



ASSEMBLY — 42ND SESSION

EXECUTIVE COMMITTEE

Agenda Item 13: Aviation Security — Policy

STRENGTHENING GLOBAL ACTION AGAINST UNRULY AND DISRUPTIVE PASSENGER BEHAVIOUR

(Presented by the African Civil Aviation Commission (AFCAC) on behalf of 54 African States²)

EXECUTIVE SUMMARY

The increasing number of unruly and disruptive passenger incidents poses a significant threat to aviation safety, security and operational continuity. Such behavior is not only a concern in-flight but extends to airports, where disruptive actions can damage infrastructure, harm airport staff and passengers and lead to costly diversions. Despite ICAO's development of international legal instruments such as the Tokyo Convention and the Montreal Protocol 2014, enforcement remains inconsistent across jurisdictions. This paper proposes that the Assembly call on States, relevant organizations and ICAO to address these challenges by strengthening legal frameworks, ensuring robust enforcement mechanisms, improving international cooperation and launching global awareness campaigns.

Action: The Assembly is invited to:

- encourage Member States to fully adopt and implement the Tokyo Convention and the Montreal Protocol 2014;
- urge Member States to implement and enforce ICAO guidelines to ensure consistent global action against unruly and disruptive passengers;
- request Member States to strengthen national legal frameworks, including exercising extraterritorial jurisdiction as appropriate, to prosecute offenders;
- urge Member States to promote international cooperation, including sharing of incident data, mutual legal assistance and recognition of enforcement actions;
- request ICAO to review and update SARPs in Annex 9 and Annex 17 to support stronger State action; and
- request Member States to Support global passenger awareness initiatives emphasizing the unacceptability and consequences of disruptive behaviour.

<i>Strategic Goals:</i>	This working paper relates to Strategic Goal of <i>Every Flight is Safe and Secure</i> .
<i>Financial implications:</i>	<i>To be determined</i>

¹ English and French versions provided by AFCAC.

² Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cabo Verde, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Democratic Republic of Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan, Sudan, United Republic of Tanzania, Togo, Tunisia, Uganda, Zambia and Zimbabwe

References:	<i>A41-4 Appendix E</i> <i>24-4 Airlink Case (2019)</i> <i>Doc 10117 Manual on the Legal Aspects of Unruly and Disruptive Passengers</i>
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1. INTRODUCTION

1.1. The vast majority of passengers comply with the rules and show respect towards airport and airline personnel. However, an increasing number of disruptive and unruly passenger incidents have been reported at various stages of the air travel journey. These incidents have significant consequences for aviation safety and security, leading to potential threats to flight operations, airport infrastructure and the well-being of passengers and crew.

1.2. Addressing unruly passenger behaviour requires a coordinated global response, which involves not only the identification and prevention of such behaviour at the earliest stages but also a comprehensive, consistent enforcement strategy. ICAO has already established several key instruments, such as Annex 9 – *Facilitation*, Annex 17 – *Aviation Security* and the Tokyo Convention, supplemented by the Montreal Protocol 2014, which aim to address unruly behaviour in aviation. However, national enforcement mechanisms often remain inconsistent and gaps in jurisdiction further hinder the effectiveness of these global frameworks.

1.3. Standard 6.35 of Annex 9 – *Facilitation* specifically requires States to promote awareness regarding the unacceptability of unruly behaviour, along with the legal consequences for such actions. This Paper builds upon this foundation, calling for more robust international action and enhanced national legal frameworks to ensure a unified global response.

2. DISCUSSION

2.1. *The Problem of Unruly and Disruptive Behaviour*

In recent years, the frequency and severity of unruly passenger incidents has escalated. Such behaviour includes physical altercations, verbal abuse, failure to comply with crew instructions and in some cases acts of terrorism or sabotage. The consequences of such incidents can be severe, leading to diversion of flights, delays and even damage to airport infrastructure. The rise in disruptive behaviour also places additional burdens on airlines and airports, both in terms of operational disruptions and the costs associated with mitigating these incidents.

2.2. *Gaps in Legal Jurisdiction and Enforcement*

2.2.1. A major challenge in dealing with unruly passengers is the lack of a harmonised legal framework across jurisdictions. Under current international agreements, passengers who engage in disruptive behaviour may be subject to prosecution, but jurisdictional issues often complicate the process. For example, a passenger might be subject to the laws of one State based on the country of departure or the aircraft's registry, but the actual enforcement may be impeded if the incident occurs over international waters or in a State where the laws are not aligned with international standards.

