

**REPORT OF THE JOINT COMMITTEE ON THE RATIFICATION OF THE
PROTOCOL TO AMEND THE CONVENTION ON THE OFFENCES AND
CERTAIN OTHER ACTS COMMITTED ON BOARD AIRCRAFT (MONTREAL
PROTOCOL 2014)**

INTRODUCTION

It could be recalled that during the 3rd ordinary session of the National Assembly in September 2019, the Hon Minister of Transport, Works and Infrastructure tabled a motion for ratification of the Protocol relating to the amendment of the Convention on the offences and certain other acts committed on board aircraft, (Montreal Protocol).

In this regard, the Protocol was considered and referred to the Joint Committee of Trade, Regional Integration and Monitoring the Implementation of Government Projects for review and report back to the plenary.

The Joint Committee reviewed the Protocol relating to the amendment of the Convention on the offences and certain other acts committed on board aircraft, (Montreal Protocol). State Parties to this Protocol are concerned about the safe, secure and efficient operation of commercial flights within the wider aviation industry.

The Montreal Protocol amends the Convention on Offences and Certain Other Acts Committed on Board Aircraft, done at Tokyo on 14 September, 1963. The Protocol expands the grounds of jurisdiction by recognizing, under certain conditions, the competency of the state of landing and the state of the operator to exercise jurisdiction over offences and acts on board aircraft. The establishment of such jurisdiction over offences is mandatory if the criteria set out in the Protocol are met.

The Protocol extends legal recognition and certain protection to in-flight security officers. It also contains provisions addressing such issues as coordination among States, due process and fair treatment, and the right to seek recovery under the law.

The Montreal Protocol compliments the decision relating to the Implementation of the Yamoussoukro Declaration done on 13 and 14 November 1999 in Cote d'Ivoire concerning the Liberalisation of Access to the Air Transport Markets in Africa. In general, the whole idea behind the Yamoussoukro Declaration is to liberalize air services and use it as catalyst to economic growth.

The Montreal Protocol flight security state as follows;

- Aircraft commander may ask not require IFSO to restrain unruly passenger.
- May take preventive action against passengers, on reasonable grounds where they believe that offence is about to be committed.
- Same immunity as aircraft commander, crew and passengers.

The Joint Committee met with the Gambia Civil Aviation Authority (GCAA), the Ministry of Transport Works and Infrastructure and the Gambia International Airlines. During the engagement, the Joint Committee was informed about the benefits of ratifying the Protocol.

Reason for ratifying the Montreal Protocol

1. The Montreal Protocol is the result of collective effort by the international community to expand the scope of the Tokyo Convention to enable States other than the State of registration to ensure order and security in air traffic transport. By expanding the scope of jurisdiction on a mandatory basis, it will strengthen the capacity of states to curb the escalation of the severity and frequency of unruly behaviour on board aircraft.
2. The Protocol also recognizes the desire of many states to assist each other in curbing unruly behaviour and restoring good order and discipline on board aircraft.
3. Collaborative and coordinating efforts for countries to combat crimes in aviation.
4. Transit goods and persons will promote economic growth and fair competition.
5. Travelling and shipping will open up markets for competitive prices.
6. Contracting parties have rights to immediately suspend or change the operating authorisation of an airline of the other contracting parties.
7. Settlement of dispute procedures is indicated in article XXIII of the protocol.
8. Aviation as a major catalyst of development.

Finally, the Joint Committee begs the indulgence of this August Assembly to consider and adopt this report.

Thank you.

HON. MEMBERS OF THE JOINT COMMITTEE, SMS AND SUPPORT
STAFF

1. Hon. Muhammed Mahanera - Chairperson (Trade)
2. Hon. Sulayman Saho - Chairperson (Monitoring Gov. Project)
3. Hon. Lamin F.M Conta - Member
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5. Hon. Kebba Jallow - Member
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19. Hon. Omar Ceesay - Member
20. Hon. Sainey Jawara - Member
21. Mr. Bai Ibrahim Jobe - Subject Matter Specialist (SMS)
22. Modou Sillah - Committee Clerk
23. Fatou Gibba - Committee Clerk
24. Adama Sey - Driver - Minority Leader
25. Yusupha Jatta - Driver - Majority Leader