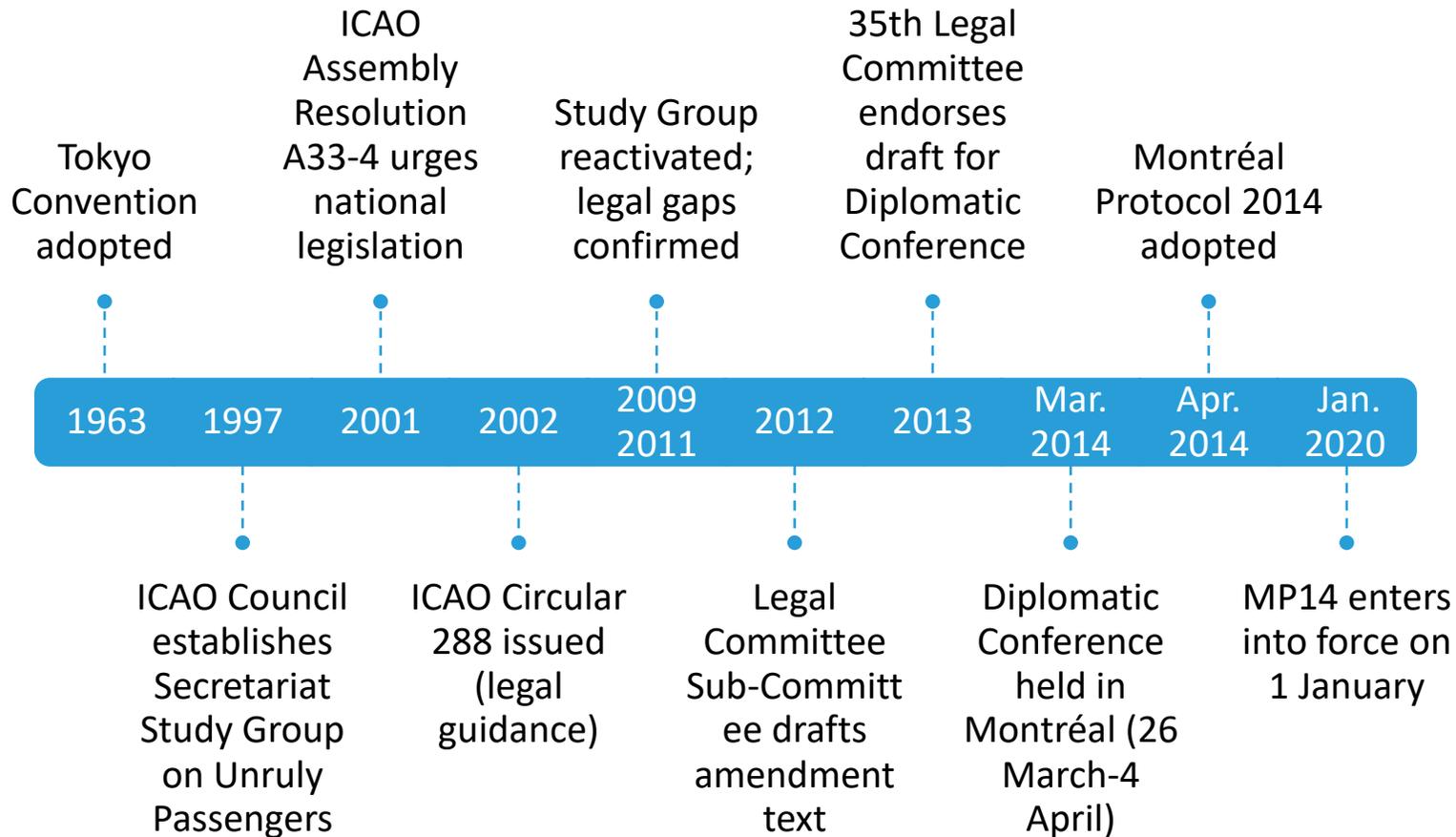


Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Montréal Protocol 2014)

- done on 4 April 2014
- in force since 1 January 2020
- 58 States Parties (as of 15 February 2026)

