

# coelum.

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"All Passengers are Equal" ...  
Except for the President.

by Jessi Saba

DECEMBER NEWS on  
Mexican Aviation

# SECURITY

COELUM: Pronunciation: 'che-l&m, is Latin for airspace or sky. The Romans began questioning the rights they had in the space above the land they owned and to how high above did that right extended to. Ad coelum et ad inferos, they discussed, meaning that their right of property would extend as high up to the heavens and down to hell.

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## “All Passengers are Equal” ... Except for the President.

by Jessi Saba.

Among the new President Andrés Manuel López Obrador, campaign promises, was the promise not to use any private jets to travel during its administration. During his first presidential tour, he traveled through a commercial airline to Xalapa, Veracruz. The President got in time to the airport, and behaved just like any other person traveling that day, he waited and passed security as instructed, he then waited at the gate for boarding and finally got on the aircraft and sat in his assigned seat. This surely sounds good, our President is surely saving thousands of dollars by not using or maintaining the Presidential aircraft newly acquired by the previous administration, but, is this truly safe for him, as well as for the rest of the passengers? What would happen if there is an emergency?

Article 40 of the Civil Aviation Law states the following: *“All aircraft shall have a commander or pilot in charge, who will be the ultimate authority on board and the responsible for its operation, direction, and maintaining order and safety of the aircraft, its crew, passengers, luggage, cargo and mail” ... “all passengers aboard are obligated to comply with the instructions of the commander for the safety and operation of the aircraft”.*

Imagine a scenario in which the President gets on board a commercial flight, an hour into the flight, there is an emergency that must be communicated immediately to the President of the United Mexican States. Given that all passengers (including of course, our President) must comply with regulations, the President cannot, by any means, use his cell phone or any other form of communication device, there is basically no way to reach him until he lands, so, if such emergency event requires immediate attention, everyone would have to wait until aircraft reaches its destination.

*“All aircraft shall have a commander or pilot in charge, who will be the ultimate authority on board...”*

In the same scenario as pictured above, many of us imagine that given that the President is on board, any urgent communication will be given to the President by the Commander of the aircraft (which should not be the case, as the President is supposed to be treated as the rest of the passengers), but what if such information is confidential, or a matter of national security, and therefore only certain members of the staff are authorized to access that information. Can the Commander be informed? If they use a line to communicate, is that line a secure line for the President or its staff to discuss highly sensitive information?

Lets say, that finally the President is reached by any means of communication (this might include a WIFI connection on the flight (which could easily be hacked and would not be a secure line for the President of the United Mexican States), and is made aware of some sort of emergency situation that requires him to be back at Mexico City or any other place. Does the President has the power and authority to instruct the pilot to take a detour? to go back? to change routes? According the law, that decision can only be taken by the pilot, and no one else. Who is the real authority when the President is traveling through a commercial airline? The President’s security service? Are they above the law? Can they instruct the pilot to do anything required to maintain the President’s or the country’s safety or needs controlled?

Following this scenario, let’s say that the President instructs the pilot to detour and land somewhere else (somewhere **he** needs to be). What happens to the rest of the passengers and their itineraries? Of course, these passengers are entitled to a compensation, but should this compensation be covered by the airline given that the cause is not directly from the airline? That would certainly be unfair. Would it be covered by the federal government? Doubtful. So, who will compensate the affected passengers for the emergency detour of an aircraft in which the President decided to travel?

Let’s imagine another scenario. This one involves terrorists and explosive devices.

