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The role of the Montreal Protocol 2014 in dealing with unruly and disruptive passengers

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Status of the Protocol

Protocol to amend the Convention on offences and certain other acts committed on board aircraft (signed at Tokyo, 14 September 1963)

Done in Montreal, on 4 April 2014; in force since 1st January 2020

47 States are Parties of the Protocol (the Tokyo Convention has 187 Parties)

The Tokyo Convention

Applies to acts which may or do jeopardize safety of aircraft (or of persons or property therein) or good order and discipline on board – the interpretation includes unruly and disruptive behavior

State of registration is competent to exercise jurisdiction; establishment of necessary jurisdiction is required

Detailed rules for the power of the aircraft commander

Reasons for modernization

- Increasing number of incidents of unruly/disruptive passenger events
- Different laws and jurisdictions are applicable (the behavior is regarded in one State as offence, in the other one not)
- International Conventions in aviation security are designed for particularly serious offenses (such as sabotage, hijacking)
- The mixture of these circumstances lead to insufficient enforcement actions



Main achievements of the Protocol

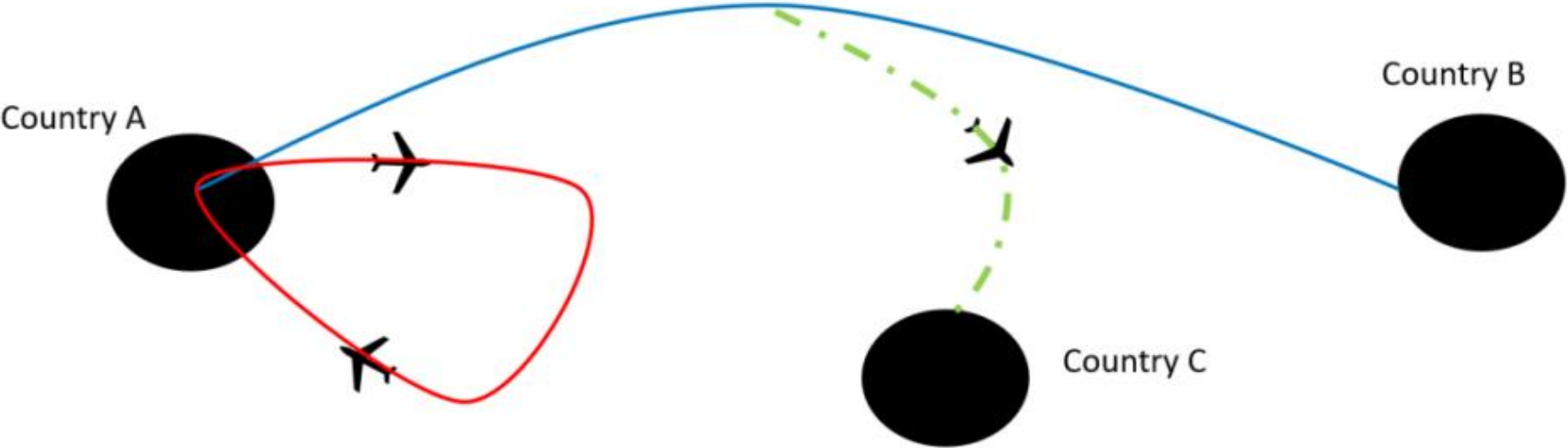
I. Extended jurisdiction (Art. 3.)

While the Tokyo Convention requires the **State of Registry** to establish appropriate jurisdiction over offences committed on board of aircraft, the Montreal Protocol requires the **State of Landing** and **State of Operator** too.

Additional to the State of Registry, the State of Landing and State of Operator are competent to exercise jurisdiction over offences and acts committed on board

Competing jurisdictions: State exercising jurisdiction shall coordinate with other State(s) in case if there is information that other State(s) conduct proceeding/investigation/prosecution in respect of the same act.

Examples for extended jurisdiction



Country A: State of Registry, Country B: State of Operator and Destination, Country C: State of Landing

II. Sanctions (Art. 15 bis)

Serious offences are usually subject in national legislation of criminal prosecution, disruptive/unruly behavior in contrary is often punished with civil and administrative sanctions (depending on the seriousness)

Wide range of sanctions is applicable

The Montreal Protocol expressively encourage States to take necessary measures – **appropriate criminal, administrative or any other forms of legal proceedings** – against the person who commits on board an offense or act

III. Sanctions and Prosecution (Art. 3. 2ter.)

In case State of landing is exercising jurisdiction, it shall be considered if the offence is an offence in the State of Operator too.

