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Unlawful Interference Acts in Civil Aviation:
International and Mexican Frameworks.

By Misael Arellano

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Audio Message



PRONUNCIATION:

'che-läm, is Latin for airspace or sky. The Romans began questioning the rights they had in the space above the land they owned and how high above them those rights would extend. They decided on, Ad coelum et ad inferos, meaning that their property rights would extend as high up as the heavens and all the way down to hell.

Unlawful Interference Acts in Civil Aviation: International and Mexican Frameworks.

By Misael Arellano

Unlawful Interference Acts (UIAs) are defined by the International Civil Aviation Organization (ICAO) as acts or attempted acts jeopardizing the safety of civil aviation. These include hijacking, sabotage, acts of terrorism, and threats to passengers, crew, or aviation infrastructure. Preventing such acts is crucial for safeguarding the global aviation system, as codified in Annex 17 to the Chicago Convention, which establishes international standards for aviation security. Standards and Recommended Practices (SARPs) for international civil aviation were first adopted by the ICAO Council in March 1974, and designated as Annex 17 to the Chicago Convention¹.

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The ICAO's Security Manual outlines measures to prevent UIAs, emphasizing risk assessments, security controls, and emergency response protocols. Moreover, the Tokyo², Hague³, and Montreal⁴ Conventions provide a legal framework for addressing hijackings and related offenses, establishing jurisdictional guidelines for prosecuting offenders. In addition, in 1988, the Montreal Protocol was adopted to address certain acts of violence committed within airports that, while not directly endangering the safety of aircraft in flight, involve acts of violence causing damage or destruction to aircraft on the ground.

In Mexico, UIAs are addressed under the Civil Aviation Law (LAC), Regulations to the Civil Aviation Law (RLAC), Airports Law, Regulation to the Airports Law (RAL), and the National Civil Aviation Security Program (Programa Nacional de Seguridad de la Aviación Civil), developed by the National Civil Aviation Security Committee (Comité Nacional de Seguridad de Aviación Civil), which comprises representatives from key federal entities, including the Secretariats of National Defense (SEDENA), Navy (SEMAR), and Infrastructure, Communications, and Transportation (SICT). The program is formally approved by the head of the SICT, as mandated under the LAC and its Regulations.

Additionally, the Mexican Aviation Authority (AFAC) enforces security through Mandatory Circulars. The most relevant is the Mandatory Circular CO SA 17.1/10 WHICH ESTABLISHES THE CONTENT OF THE MANUAL FOR THE PREVENTION OF UNLAWFUL INTERFERENCE ACTS⁵, sections 1.4 and from 2.1 al to 2.17.1; however, the LAC and several Circulars are related to carrier's obligations to prevent and handling of UIAs:

- **Ley de Aviación Civil⁶**, Capítulo XV Quater, "Of Civil Aviation Security", articles 78 Octies to 78 Novodecies. Establishing obligations for airlines, airport operators and Civil Aviation Authority to implement security measures and prevent acts of unlawful interference.
- **Mandatory Circular CO SA 17.1/10⁷**. Its main objective is to ensure that every concessionaire, permit holder, or air carrier prepares a manual for the prevention of UIAs and keeps it updated, outlining the methods and procedures to be observed in civil aviation security for conducting air operations in Mexico.

1.- Signed on December 7, 1944.

2.- Signed on September 14, 1963.

3.- Signed on December 16, 1970.

4.- Signed on September 23, 1971.

5.- <https://www.sct.gob.mx/fileadmin/normatividad/web/transporteAereo/118.PDF>

6.- <https://www.diputados.gob.mx/LeyesBiblio/pdf/LAC.pdf>

7.- <https://www.gob.mx/cms/uploads/attachment/file/598541/co-sa-17110.pdf>

- **Mandatory Circular CO SA-17.4/12 R2⁸**. Establish the security requirements and measures for the prevention of UIAs that must be complied with by national or international air transport Concessionaires and Permit Holders transporting cargo, express shipments, and/or mail from shippers, forwarders, cargo consolidators, customs brokers, and/or carriers. Additionally, outline the security measures to be observed by ground handling service providers, civil aerodrome Concessionaires and Permit Holders, and Permit Holders of warehouses and bonded facilities that come into contact with such shipments.
- **Mandatory Circular CO SA-17.2/10 R3⁹**. It establishes the regulation of prohibited items that passengers, crew members, authorities, government agencies, employees, and users in general are not allowed to bring, whether on their person, in their carry-on luggage, checked baggage, or as part of their work tools, into the cockpit, passenger cabin, or cargo compartments of public service aircraft. Additionally, it governs the possession of such items in sterile areas of civil aerodromes serving the public, aimed at preventing UIAs.
- **Mandatory Circular CO SA-17.6/16¹⁰**. Its primary objective is to establish and standardize the passenger and carry-on baggage screening procedure to be implemented by the concessionaires and permit holders of public-service aerodromes.
- **Mandatory Circular CO SA-17.9/16¹¹**. With the objective is to establish general policies and procedures for the inspection of checked baggage transported on public service aircraft within national territory.
- **Mandatory Circular CO SA-17.11/16¹²**. The objective is to establish provisions that users of airport services and/or air transportation must observe, as well as the guidelines that airport concessionaires or permit holders and air transport operators must apply to address non-compliance with these provisions.
- **Mandatory Circular CO SA-17.16/1913¹³**. With the objective to establish the methodology for developing and maintaining an up-to-date risk analysis of civil aviation security.
- **Mandatory Circular CO SA 17.18/24¹⁴**. Establishes and standardize the minimum cybersecurity requirements that must be implemented by concessionaires, assignors, and permit holders of air transport, civil airports, and providers of airport and complementary services to prevent acts of unlawful interference carried out through remote, cyber, computer, and/or technological attack means.
- **Mandatory Circular CO SA-17.14/23¹⁵**. Its objective is to advise concessionaires, permit holders, and airport operators on the prevention of UIAs through certain design requirements that will be necessary and essential in the construction, reconstruction, maintenance, expansion, and modernization of airport infrastructure.