Even with all the safety standards and revisions at the airports, there is always the risk of someone smuggling some hazardous material, some explosives, or something simple, like a knife. It happens all the time, and people get caught most of the time, but not always. The President of the United Mexican States, is for sure, liked by many, but disliked by many as well. What if someone would decide to kill the President? To conduct a terrorist attack on an aircraft where the President is traveling, either to hurt him or just to make a statement? For sure, the President has many enemies, this is a normal part of any president's job. Is the President posing an extra risk on regular passengers by traveling with them on a commercial aircraft? Is the President making a target out of this commercial flight? Is the President taking an unnecessary risk on himself by traveling so close to other people (considering he is in charge of an entire nation? Throughout history, we have seen that people are capable of anything, politicians, presidents, and presidential candidates have been killed or attempted to be killed. To best exemplify this risk we should consider the accident that took place in June 1969, in which a Mexicana de Aviación flight 704 had a fatal accident in which all passengers and crew died. This was treated as an accident, but politician Carlos Madrazo was traveling on such flight, and it has been debated if this truly was an accident or if it was a political revenge to remove an uncomfortable politician from the way of the president Gustavo Diaz Ordaz. We will never know, but this sort of things happen all the time. On December 24, 2018 there was another incident in which the governor of the State of Puebla, and her husband, the ex-governor of the State of Puebla and senator, both lost their lives in a fatal helicopter accident. We should at least consider the possibility of this being a political matter. So, is this a risk worth taking, not only for the President, but for the rest of the passengers traveling on the same flight?

*“Are not we all entitled to the same rights of safety when traveling? Should certain flights be more secure than others?”*

But let's say, that considering the President is traveling on a commercial flight, we assume that the security service is more careful with the safety on this specific aircraft. The aircraft is examined more carefully, people are revised more carefully. We assume this is the case because the security service has as its main responsibility, the safeguard of the President, it would be surprising and disturbing if they did not take extra precautions. But, why should there be any distinctions? Are not we all entitled to the same rights of safety when traveling? Should certain flights be more secure than others? That would be unfair for the passengers not traveling with the President, as we all want to make sure that the flight, we are traveling is the safest.

For all these reasons, presidents around the world travel on a state aircraft, which is secured by the president's security service, the military or any other responsible party, as the case may be. In non-commercial transport, the owner or holder of the aircraft will be jointly responsible with the pilot of any order given or action taken against the law<sup>1</sup>. Using a specific private aircraft, will allow the president to make any necessary calls, to take detours, to work and run a country while traveling, to not put at risk or add any risks to any other passengers, to not pose a risk for the airline in case a compensation is required.

All of these are just some unresolved questions that arise given the President's decision and promise to use commercial flights provided by the “price paid for the presidential aircraft, is an offense to the people”, as stated by the President. Let's wait and see if the President can keep this promise until the end of its administration, and how these questions are answered, as these scenarios are highly likely to occur during a six year period of the President constantly traveling in commercial flights.

1.- Article 41 of the Civil Aviation Law.

## **Landing SMEs in Aerospace Value Chains in Mexico and Abroad.**

While the Mexican aerospace industry has experienced double-digit growth rates in the last years, there are still several challenges to counter for Mexican SMEs to get onboard global supply chains. Eugenio Marín, CEO of TechBA Madrid-Montreal and TechBA Aerospace, points out that industrial diversification is a huge challenge for SMEs. He points out that the main issue is usually not technical capacities or even access to capital, but in the mindset of Mexican SMEs. "The Mexican manufacturing industry is used to waiting for large foreign companies to come and buy their products and sometimes even lack a commercial department," he pointed out. <http://www.aerospacemx.com/landing-smes-in-aerospace-value-chains-in-mexico-and-abroad/> December 05, 2018.

## **President of ICAO congratulates new aeronautical authorities of Mexico.**

The President of the Council of the International Civil Aviation Organization (ICAO), Olumuyiwa Benard Aliu, attended the to the swearing of Andrés Manuel López Obrador as President of Mexico on December 1, and met with other members international and national from the airline industry, such as Melvin Cintrón, regional director for Latin America of ICAO, Javier Jiménez Espriú, secretary of Communications and Transport, and Carlos Morán Moguel, subsecretary of this same agency. <https://a21.com.mx/organismos/2018/12/06/presidente-de-oaci-felicita-nuevas-autoridades-aeronauticas-de-mexicoi> December 06, 2018.

## **With cancellation of the NAICM, passengers and airlines will avoid Mexico: IATA.**

The International Air Transport Association assured that the cancellation of the New Mexico City International Airport (NAICM) will restrict connectivity from other points to Mexico and to Latin America, since airlines that want to operate in our country will be limited because it will be "extremely complex" for passengers to connect at two airports and therefore airlines will have to make their own decisions. <https://a21.com.mx/aeropuertos/2018/12/12/con-cancelacion-del-naicm-pasajeros-y-aerolineas-evitaran-mexico-iata> December 12, 2018.

