



## INTERNATIONAL CONFERENCE ON AIR LAW

(Montréal, 26 March to 4 April 2014)

### COMMENTS AND PROPOSAL TO THE PROPOSED DRAFT TEXT OF THE PROTOCOL TO THE TOKYO CONVENTION OF 1963

(Presented by the Philippines)

1. The proposed changes will serve as useful guidelines as to ways on how offenses committed on board an aircraft are to be treated. It may be noted the proposed text also seeks to widen the scope of jurisdiction of each Contracting State and so with the State registration. These are some of the modes on how to develop our policy on cooperation and amity with our neighboring countries. The proposed draft text of the subject Protocol with some suggested amendments and additional provisions will indubitably enhance and promote relations with other States.
2. Article II (proposed to replace Article 1, Paragraph 3 of the Convention). To include definition of the terms “aircraft commander” and “unlawful interference”, as used in the Protocol;
3. Article III (proposed to replace Article 3 of the Convention).
  - a. 1 bis “A State is ***also*** competent to exercise jurisdiction over offences and acts committed on ..... xxx - to delete “also”, no earlier reference to a “State”.
  - b. 2 ter as stated, is clearer.
4. Article IV (proposed to be added as Article 3 bis). “If a Contracting State, exercising its jurisdiction ***under Article 3***, has been...”- to delete “under Article 3”, as this will be placed under Article 3.
5. Article VI (proposed to replace Article 6, paragraph 2 of the Convention). To read:

[I] The Aircraft commander may, when he has reasonable grounds to believe that a person has committed, or is about to commit, on board the aircraft, an offence or act contemplated in Article 1, paragraph 1, ***with the assistance of the inflight security officer***, impose upon such person...xxx. This is to state clearly that the aircraft commander is the main person in charge of the aircraft and the in-flight security officer, when practicable, shall take orders from him, to avoid confusion.
6. Nothing follows.