The Need for Modernization of the Tokyo Convention (1963) on the Issue of Unruly Passengers and the Inadequacy of Korean Domestic Legal Approaches*

기내 난동승객관련 도쿄협약의 개정필요성과
한국국내법적 접근의 한계

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I. Introduction

In 2011, approximately 2.8 billion people flew on 38 million flights (30 million jets, 8 million turboprops), and the 2011 global accident rate (measured in hull losses per million flights of Western-built jet aircraft) was 0.37, which is equivalent to one accident for every 2.7 million flights.¹ Indeed, according to the IATA (International Air Transport Association), 2011 was the safest year in terms of the global accident rate.² Along with the progress in aviation safety, aviation security has been significantly improved since 9/11. Incidents of terrorist interference with aircraft operations causing a high number of casualties remain few and far between, and indeed have steadily decreased since 9/11.³

Both safety and security have a common goal: to protect passengers, crew, cargo, and aircraft from harm. The main difference, however, is that safety focuses on preventing unintentional harm, while security focuses on intentional harm.⁴ Although both aviation safety and aviation security have been improving, which has made air transportation more reliable, the international aviation community has witnessed a steady increase in the number of unruly passenger incidents.

IATA statistics show that there were over 4,000 unruly incidents in 2010.⁵ This is equal to more than 0.7 incidents per 1000 flights in 2010, which is a shocking surge compared to 0.1 incidents per 1000 flights in 2007.⁶ More importantly, it is presumed that there are many more unreported cases.⁷ Even when some commentators

² Tony Tyler, CEO of IATA, Remark at ICAO(International Civil Aviation Organization) Air Transport Symposium, Montreal, 18 April 2012.
⁶ Ibid.