

Unruly Passengers – Enhancing the deterrent

Tim Colehan

Assistant Director
External Affairs

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An example of the problem.....

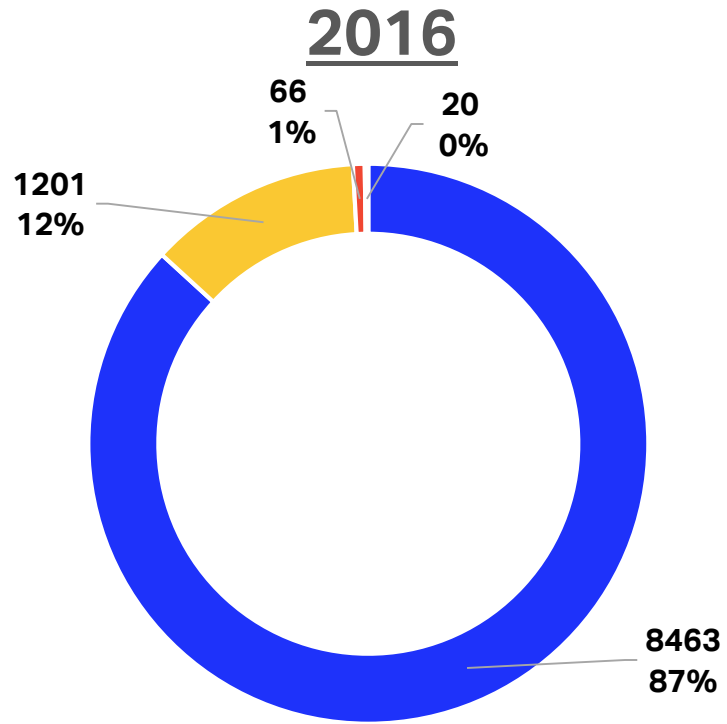


1 incident every
1,053 flights

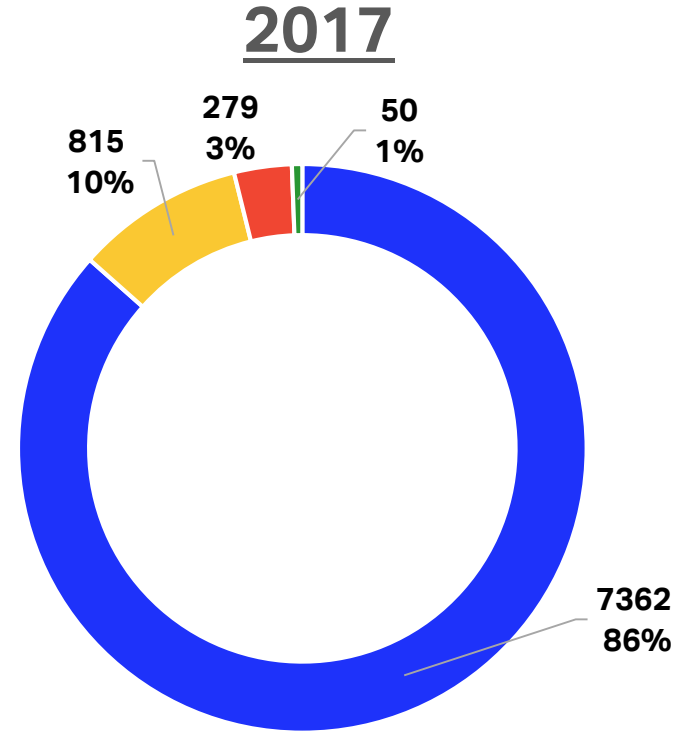
(2016: 1 every 1,424
flights)