Deals mainly with unruly and disruptive passengers

- Supplements the Tokyo Convention 1963
- **Art. 3:** expands the grounds of jurisdiction by adding the State of landing and the State of operator
- **Arts. 6 (2), 6 (3), 6 (4), 10:** extends certain protections to in-flight security officers
- Facilitates enforcement action against unruly and disruptive passengers
- Changes in scope of when an aircraft is “in flight”



Montréal Protocol
2014 (MP 14)
– Amendments to
TC 1963

Jurisdiction (Art 3(1bis) & (2bis))	New State of <u>landing</u> jurisdiction - mandatory New <u>State of the operator</u> jurisdiction - mandatory
List of offences (Article 15bis)	No list of offences States encouraged to take measures to initiate proceedings in 2 cases <u>Resolution</u> requesting ICAO Secretary-General to update <i>Circular 288</i> (guidance)
Extradition (Art 16)	For extradition purpose – offences treated as committed in place of occurrence and territories of States required to establish jurisdiction

Montreal Protocol 2014 – Amendments to TC63

Aircraft commander immunity (Art 10)	No amendment to TC63 immunity provisions
In flight security officers (air marshals) (Arts 6 & 10)	<ul style="list-style-type: none"> • Aircraft commander may ask, not require IFSO to restrain unruly passenger • May take preventive action against passengers, on reasonable grounds where they believe that an offence is about to be committed • Same immunity as aircraft commander, crew & passengers
Airline damages recovery (Art 18 <i>bis</i>)	Recovery of damages under national law not precluded (& not only for airlines)
Due process Rights (Article 2 and 17)	Adds non- discrimination on grounds of nationality and gender. guarantees due process in the application of measures
Termination of contract of carriage	Refer to contract of carriage

58
States
Parties

Angola
Armenia
Azerbaijan
Bahrain
Botswana
Bulgaria
Congo
Cote d'Ivoire
Cuba
Cyprus
Dominican
Republic
Egypt
Estonia
Finland
France
Gabon
Gambia
Ghana
Guyana
Honduras
Hungary

Iraq
Jordan
Kazakhstan
Kenya
Kuwait
Latvia
Luxembourg
Malaysia
Malta
Mongolia
Mozambique
Namibia
Netherlands
Niger
Nigeria
Oman
Paraguay
Peru
Portugal
Qatar
Romania
Russian

Federation
Rwanda
Saint Kitts and
Nevis
Saint Lucia
Senegal
Sierra Leone
Singapore
Somalia
South Africa
Switzerland
Tunisia
Türkiye
Uganda
United Arab
Emirates
Uruguay

Montréal Protocol 2014

ICAO urges States to accelerate ratification of international unruly air passenger treaty.

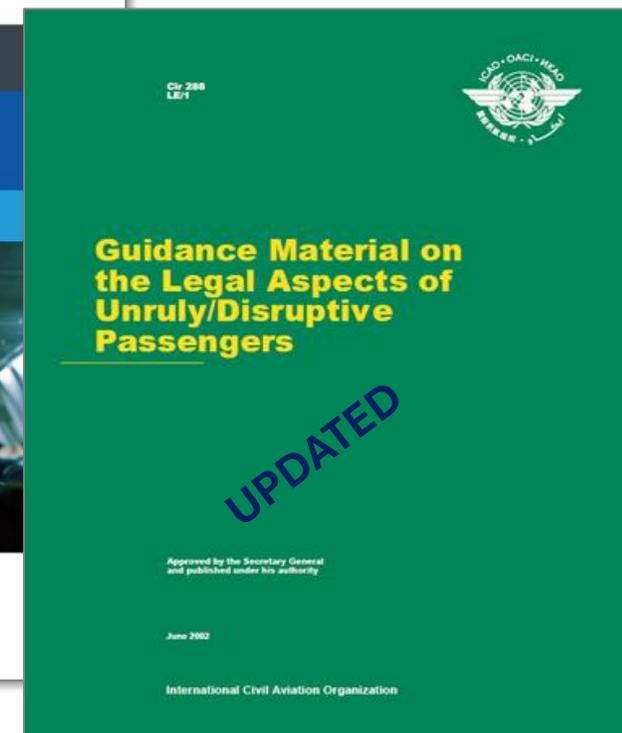


Montréal, 4 April 2024 – In response to the increase in incidents of unruly passenger behavior on international flights being reported by regulators and airlines, the International Civil Aviation Organization (ICAO) issued an urgent call to its Member States to fast-track the ratification of the 2014 Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Montréal Protocol 2014 or MP14).

