



**INTERNATIONAL CONFERENCE ON AIR LAW**

(Montréal, 26 March to 4 April 2014)

---

**DRAFT**

**FINAL ACT**

---

# FINAL ACT

**of the International Conference on Air Law  
Diplomatic Conference to Consider Amending the Tokyo Convention of 1963  
held under the auspices of the International Civil Aviation Organization  
at Montréal, 26 March to 4 April 2014**

The Plenipotentiaries at the International Conference on Air Law held under the auspices of the International Civil Aviation Organization met at Montréal from 26 March to 4 April 2014 to Consider Amending the *Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Tokyo 1963).

The Governments of the following ??? States were represented at the Conference and presented credentials in due and proper form:

Afghanistan, the Islamic Republic of	Lesotho, the Kingdom of
Algeria, the People's Democratic Republic of	Lithuania, the Republic of
Angola, the Republic of	Madagascar, the Republic of
Argentine Republic, the	Malaysia
Australia	Mali, the Republic of
Austria, the Republic of	Mauritania, the Islamic Republic of
Azerbaijan, the Republic of	Mexican States, the United
Benin, the Republic of	Morocco, the Kingdom of
Brazil, the Federative Republic of	Mozambique, the Republic of
Burkina Faso	Namibia, the Republic of
Burundi, the Republic of	Nepal, the Federal Democratic Republic of
Cabo Verde, the Republic of	Netherlands, the Kingdom of the
Cambodia, the Kingdom of	New Zealand
Cameroon, the Republic of	Niger, the Republic of the
Canada	Nigeria, the Federal Republic of
Chad, the Republic of	Oman, the Sultanate of
Chile, the Republic of	Pakistan, the Islamic Republic of
China, the People's Republic of	Paraguay, the Republic of
Colombia, the Republic of	Peru, the Republic of
Congo, Republic of the	Philippines, the Republic of the
Cote d'Ivoire, the Republic of	Poland, the Republic of
Cuba, the Republic of	Portuguese Republic, the
Czech Republic, the	Qatar, the State of
Denmark, the Kingdom of	Republic of Korea, the
Dominican Republic, the	Russian Federation, the
Ecuador, the Republic of	Rwanda, the Republic of
Egypt, the Arab Republic of	Saudi Arabia, the Kingdom of
Equatorial Guinea, the Republic of	Senegal, the Republic of
Ethiopia, the Federal Democratic Republic of	Sierra Leone, the Republic of
Fiji, the Republic of	Singapore, the Republic of
Finland, the Republic of	South Africa, the Republic of
French Republic, the	Spain, the Kingdom of
Gambia, the Republic of the	Sudan, the Republic of the
Germany, the Federal Republic of	Swaziland, the Kingdom of
Ghana, the Republic of	Sweden, the Kingdom of
Guinea, the Republic of	Thailand, the Kingdom of
Haiti, the Republic of	Togolese Republic, the

Hellenic Republic, the  
India, the Republic of  
Indonesia, the Republic of  
Iran, the Islamic Republic of  
Italy, the Republic of  
Jamaica  
Japan  
Jordan, the Hashemite Kingdom of  
Kenya, the Republic of  
Kuwait, the State of

Turkey, the Republic of  
Uganda, the Republic of  
United Arab Emirates, the  
United Kingdom of Great Britain and  
Northern Ireland, the  
United Republic of Tanzania, the  
United States of America, the  
Uruguay, the Eastern Republic of  
Venezuela, the Bolivarian Republic of

The following seven international organizations were represented by Observers:

African Civil Aviation Commission (AFCAC)  
Arab Civil Aviation Commission (ACAC)  
Agency for Air Navigation Safety in Africa and Madagascar (ASECNA)  
International Air Transport Association (IATA)  
International Federation of Air Line Pilots' Associations (IFALPA)  
Latin American Association of Air and Space Law (ALADA)  
United Nations Office on Drugs and Crime (UNODC)

The President of the Council of the International Civil Aviation Organization, Dr. Olumuyiwa Benard Aliu, opened the Conference.

The Conference elected as President Ms. Siew Huay Tan (Singapore), and further elected as Vice-Presidents:

First Vice-President	Mr. Levers Mabaso (South Africa)
Second Vice-President	Mr Michael Jennison (United States)
Third Vice-President	Mr. Norberto Luongo (Argentina)
Fourth Vice-President	Dr. Małgorzata Polkowska (Poland)
Fifth Vice-President	His Highness Prince Turki Bin Faisal Al Saud (Saudi Arabia)

The Secretary General of the Conference was Mr. John Augustin, Director, Legal Affairs and External Relations Bureau, International Civil Aviation Organization. He was assisted by Dr. Jiefang Huang, Senior Legal Officer, who was the Executive Secretary, by Messrs. Andrew Opolot and Christopher Petras, Legal Officers who were the Deputy Secretaries, and by Ms. Marla Weinstein, Legal Officer, who was Assistant Secretary. Conference services were provided under the direction of Dr. Fang Liu, Director, Administration and Services Bureau, with the assistance of Mr. James Wan, Deputy Director, Information Management and General Administrative Services, and other officials of the Organization.

