



**REPUBLIC OF ZAMBIA**

**REPORT**

**OF THE**

**COMMITTEE ON TRANSPORT, WORKS AND SUPPLY**

**ON THE**

**ACCESSION TO THE PROTOCOL AMENDING THE CONVENTION ON  
OFFENCES AND CERTAIN OTHER ACTS COMMITTED ON BOARD  
AIRCRAFT (MONTREAL, 2014) CAB. (26) 71**

**FOR THE**

**FIFTH SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY**

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## FOREWORD

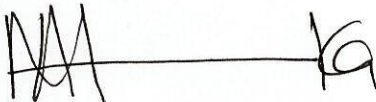
Honourable Madam Speaker, the Committee on Transport, Works and Supply has the honour to present its Report on the consideration of the Accession to the Protocol Amending the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Montreal, 2014) Cab. (26) for the Fifth Session of the Thirteenth National Assembly.

The functions of the Committee are set out under Standing Orders 206 (n) and 207 of the National Assembly of Zambia Standing Orders, 2024. Specifically, Standing Order 207 (f) provides that a Portfolio Committee shall consider international agreements, conventions and treaties in accordance with Article 63(2)(e) of the Constitution.

The Committee held four meetings to consider the Protocol. In order to acquaint itself with the ramifications of the Protocol, the Committee sought both written and oral submissions from various stakeholders. The list of stakeholders is at Appendix II of the Report.

The Report is organised in three parts. Part I provides the background and summary of the provisions of the Protocol. Part II presents the summary of submissions from stakeholders, while Part III constitutes the Committee's observations and recommendations.

The Committee is grateful to the stakeholders who tendered both written and oral submissions. It further wishes to thank you, Madam Speaker, for affording it the opportunity to scrutinise the Convention. The Committee's appreciation is further extended to the Office of the Clerk of the National Assembly for the support and guidance rendered throughout its deliberations.



Mr Mubika Mubika, MP  
**CHAIRPERSON**

May, 2026  
**LUSAKA**

## **ACRONYM**

MP14 - Montreal Protocol, 2014

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## **1.0 MEMBERSHIP OF THE COMMITTEE**

The Committee consisted of Mr Mubika Mubika, MP (Chairperson); Mr Joel Chibuye, MP, (Vice Chairperson); Mr Bright Nundwe, MP; Mr Lloyd Lubozha, MP; Mr Emmanuel M Musonda, MP; Mr Mutotwe Kafwaya, MP; Mr Sunday Chanda, MP; Mr Francis Kapyanga, MP; Mr Bernard Kanengo, MP; and Mr Charles Mulenga, MP.

## **PART I**

### **2.0 BACKGROUND AND RELEVANCE OF THE CONVENTION**

The Protocol amending the Convention on Offences and Certain Other Acts Committed on Board Aircraft is also known as the “Montreal, 2014”. It seeks to amend and modernise the 1963 Tokyo Convention, which governs jurisdiction and powers over offences committed on board aircraft. The Tokyo Convention had major gaps regarding jurisdiction, rules around unruly passengers, and the responsibilities of airlines and Member States. Therefore, the Protocol incorporates strong measures against unruly and disruptive passengers by criminalising physical assault, threats, refusal to follow crew instructions, intoxication leading to disorder and sexual harassment, which were not covered under the 1963 Tokyo Convention.

The Protocol also seeks to protect the crew members as it requires Member States to protect crew members from legal liability when they take reasonable actions to maintain safety and order on board aircraft. It also encourages prosecution of offenders and expects the Member States to accept custody of offenders, investigate and prosecute, or extradite offenders. The Protocol also strengthens the authority of the pilot-in-command to restrain, disembark or deliver offenders to authorities.

The Protocol entered into force in 2020 and has been in force for Member States that have ratified or acceded to it. However, Zambia is yet to accede to and ratify the Protocol.