Since its adoption on 4 April 2014, MP14 has sought to remedy jurisdictional gaps that hinder the effective prosecution of offences occurring on international flights. "On the tenth anniversary of MP14, it is crucial that Member States reinforce their commitment to safe air travel by ratifying this essential treaty," urged Salvatore Sciacchitano, President of the ICAO Council.

ICAO TOOLS

- Model Legislation
- Administrative Sanctions Regime
- Other guidance materials
- Assembly Resolution A42-5, Appendix E

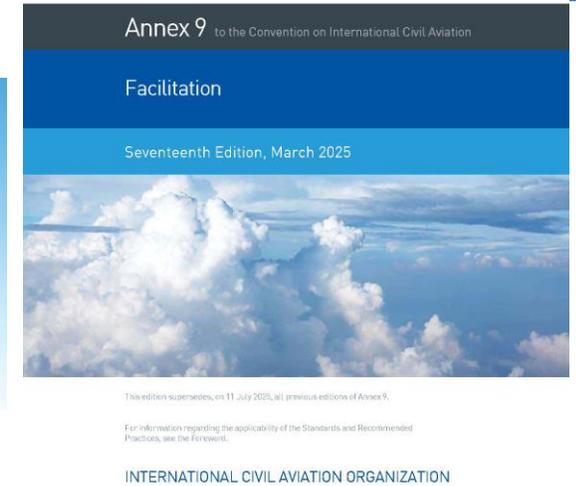


Chapter 6 – D. Unruly Passengers

Each Contracting State shall, in cooperation with airport operators and aircraft operators, promote passenger awareness of the unacceptability and possible legal consequences of unruly or disruptive behaviour at airports and onboard aircraft to deter and prevent unruly and disruptive behaviour.

Annex 9 Standard 6:35

Note.— *Guidance material on the legal aspects of unruly/disruptive passengers can be found in the Manual on the Legal Aspects of Unruly and Disruptive Passengers (Doc 10117).*



Annex 9 Standard 6:36

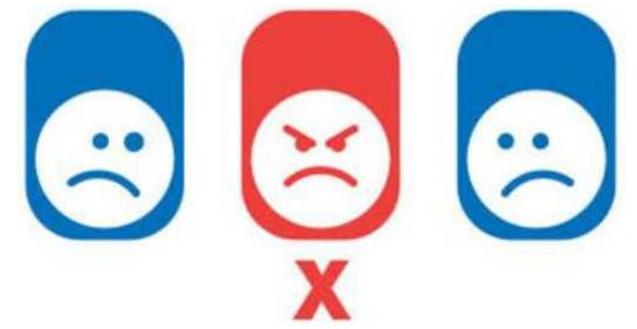
Each Contracting State shall take measures, in cooperation with airport operators and aircraft operators, to ensure that relevant personnel are trained to identify and manage unruly and disruptive passenger situations.



SCENARIO



Incident based on an actual case



Occurred on an 8-hour international flight from NOP in Country C to XYZ in Country D. Aircraft is registered in Country C. Both countries are parties to the Tokyo Convention 1963.

- A business class passenger in seat 3A asked the purser for another glass of champagne during the meal service
- ❑ She had already had several glasses before and was starting to show signs of possible intoxication (she was slurring words and dropping items).
- The cabin crew informed her that they had run out of champagne. She demanded wine, but the crew informed her discreetly that she had already had a lot of alcohol and that they would not serve her any more for the remainder of the flight.
- The woman then started to abuse the senior male cabin crew member racially. She also hit him in the face and bit him on the arm so severely that he had to receive first aid.
- The passenger then started a verbal tirade using foul language and spitting at the crew and other passengers highlighting that she was an international human rights lawyer.
- The Captain was informed, and he gave the crew permission to restrain the passenger and called XYZ to request the police to attend the aircraft upon landing.
- The crew followed their restraint training and successfully managed to restrain the passenger. However, in the process, the unruly passenger fell onto two other passengers.
- The unruly passenger remained belligerent until landing.
- The police attended the aircraft.