If this is not the case, sanctioning should be exercised with caution.



IV. In flight security officers (IFSOs, Art. 6.)

- The Tokyo Convention clarified the power of the commander, the Montreal Protocol add provision concerning the power of the IFSO-s
- IFSO-s can be deployed based on bilateral or multilateral agreements

Additional achievements

I. Updated list of offences

“Unruly/disruptive behavior” is not defined in Tokyo Convention or in Montreal Protocol – wide range of acts are considered as unruly/disruptive behavior

Instead of: list of offences and other acts constituting unruly or disruptive behavior

The list has been updated to align it with MP 2014 – published in Doc 10117

Non exhaustive list, States are encouraged to incorporate the list into their national legislation as far as practicable

II. Model legislation and guidance on administrative sanctions regime

Doc 10117 includes

- Model legislation on certain offences committed on board aircraft (App A)
- Guidance for introducing an administrative sanctions regime on certain offences committed on board aircraft (App B)

Relevant documentation

- DOC 10034 Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft
- DOC 10117 Manual on the Legal Aspects of Unruly and Disruptive Passenger (updated the Cir 288)

Doc 10117

Manual on the Legal Aspects of Unruly and Disruptive Passengers

First Edition, 2019



Approved by and published under the authority of the Secretary General

INTERNATIONAL CIVIL AVIATION ORGANIZATION

Thank You



Frequency and severity of unruly passenger incidents is on the rise...

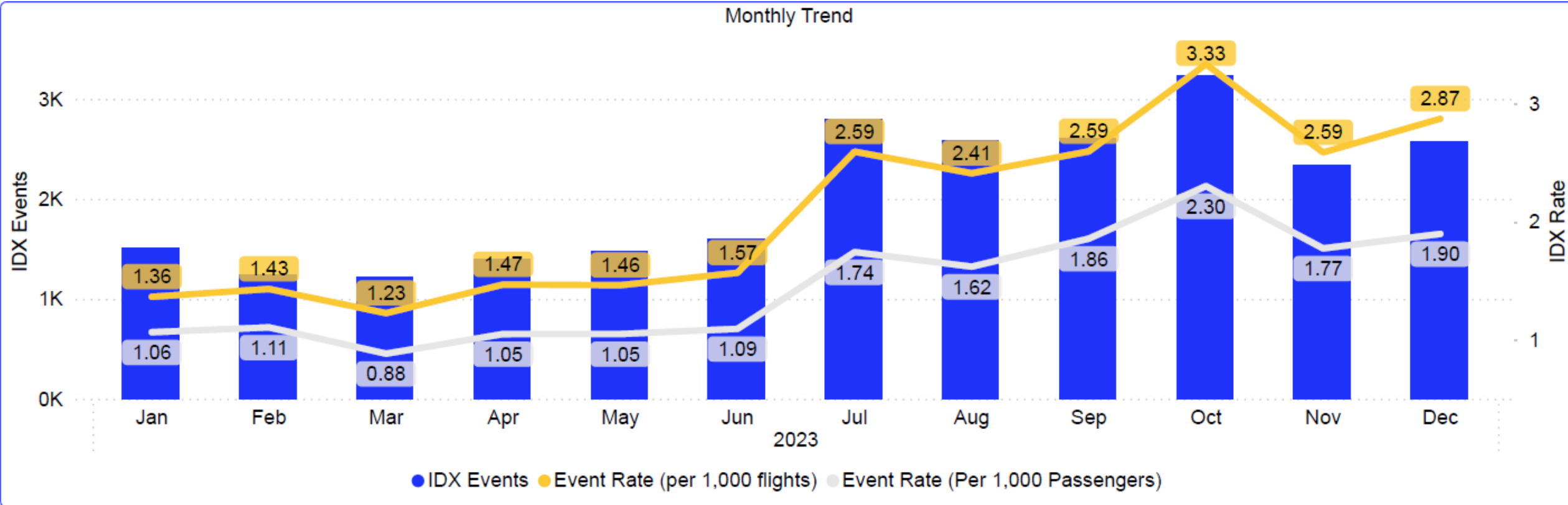


IATA IDX - (Incident Data Exchange)