### **3.0 OBJECTIVE OF THE CONVENTION**

The Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft, adopted at Montreal on 4<sup>th</sup> April, 2014 (hereafter referred to as the Montreal Protocol, 2014 or MP14), seeks to modernise the legal framework for addressing unruly and disruptive behaviour on board aircraft. The Protocol is a direct response to the escalation in the severity and frequency of such incidents, which jeopardise the safety of aircraft and persons on board, as well as good order and discipline during flight. The primary objective of MP14 is to strengthen the capacity of States to curb these incidents by closing jurisdictional gaps and enhancing the powers of aircraft commanders and security personnel.

### **4.0 SALIENT PROVISIONS OF THE CONVENTION**

The salient provisions of the Convention are set out hereunder.

#### **i) Expanded Jurisdiction (Article II, Amending Article 3 of the Tokyo Convention)**

MP14 expands jurisdiction beyond the State of Registration to include the State of the Operator and the State of Landing, allowing more States to prosecute offences committed on board aircraft. This addresses enforcement gaps in international flights.

**ii) Extended Powers of the Aircraft Commander**

The Protocol strengthens the authority of the aircraft commander and recognises the role and legal protection of on-board security personnel when taking reasonable measures to prevent offences. While Zambia's laws grant certain powers to commanders, they do not fully provide for the expanded protections under the MP14.

**iii) Right to Recoup Costs**

The MP14 grants aircraft operators the right to recover costs arising from disruptive passenger behaviour, such as flight diversions. Zambia's current legal framework allows refusal of transport but does not expressly provide for cost recovery. Accession will introduce this important provision.

**iv) Clarity on Offences (Article II, amending Article 1 of the Tokyo Convention)**

The Protocol clarifies the definition of offences by allowing action based on reasonable grounds rather than strict reliance on the law of the State of Registration. This improves flexibility in responding to serious in-flight misconduct.

**v) Legal Framework on Unruly Passengers and Jurisdiction**

Zambia's framework, based on the Tokyo Convention Act and the Civil Aviation Act, addresses conduct on board aircraft but is limited to Zambian-controlled aircraft and lacks jurisdiction over foreign aircraft landing in Zambia. Other laws do not cover the full range of unruly behaviour. Accession to the MP14 will establish clear jurisdiction as the State of Landing and close this enforcement gap.

**vi) Rights of the Aircraft Operator and In-Flight Security**

The MP14 introduces provisions on cost recovery and legal protection for security personnel, which are not explicitly provided for under Zambia's current laws. Accession would strengthen protections and operational authority in handling disruptive passengers.

**vii) Overall Analysis and Recommendation**

The MP14 addresses key gaps in Zambia's legal framework, particularly in jurisdiction and enforcement of offences involving unruly passengers. Accession will strengthen aviation security, enhance international cooperation, and ensure a more comprehensive and effective legal response. It is, therefore, being recommended that Zambia should accede to the Protocol.

## **PART II**

### **5.0 SUMMARY OF STAKEHOLDERS' SUBMISSIONS**

Stakeholders supported the accession to the Protocol Amending the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Montreal, 2014) Cab. (26), which will, if ratified, address unruly and disruptive behaviour on board aircraft. However, in supporting the Protocol, stakeholders made the observations outlined below.

**i) Expanded Jurisdiction (Article II, amending Article 3 of the Tokyo Convention)**

Stakeholders submitted that Zambia's current laws did not permit jurisdiction as the State of Landing for foreign-registered aircraft, limiting the ability to prosecute unruly passengers. They were of the view that acceding to the Protocol would close this gap and strengthen enforcement.

**ii) Right to Recoup Costs**

The Committee was informed that Zambia's current legal framework allowed refusal of transport but did not expressly provide for cost recovery. Therefore, accession to the Protocol would introduce this important provision.

**iii) Gaps in Current Legal Framework**

The Committee was informed that Zambia's current legal framework, primarily *the Civil Aviation Authority Act, No. 7 of 2012*, did not fully incorporate the MP14's expanded jurisdiction, explicit offences, or crew protection provisions. This created legal gaps that could hinder the effective prosecution of offenders and weaken overall aviation safety.

