

World Conference on Fear of Flying

4 – 6 June 2007

Fear of Flying and Unruly Passengers

Presented by
Jiefang Huang
ICAO, Legal Officer

The background features a large, semi-transparent watermark of the International Air Transport Association (IATA) logo. The logo consists of a globe with latitude and longitude lines, flanked by two stylized wings. The text 'IATA' is written in a large, serif font across the top of the globe. Below the globe, the Chinese characters '国际民航组织' (International Civil Aviation Organization) are written in a smaller font. The entire logo is rendered in a light blue color against the dark blue background.

Two Main Sources for Fear of Flying:

1. Natural Risks of Flights
2. Man-made Risks for Flights



Example of Man-made Risks

No justice for victims of
Pan Am flight 103





Controlling cabin fever

Nine out of ten cabin crew, surveyed for the new BBC current affairs programme 4x4, said they felt air rage was putting lives at risk.



↓ Rock star
Courtney Love
was arrested at
London's
Heathrow Airport
in 2003. Reports
said she had
been "verbally
abusive" to cabin
crew. AP

Definition

Passengers who fail to respect the rules of conduct on board aircraft or to follow the instructions of crew members, and thereby disturb the good order and discipline on board aircraft.

The Tokyo Convention

Article 1 covers acts jeopardizing safety or good order and discipline on board.

Articles 6 & 7: Power to restrain an offender until the next landing.

Articles 8 & 12: Power to disembark certain persons.

Articles 9 & 13: Power to deliver a serious offender to the competent authorities.

Legal Aspects of Unruly Passengers

↓ ICAO Assembly A33-4

- Model Legislation
- Urging States to adopt it

Legal Aspects of Unruly Passengers (continued)

Main Features of the Model Legislation

- ↓ The list of Offences as common denominators for inclusion in national law
- ↓ Draft jurisdictional clause for adoption by States

Legal Aspects of Unruly Passengers (continued)

↑ The list of Offences

- Offences against crew members
- Offences likely to endanger the safety of the aircraft or the good order and discipline on board the aircraft
- Other offences which are not specially covered in the first two categories but may endanger the safety of the aircraft

Legal Aspects of Unruly Passengers (continued)

Offences against Crew Members

↓ *Assault, intimidation or threat*

- Interfere with the performance of duties
- Lessen the ability of the crew member

↓ *Refusal to follow lawful instructions*

Legal Aspects of Unruly Passengers (continued)

Offences likely to Endanger the Safety or the good Order and Discipline

↓ *More Serious Offences*

- Physical violence
- Sexual Assault
- Child Molestation

↓ *Less Serious Offences, but with Impact upon Safety or the Good Order and Discipline*

- Other less serious forms of assaults
- Damage to property
- Intoxication

Legal Aspects of Unruly Passengers (continued)

↓ Other Offences

- Smoking
- Tampering with a safety-related device
- Prohibited operation of an electronic device

Legal Aspects of Unruly Passengers (continued)

↓ Jurisdiction

- The State of the registration of aircraft
- The State of the operator of aircraft
- The State of the territory in which the offence occurs
- The State of next landing

Conclusions

Unruly passengers present implications for fear of flying

Multi-disciplinary approaches (including legal measures) are necessary to handle this issue

