



ICAO

UNITING AVIATION

ICAO Regional FAL Seminar Lima, Peru 9-12 September 2014

Unruly Passengers

12 September 2014



OVERVIEW

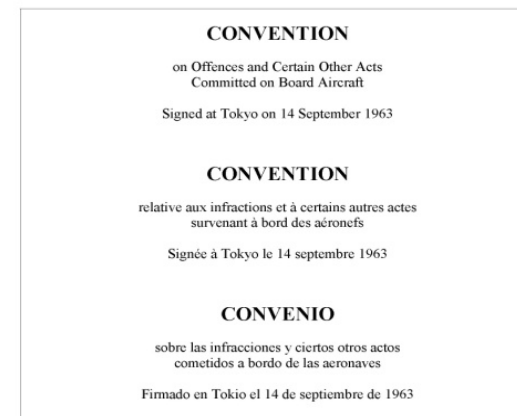
1. Tokyo Convention, 1963
2. Secretariat Study Group on Unruly Pax, 1997
3. Provisions in Annex 9, 2004
4. Diplomatic Conference, 2014



1. The Tokyo Convention, 1963

- *Convention on Offences and Certain Other Acts Committed on Board Aircraft*
 - signed at Tokyo on 14 September 1963 (ICAO Doc 8364)
 - in force 4 December 1969 (185 Parties)

Doc 8364



1963



- Chapter I: Scope of Convention
- Chapter II: Jurisdiction
- Chapter III: Powers of the Aircraft Commander
- Chapter IV: Unlawful Seizure of Aircraft
- Chapter V: Powers and Duties of States
- Chapter VI: Other Provisions



2. Secretariat Study Group on Unruly Pax, 1997

- Increase in events of “unruly passengers”
- Study Group: 1997
- Circular 288 (2002):
 - Guidance Material on the Legal Aspects of Unruly or Disruptive Passengers



- Meaning of “unruly passengers”
 - fail to respect conduct or follow instructions
 - disturb good order and discipline
- List of offences, purpose of list
- Jurisdiction
- Legal mechanisms: national laws, bilateral or multilateral agreements . . .
- Appendix: Model Legislation



3. Provisions in Annex 9, 2004

- 12th FAL Division (2004): 2 RPs in Chapter 6
- Amendment 24 (2014): upgraded to Standards

6.44 Each Contracting State shall, to deter and prevent unruly behaviour, promote passenger awareness of the unacceptability and possible legal consequences of unruly or disruptive behaviour in aviation facilities and on board aircraft.



6.45 Each Contracting State shall take measures to ensure that relevant **personnel** are provided **training** to **identify** and **manage** unruly passenger situations.

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



4. Diplomatic Conference, 2014

- 2011: Secretariat Study Group re-activated
 - Need to review jurisdictional clauses
 - Status of In-Flight Security Officers
 - Recommends review of Tokyo Convention
- 2013: ICAO Legal Committee
 - Considers text of Special Sub-Committee
- 2014: Diplomatic Conference, Montreal
 - Protocol to Amend the [Tokyo Convention]



Montreal Protocol, 2014

- Addresses escalation in frequency of unruly incidents

Main Amendments

- Addresses gap in criminal jurisdiction: expand the bases of mandatory jurisdiction consisting of the **State of landing** and the **State of the operator** of the aircraft
- Recognizes status of In-Flight Security Officers (air marshals)



1. State of Registration competent to exercise jurisdiction over offences and acts committed on board.
2. State of Landing: If aircraft has its last point of departure or next point of intended landing within its territory, and aircraft lands in territory with alleged offender still on board and safety of aircraft or persons or property, or good order or discipline, is jeopardised.



3. State of Operator: Each State to establish jurisdiction as the State of the Operator when the offence is committed on board aircraft leased without crew to a lessee whose principal place of business (or if no such place of business whose permanent residence) is in that State.



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In-Flight Security Officers (Air Marshals)





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UNRULY PASSENGERS

QUESTIONS?