Levels of unruly behavior

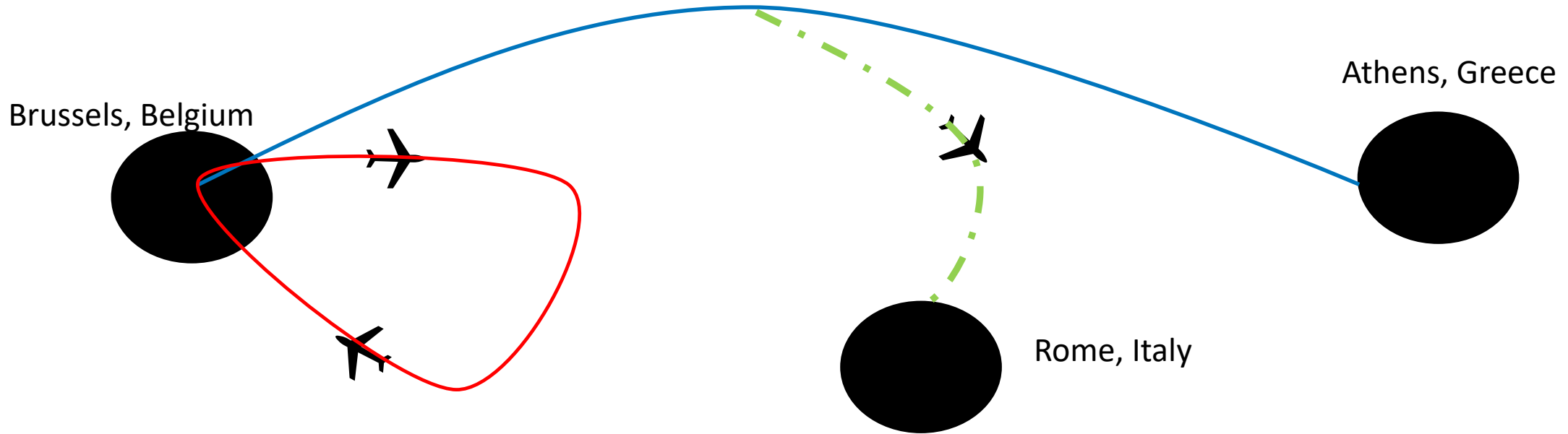


■ Level 1 ■ Level 2 ■ Level 3 ■ Level 4



■ Level 1 ■ Level 2 ■ Level 3 ■ Level 4

Tokyo Convention 1963



The aircraft is registered in and the airline is based in Belgium. The flight departs but there is an unruly passenger incident en-route to Athens.

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

Scenario 2 – Captain elects to continue to Athens (scheduled destination) – Belgian authorities as State of aircraft registration have jurisdiction under the Tokyo Convention 1963. But they are 2,100km away. What can the police at Athens do?

Scenario 3 – Captain elects to divert to Rome, but again Ireland has jurisdiction, so what can the Italian police do?

60%

said that lack of jurisdiction was the reason for lack of prosecutions of unruly passengers



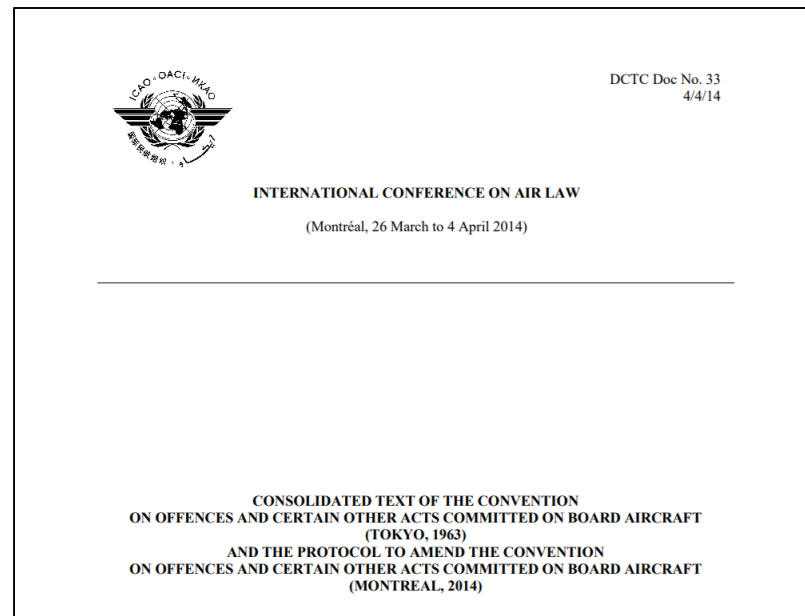
Source: Survey of IATA Member Legal Departments (2013)