## **They warn pilots about the use of social networks.**

To prevent any out-of-context information that jeopardizes their career in the airline industry, or simply to maintain safety when they are operating a flight, pilots should be aware of what they say and post on their social networks, warned the International Federation of Airline Pilots' Associations. For the organization, the risk run by pilots and their environment, after making online publications or having equipment banned in the cabin, can have serious consequences because the information that is spread through them is difficult to control. In that sense, IFALPA pointed out that this behavior can be harmful in some cases, impacting flight safety and even causing accidents. <https://a21.com.mx/aeronautica/2018/12/12/advierten-pilotos-sobre-uso-de-redes-sociales> December 12, 2018.

## **ASA and ENAC will teach advanced air traffic course.**

With the objective that the aeronautical personnel of Mexico know and master the main concepts of European air traffic control systems (CTA), Airports and Auxiliary Services (ASA) and the École Nationale de l'Aviation Civile (ENAC) of France will provide the course "Advanced ATM" (Advanced ATM). The instruction will be held from December 17 to 20 at the facilities of the International Instruction Center of ASA - CIASA. <https://a21.com.mx/organismos/2018/12/14/asa-y-enac-impartiran-curso-avanzado-de-transito-aereo> December 14, 2018.

*In this month extract was prepared by J. Estrada and José Manuel Muñoz.*

**Although it is for sale, they request 416 mxp for the presidential plane.**

Among the investment projects for next year include 416 million pesos for the payment of the presidential plane, as the amount allocated for 2019, as authorized for this year. <http://www.milenio.com/politica/pese-venta-solicitan-416-mdp-avion-presidencial> December 16, 2018.

**Military would build Santa Lucia airport.**

As the projected final day of NAIM's construction project in Texcoco approaches, MITRE insists The work of the civil airport at the Santa Lucia military air base, proposed by the federal government to replace the New Airport project in Texcoco, will be carried out by military engineers to prevent private consortiums from "taking the profits", expressed Luis Crescencio Sandoval, head of the Secretariat of National Defense (Sedena). <https://a21.com.mx/aeropuertos/2018/12/18/militares-construiran-aeroporto-de-santa-lucia> December 18, 2018.

**PROFECO will verify airlines customer attention.**

From December 16 and until January 7, 2019, the Federal Consumer Protection Agency (PROFECO) performs the review and calibration of the scales used by airlines in airports across the country, this as part of the program to homologate airlines customer services in the different airports in Mexico. In a statement, PROFECO stated that this process will begin with the Mexico City International Airport (AICM), and then carried out through the rest of airports in Mexico. <https://a21.com.mx/aeropuertos/2018/12/20/verifica-profeco-basculas-de-lineas-aereas-y-atencion-viajeros> December 20, 2018.

**There will be "triple report" of plane crash: Jiménez Espriú.**

The Transportation Security Council of the United States has already accepted the invitation of the Government of Mexico to join the investigations of the Agusta A109 helicopter accident XA-BON registration that collapsed in Puebla. Thus, and adding the work done by the Canadian delegation and a possible European collaboration, there will be "three independent opinions" in the final opinion, said Javier Jiménez Espriú, head of the Ministry of Communications and Transportation (SCT). During the morning conference in the National Palace, the official said that the refusal that the agency had presented previously was due to the closure "in legal terms" of the US government. <https://a21.com.mx/aeronautica/2018/12/28/habra-triple-dictamen-de-accidente-aereo-jimenez-espriu> December 28, 2018.

**Mexico begins the year with new air agreements.**

At the beginning of the 2019, three new air service agreements entered into force between the Government of the United Mexican States and the Kingdom of Saudi Arabia; the State of Kuwait; and the State of Qatar, according to three documents published in the Official Gazette of the Federation (DOF). In these agreements between Mexico and the three Middle East nations mentioned, rights are granted to each country for the purpose of establishing and operating regular international air services. <http://t21.com.mx/aereo/2019/01/03/mexico-inicia-ano-nuevos-acuerdos-aereos> January 04, 2019.

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