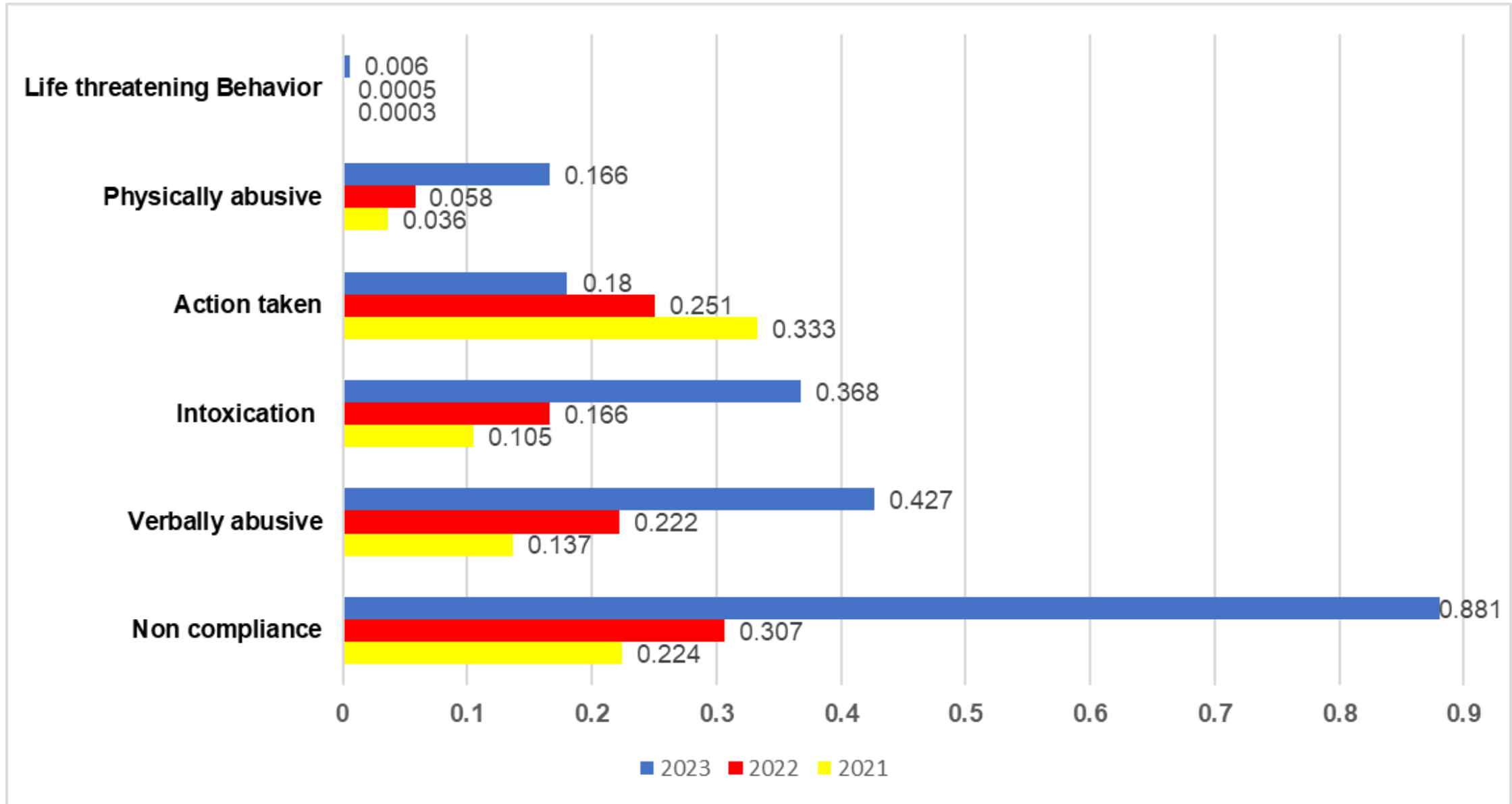
24,579 event reports from 57 operators globally in 2023 (provisional)

Incident rate 2022: 1 incident per 568 flights.

Incident rate 2023: 1 incident per 480 flights.



Taxonomy of the incidents (2021-'23)



Impacts

- Unruly & disruptive incidents have significant impacts:
 - ☹ May compromise flight safety and good order onboard
 - ☹ Disturb other passengers
 - ☹ Physical and mental health impacts on airline cabin crew
 - ☹ Flight delays, cancellations and operational disruption
- Consumer rights, but also consumer responsibility
- Demand for air travel will double by 2040 – many first-time flyers in the region