2.2.2. Despite the existence of the Tokyo Convention and the Montreal Protocol 2014, many States have not fully implemented these instruments and many have not enacted the necessary laws to prosecute unruly

passengers effectively. Moreover, the penalties for such offences are not always commensurate with the severity of the actions. Many jurisdictions continue to rely on outdated enforcement procedures that fail to address the evolving nature of unruly passenger behaviour.

2.3. *Strengthening Legal Frameworks and Enforcement Mechanisms*

2.3.1. To address these issues, States should ensure they have robust legal authority to prosecute unruly passengers. This legal authority should be extraterritorial in nature, allowing prosecution regardless of the nationality of the passenger or the location of the incident. States should align their national laws with the key international legal instruments and ensure that these laws encompass a range of penalties, from administrative sanctions for less severe offences to criminal charges for more serious disruptions.

2.3.2. The Montreal Protocol 2014 should be widely adopted as it strengthens the capacity of States to exercise jurisdiction over unruly behaviour, particularly for offences occurring in international airspace. However, simply strengthening legal frameworks is not enough. International cooperation among States must be enhanced to ensure that disruptive passengers are held accountable, regardless of where the incident occurs or where the passenger is from.

2.3.3. Actually, such behaviours may occur onboard an aircraft well after the facilitation of passengers. As such matters under the purview of Montréal Protocol of 2014 could best be covered under Annex 17 – *Aviation Security*. Hence, standards dealing with unruly and disruptive behaviours must be refined to cover more elements that should be moved from Annex 9 – *Facilitation* to Annex 17 – *Aviation Security*.

2.4. *The Need for International Collaboration*

2.4.1. The nature of air travel requires that States, airports, airlines and law enforcement agencies work together to prevent and manage incidents of unruly behaviour. This collaboration should involve the development of standardized protocols for reporting and sharing information on disruptive passengers. By harmonizing enforcement measures, States can ensure that offenders are held accountable no matter where their disruptive behaviour occurs.

2.4.2. Moreover, mutual legal recognition is essential to overcoming jurisdictional barriers. States should establish agreements that recognize the enforcement of penalties across borders. This would create a more seamless process for holding disruptive passengers accountable, even when incidents occur in foreign jurisdictions.

2.5. *The Role of ICAO and Awareness Campaigns*

2.5.1. ICAO's leadership is critical in advancing these efforts. ICAO should continue to facilitate the development of global standards and best practices for managing unruly passenger behaviour. This includes reviewing and updating the relevant Standards and Recommended Practices (SARPs) in Annexes 9 and 17 to ensure they reflect the current realities of aviation security and safety.

2.5.2. ICAO also has a crucial role in coordinating global awareness campaigns for passengers. These campaigns should highlight the serious legal consequences of unruly and disruptive behaviour, with the goal of fostering a culture of respect and compliance among air travellers. Such knowledge gained through the campaigns is a critical tool in reducing the occurrence of such incidents and ICAO is uniquely positioned to lead this effort on a global scale.

2.6. A Comprehensive, Global Approach

Addressing the issue of unruly passengers requires a multifaceted approach. States must strengthen their legal frameworks and improve enforcement capabilities. ICAO must continue to serve as a coordinating body to facilitate global cooperation and harmonization of measures. Awareness campaigns, in collaboration with airlines and airports should remind passengers of the importance of good conduct. Finally, ongoing training for all personnel involved in airport and flight operations will be crucial to preventing incidents before they escalate.

3. CONCLUSION

3.1. The threat posed by unruly passengers is a growing concern for the aviation sector. Without strong legal frameworks, effective enforcement and international cooperation, the ability to manage and deter such behaviour will remain inadequate. ICAO's guidance provides a valuable foundation, but it is crucial that States take responsibility for implementing and enforcing these standards. A more unified approach will enhance the safety and security of air travel, ensuring that disruptions are minimized and that the legal consequences of unruly behaviour are clearly understood by passengers.

3.2. The Montreal Protocol 2014, which expands jurisdiction over offences occurring onboard international flights, provides an important tool in managing unruly behaviour. However, its effectiveness depends on widespread ratification and implementation by States.

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