Accession and ratification of the Protocol was, therefore, imperative to ensure Zambia remained compliant with International Civil Aviation Organisation standards and best practices in aviation safety. Acceding to the Protocol would strengthen the country's aviation security framework, improve compliance with international obligations, and support Zambia's goal of becoming a regional aviation hub. Additionally, it would reduce financial burdens on airlines by enabling cost recovery from disruptive passengers and allowing Zambia to exercise jurisdiction over unruly passengers on foreign-registered aircraft.

**PART III**

**6.0 COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS**

The Committee supports the proposal to ratify the Protocol. In doing so, it makes the observations and recommendations set out below.

**i) Expanded Jurisdiction Gap**

The Committee observes that Zambia's current legal framework does not allow the country to exercise jurisdiction as the State of Landing over foreign-registered aircraft. This limitation weakens the ability to prosecute unruly passengers and creates enforcement gaps in international aviation matters.

In view of the foregoing, the Committee recommends that Zambia should accede to the MP14 to expand its jurisdiction to include the State of Landing, thereby strengthening enforcement mechanisms and improving the prosecution of offences committed on board foreign-registered aircraft.

**ii) Absence of Cost Recovery Provisions**

The Committee observes that while Zambia's legal framework permits airlines to refuse transport to disruptive passengers, it does not expressly provide for the recovery of costs incurred due to such behaviour, including diversions and operational disruptions.

In view of the foregoing, the Committee recommends that the Protocol be acceded to in order to introduce explicit provisions for cost recovery from disruptive passengers, thereby reducing financial losses to airlines and improving operational fairness.

**iii) Gaps in the Existing Legal Framework**

The Committee observes that the *Civil Aviation Authority Act, No. 7 of 2012*, does not fully incorporate the MP14 provisions relating to expanded jurisdiction, explicit offences, and

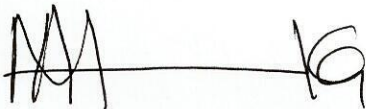
crew protection. These gaps hinder effective prosecution of offenders and weaken overall aviation safety. This also affects Zambia's compliance with International Civil Aviation Organisation standards and limits its aspirations to become a regional aviation hub.

In this regard, the Committee recommends that Zambia should accede to and ratify the MP14 to align its legal framework with International Civil Aviation Organisation standards. This should be accompanied by necessary amendments to the *Civil Aviation Act, No. 5 of 2016*, to strengthen aviation security, enhance international compliance, support cost recovery mechanisms and improve jurisdiction over unruly passengers on foreign-registered aircraft.

## 7.0 CONCLUSION

The Committee is in support of the Accession to and Ratification of the Montreal Protocol 2014, as it is essential for strengthening Zambia's aviation security framework, enhancing compliance with ICAO standards, and improving the country's ability to prosecute offences committed on board both domestic and foreign-registered aircraft. The Committee also notes that it will also provide important financial and operational benefits to airlines through cost recovery provisions and support Zambia's strategic goal of becoming a regional aviation hub.

We have the honour, Madam Speaker, to be the Committee on Transport, Works and Supply mandated to consider the Accession to the Protocol Amending the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Montreal, 2014) Cab. (26).

A handwritten signature in black ink, consisting of stylized, overlapping letters and a long horizontal line extending to the right.

Mr Mubika Mubika, MP  
**CHAIRPERSON**

May, 2026  
**LUSAKA**

## **APPENDIX I - List of National Assembly Officials**

Mr Stephen Chiwota, Director (FC)  
Mr Geoffrey Zulu, Deputy Director (FC)  
Ms Chitalu R Mulenga, Senior Committee Clerk (FC2)  
Mrs Rachel Mumba- Mhongo, Committee Clerk  
Mrs Vivian M Banda, Administrative Assistant  
Mr Daniel Lupiya, Senior Committee Assistant  
Mr Muyembi Kantumoya, Committee Assistant  
Ms Taona Chabinga, Committee Assistant  
Ms Dorothy Kapanji Daka, Intern

## **APPENDIX II - List of Witnesses**

Ministry of Justice  
Ministry of Transport and Logistics  
Civil Aviation Authority  
Zambia Law Development Commission