Montreal Protocol 2014 (MP14)

Amends the Tokyo Convention 1963 and brings three key changes:

- Extends jurisdiction
- Better definition of offenses
- Underscores the right of airlines to seek recourse



Jurisdiction – MP14

- The Protocol extends mandatory jurisdiction to also include:
 - State of intended landing (scheduled destination)
 - State of operator
- In case of diversions that land in third States, those States are competent to exercise jurisdiction
- Safeguards included to ensure legal certainty and proportionality
- Prosecutorial discretion remains
- Deterrent effect as States will have the legal tools to be able to deal with unruly passengers

Definition of Offenses – MP14

- The Protocol clarifies behaviours which should be **as a minimum** considered as an offence and be subject to prosecution:
 - Physical assault or threat to commit such assault against a crew member or other passenger
 - Refusal to follow lawful instruction given by or on behalf of the aircraft commander (for safety purposes)
- Will improve certainty for passengers, law enforcement authorities and airlines

Right of Recourse MP14

- The Protocol recognizes the right of airlines to seek compensation from unruly passengers at their discretion under national law.
- Strong deterrent value

The screenshot shows the top navigation bar of the CBC News website with categories like 'news', 'Top Stories', 'Local', 'The National', 'Opinion', 'World', 'Canada', 'Politics', and 'Indigenous'. Below the navigation is a sub-header for 'Calgary'. The main article headline reads: 'Drunk WestJet passenger who caused plane to reroute ordered to pay \$21,000 for the fuel'. Below the headline are social media sharing icons for Facebook, Twitter, Reddit, LinkedIn, and Email. A short summary follows: 'David Stephen Young, 44, pleaded guilty to resisting arrest, failing to comply with safety instructions'. At the bottom left of the article is a small profile picture of the author, Meghan Grant, and the text: 'Meghan Grant · CBC News · Posted: Jan 29, 2019 11:28 AM MT | Last Updated: January 30'. To the right of the article is an advertisement for a productivity tool, featuring the text 'Your messy inbox is slowing you down. Here's how to fix it' and a photo of a woman working on a laptop. A button at the bottom of the ad says 'READ IT ON CBC.CA/LIFE >'. The word 'ADVERTISEMENT' is printed in small letters above the ad.

Position of ICAO and EC

- ICAO urges States to ratify MP14 as per Assembly Resolution A39-11 C
- Responding to question on MP14 in the European Parliament Commissioner Bulc on behalf of the European Commission (17 April, 2018) said*:

“By clarifying which country is responsible for taking measures against unruly passengers, the ratification of the intergovernmental Montreal Protocol will help tackle this problem.....

The issue in question is not within the Commission's remit; **however the Commission encourages all EU Member States to sign it.**”

*Source: http://www.europarl.europa.eu/doceo/document/E-8-2018-000884-ASW_EN.html



Status – MP14

- 22 States required to bring MP14 in to force
- 19 States (as at 19 March) including Malta and Portugal
- Will enter force in 2019
- Many countries including France, Netherlands, Spain and UAE are in progress
- Urge EU States to sign and ratify MP14 to ensure we have international uniformity and stronger deterrent
- 40th ICAO Assembly – a key opportunity to sign!

Prevention & Management

- IATA has produced extensive guidance materials (Cabin Operations Safety Best Practice Guide 5th Edition)
- Airline training (de-escalation, responsible service of alcohol, restraint)
- IATA is involved with various multi-stakeholder initiatives:
 - UK Industry Code of Practice
 - One Too Many (UK)
 - “Not on my flight” (EASA)

Stronger deterrent + Prevention =
An even safer and better flying
experience for all



Thank you

Tim Colehan

colehant@iata.org

www.iata.org