"UIAs cause significant disruptions to operations, resulting in delays, rerouting, and additional expenses due to enhanced security protocols."

Recent incidents of UIA in Mexico include an attempted hijacking on a flight operated by a domestic airline on December 8, 2024, on the BJX-TIJ route. The perpetrator threatened crew members and demanded a diversion of the flight to the United States. The passengers immobilized the hijacker without the intervention of the crew, containing him among themselves until the aircraft landed in GDL under emergency call, where authorities arrived to apprehend him. The relevance of this incident is that, based on videos uploaded by the passengers

8.- <https://www.gob.mx/cms/uploads/attachment/file/749136/cosa-17-4-12-r2-010822.pdf>

9.- <https://www.gob.mx/cms/uploads/attachment/file/598540/co-sa-17-2-10-r3.pdf>

10.- <https://www.gob.mx/cms/uploads/attachment/file/650373/co-sa-17-6-16.pdf>

11.- <https://www.gob.mx/cms/uploads/attachment/file/598293/co-sa-17-9-16.pdf>

12.- <https://www.gob.mx/cms/uploads/attachment/file/598298/co-sa-17-11-16.pdf>

13.- <https://www.gob.mx/cms/uploads/attachment/file/650497/co-sa-17-16-19.pdf>

14.- <https://www.gob.mx/cms/uploads/attachment/file/893544/co-sa-17-18-24-1r-19022024rev.pdf>

15.- <https://www.gob.mx/cms/uploads/attachment/file/861828/co-sa-17-14-23-06102023re.pdf>

to the internet, no evidence of implementation of response protocols was noticed; none of the crew members participated during the immobilization of the perpetrator so from the perspective of the passengers and general public watching the videos, there is no elements to confirm the observance of any immediate response protocols by the airline crew.

"Addressing and preventing UIAs requires a strong legal and operational structure, thorough training, and compliance with international standards."

To prevent UIAs, Mexican regulations mandate recurrent crew training in line with ICAO's standards. Airlines must develop and maintain comprehensive Security Manual for the Prevention of Unlawful Interference Acts in accordance with the Security and Emergency Response Manuals, which are required to be submitted to and approved by AFAC. These manuals include, at a minimum, procedures for recognizing and managing threats; communication protocols during emergencies; and strategies for de-escalation and handling unruly passengers.

The manuals must be regularly updated to reflect changes in regulations and emerging threats. Additionally, crew members undergo periodic training to ensure readiness in implementing these protocols effectively.

"The aviation industry must strike a balance between strict security measures and efficient operations to minimize the wide-reaching effects of UIAs."

Regulatory Questions on Banned Items.

Among the logically dangerous items that are prohibited in carry-on baggage, passengers often question why it is permissible to carry multiple containers of 100 ml liquids but not a single container exceeding this capacity. This distinction arises from international security regulations established by ICAO and enforced by the Mexican Aviation Authority through Mandatory Circular CO SA-17.2/10 R3. The rationale lies in mitigating risks associated with liquid explosives. The 100 ml limit ensures that even if liquids are combined, the total quantity is insufficient to pose a significant threat. Prohibited items for carry-on luggage, such as sharp objects, flammable substances, and certain chemicals, are listed in Annex 17 and mirrored in Mexican legislation and Mandatory Circulars. These items are banned to prevent potential misuse during flights, ensuring passenger and crew safety.

UIAs cause significant disruptions to operations, resulting in delays, rerouting, and additional expenses due to enhanced security protocols. Airlines and airports are also burdened with the costs of improving training, upgrading equipment, and increasing insurance premiums, placing additional pressure on their finances.

Addressing and preventing UIAs requires a strong legal and operational structure, thorough training, and compliance with international standards. While Mexico has made progress in tackling UIAs, ongoing enhancement and cooperation with global organizations are crucial. The aviation industry must strike a balance between strict security measures and efficient operations to minimize the wide-reaching effects of UIAs.

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MISAE L ARELLANO

Partner

Misael is a partner and heads the Regulatory group at Sierra LATAM. Misael has extensive experience in providing operational aspects of aviation law, representing international air carriers in Mexico. With over 20 years of experience Misael advises on regulatory and compliance aspects for airline operations and obtains governmental licenses and authorizations before the necessary authorities for the efficient and safe operations of Sierra LATAM's clients. Misael is ranked in Chambers Aviation Mexico.

Education

- Attorney at law by Instituto Tecnológico y de Estudios Superiores de Monterrey in Mexico City
- Social Science program by Universidad Antonio de Nebrija, Madrid
- IATA Certificates of International Air Law for Lawyers and Legal Professionals; Law of Aviation Insurance; Airline Contract Law; and Aircraft Acquisition and Financing
- IATA International Air Law Diploma, earned with distinction

Memberships

- Member of the Mexican Contact Group for the Aviation Working Group
- Cámara Nacional de Aerotransportes, Mexico

Publications

- Misael has written multiple articles related to aircraft finance and leasing in COELUM and TERRUM.

Engagements

- Speaker and moderator at Air Finance.
- Speaker and moderator at ALTA conferences.
- Speaker of the Aviation Law Seminar at the Law School of Universidad Panamericana.

Languages

- English
- Spanish



Prol. Reforma No. 1190 25th Floor,
Santa Fe México D.F. 05349
t. (52.55) 52.92.78.14
www.asyv.com / www.asyv.aero

Find us in



Audio Message



www.linkedin.com/company/asyv

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