The Conference established a Commission of the Whole which was chaired by Ms. Siew Huay Tan (Singapore) and the following Committees and Groups:

*Credentials Committee*

Chairperson: Mr. Rashed Al Kaabi (United Arab Emirates)

Members: Canada  
Colombia  
Finland  
Indonesia  
United Arab Emirates

*Drafting Committee*

Chairperson: Mr. Levers Mabaso (South Africa)

Members: Argentina  
Australia  
Brazil  
Burkina Faso  
Canada  
China  
Finland  
France  
Ghana  
India  
Jamaica  
Japan  
Mauritania  
Namibia  
Netherlands  
Republic of Korea  
Russian Federation  
South Africa  
United Arab Emirates  
United States  
Uruguay

IATA  
IFALPA

*Preambular and Final Clauses Committee*

Chairperson: Mr. John Thatchet (Canada)

Members: Canada  
Chile  
China  
Congo  
Denmark  
Ecuador  
Fiji  
Germany  
Jordan  
Nigeria  
Paraguay  
Portugal  
Qatar  
Republic of Korea  
Togo  
United States of America

UNODC

*In-Flight Security Officers Special Group and Friends of the Chair*

Chairpersons: Terry Olson (France)  
Tan Siew Huay (Singapore)

Members: Argentina  
Canada  
China  
Colombia  
Cuba  
Egypt  
France  
Italy  
Japan  
Kenya  
Philippines  
Saudi Arabia  
South Africa  
Sudan  
Switzerland  
United States

IFALPA

*Jurisdiction Group*

Chairperson: Mr. Mark Rodmell (United Kingdom)

Members: Bolivia  
China  
France  
Germany  
Jamaica  
Kuwait  
Mexico  
Namibia  
Nigeria  
Russian Federation  
Singapore  
Spain  
United Kingdom  
United States

IATA

*Resolutions Group*

Chairperson: Mr. Juan Ramón Hernáiz Bravo (Mexico)

Members: Czech Republic  
Japan  
Kenya  
Mauritania  
Mexico  
New Zealand

Peru  
Poland  
Singapore  
South Africa  
Sweden  
Turkey  
United States of America

IATA

Following its deliberations, the Conference adopted the text of the *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft*.

The said Protocol was opened for signature at Montréal this day by States participating in the Conference. It was also decided that after 4 April 2014 the said Convention and Protocol would be open to all States for signature at the Headquarters of the International Civil Aviation Organization in Montréal.

The texts of the said Protocol is subject to verification by the Secretariat of the Conference under the authority of the President of the Conference within a period of ninety days from the date hereof as to the linguistic changes required to bring the texts in the different languages into conformity with one another.

A consolidated text of the *Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Tokyo Convention of 1963) as amended by the *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft* was also adopted at Montréal this day to facilitate the implementation of the rules contained in the said Convention and Protocol in a user-friendly manner. This text, established in six languages, is attached to the present Final Act.

The Conference furthermore adopted by consensus the following Resolution:

**RESOLUTION**  
**RELATING TO UPDATING CIRCULAR 288 - GUIDANCE MATERIAL ON THE**  
**LEGAL ASPECTS OF UNRULY/DISRUPTIVE PASSENGERS**

*THE CONFERENCE,*

*RECOGNIZING* that, under the Preamble and Article 44 of the *Convention on International Civil Aviation*, one of the aims and objectives of the International Civil Aviation Organization (ICAO) is to foster the planning and development of international air transport so as to meet the needs of the peoples of the world for safe, regular, efficient and economical air transport;

*HAVING ADOPTED* the *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Protocol);

*MINDFUL* of the fact that existing international law as well as the national laws and regulations in many States may not be fully adequate to deal effectively with less serious types of offences and other acts committed by unruly or disruptive passengers on board civil aircraft;

*RECOGNIZING* that the Conference decided not to include a list of offences and other acts within the Protocol, but recommended that ICAO Circular 288 – *Guidance Material on the Legal Aspects of Unruly/Disruptive Passengers* published in 2002 (ICAO Circular 288) be updated;

*TAKING INTO ACCOUNT* the special environment of aircraft in flight and inherent risks connected therewith, as well as the need to provide guidance on what constitutes unruly or disruptive behavior on board civil aircraft;

*CONSIDERING* the need to have an updated list of offences and other acts, in a document other than the Protocol, to serve as a guide for the purpose of facilitating States to deal with offences and other acts constituting unruly or disruptive behavior on board civil aircraft; and

*CONSCIOUS* that the adoption of the Protocol has also affected the subject matter of ICAO Circular 288;

*RESOLVES:*

*TO URGE* the Council to request the Secretary General to update ICAO Circular 288 – *Guidance Material on the Legal Aspects of Unruly/Disruptive Passengers* to include a more detailed and exhaustive list of offences and other acts, as well as to make consequential changes to ICAO Circular 288 from the adoption of the *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft*;

*TO REQUEST* the Council to approve the updated ICAO Circular 288 – *Guidance Material on the Legal Aspects of Unruly/Disruptive Passengers* and to disseminate it among the States; and

*TO INVITE* all Member States to include in their national laws and regulations, so far as practical, the elements of the updated ICAO Circular 288 – *Guidance Material on the Legal Aspects of Unruly/Disruptive Passengers*.

IN WITNESS WHEREOF the Delegates have signed this Final Act.

DONE at Montréal on the fourth day of April of the year Two Thousand and Fourteen in six authentic texts in the English, Arabic, Chinese, French, Russian and Spanish languages in a single copy which shall be deposited with the International Civil Aviation Organization and a certified copy of which shall be delivered by the said Organization to each of the Governments represented at the Conference.

## **ATTACHMENT**

**CONSOLIDATED TEXT OF THE CONVENTION ON OFFENCES AND CERTAIN OTHER  
ACTS COMMITTED ON BOARD AIRCRAFT, 2014**