	Actions/Decisions	Considerations / Outcomes	What if MP14 applies
Cabin crewmembers (MCC, FCC, MCC2, FCC2 & others)	<ul style="list-style-type: none"> • Verbal warning • Reported to Captain • Imposed restraint 	<ul style="list-style-type: none"> • Gave statements to police officers • MCCs presses for charges 	
Captain (Aircraft Commander)	<ul style="list-style-type: none"> • Imposed restraint • Requested police attendance • Hands over the delivery card to the police officers 	<ul style="list-style-type: none"> • Violent passenger • Injury to crew members • Unruly passenger restrained • Police attended when aircraft landed • Presses for charges 	<ul style="list-style-type: none"> • Delivery if serious offence, in aircraft commander's <u>opinion</u>
Police Officers (PO1 and PO2)	<ul style="list-style-type: none"> • Attended aircraft on arrival • Took incident reports, statements from cabin crew and medical reports 	<ul style="list-style-type: none"> • Arrested FP3A for offences under Civil Aircraft Ordinance • Place FP3A in holding unit • Consulted prosecution Counsel 	
Prosecution Counsel	<ul style="list-style-type: none"> • Requested facts from PO1 • Assessed that Country D has no jurisdiction to prosecute • Advised that she be let go with a warning 	<ul style="list-style-type: none"> • FP3A is foreign national and arrived on 'foreign airline' • FP3A did not try to go to cockpit or get to the Captain • Occurrences in mid-flight • Injuries to MCCs not permanent • Country D is State of landing not State of registration 	<ul style="list-style-type: none"> • Country D has jurisdiction as State of landing

Jurisdiction over offences committed on board aircraft

1. Extended jurisdiction

(1) This section applies to any offence under this Act which is committed on board an aircraft in flight.

(2) For the purposes of subsection (1), **it is immaterial** whether the conduct constituting the offence occurs **wholly or partly** outside the [State].

2. Deeming provision

(1) An offence to which this section applies is to be treated for all purposes as having been committed within the [State] if any of the conditions in subsection (2) is satisfied.

(2) Those conditions are that—

- (a) the aircraft is registered in the [State];
- (b) the aircraft lands in the [State] **with the alleged offender remaining on board**; or
- (c) the aircraft is operated by an operator whose **principal place of business** or habitual residence is in the [State].

3. Proceedings

(1) Proceedings for an offence deemed to have been committed in the [State] by virtue of this section may be taken in any place in the [State].

(2) The offence is to be treated for all incidental purposes as an offence committed within the jurisdiction of the court seised of the proceedings.

Administrative sanctions for unruly conduct on board aircraft

(1) The Minister may by regulations make provision for the imposition of **administrative sanctions** in respect of ²⁷conduct on board an aircraft which—

- (a) constitutes unruly or disruptive behaviour, or
- (b) would constitute an offence under this Act but for the fact that **criminal proceedings are not instituted**.

(2) Regulations under this section may apply **whether or not the conduct occurs within the [State]**.

(1) may be imposed on any **person who engages in conduct to which subsection 1(1) applies, including a person who is not a [State] national**.

3. Types of sanctions

(1) Regulations under this section may provide for one or more of the following—

- (a) a **monetary penalty** or a prohibition **or restriction on carriage by air** or such **other non-criminal sanctions** as the Minister considers appropriate.

Procedure and safeguards

(1) Regulations under this section must make provision—

- (a) for notice of the proposed sanction to be given to the person concerned;
- (b) for a right of appeal to an independent tribunal;

Interpretation

In this section “aircraft” includes any aircraft registered in the [State], operated by a [State] operator, or landing in the [State] with the person concerned remaining on board.

THE CALL TO ACTION – ratify and implement



Ratification is the First Step... enables States to take action ..by closing the jurisdictional gap.

Framework provides **accountability and deterrence** through enforcement.

Domestication provides a legal basis to act.

Preventing unruly conduct is essential for aviation safety, security, enabling good travel experience and good work environment or crew.

Educating courts and law enforcement is essential to ensure that the letter and the spirit of the Convention are respected in every national setting.

Ratify. Legislate. Train.
Prevent. Inform. Enforce.
Comply. Together.

Thank You

