

# NATIONAL CIVIL AVIATION SECURITY PROGRAM & ANNEX 17

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## **Summary**

*Being an Airline with a Security Program accepted(1) and approved(2) by three foreign Civil Aviation Authorities, it is considered a must to share our experience and knowledge at this symposium.*

*It is considered also as a must to assist and participate when asked by TR-CAD, on any and every occasion in forming National Civil Aviation Security Program.*

*We must confess the dilemma that we lived in preparing a security program in the absence of a National Security Program.*

## **1- Introduction**

National Civil Aviation Security Program covers Airport Security, Airline Operator Security and Forwarders (Air Freight Forwarders, Shippers, Agents engaged directly and indirectly in air transportation of property-package, cargo). It is distributed and may be classified as follows:

**Restricted:** Information, the authorized disclosure of which would be undesirable in the interest of the State;

**Confidential:** information, the unauthorized disclosure of which, while not endangering the security of the State, would be prejudicial to the interests of the State;

**Secret:** information, the unauthorized disclosure of which would endanger national security of seriously damage the interests of the State.

Security Advisory Notices can be classified as "**Restricted**".

Restricted access to classified information to those who are authorized to receive it and 'need-to-know' in the course of their business can be "**Confidential**".

ICAO Annex 17, ECAC Doc.30 are unclassified.

## **2- Organization of Aviation Security**

International Organizations and Conventions such as The International Civil Aviation Organization (ICAO) stating to promote the Safe and Orderly development of Civil Aviation. Standards and Recommended Practices on Security (Annex 17), is intended to assist States in the implementation of their respective National Civil Aviation Security programs.

The manual Safeguarding Civil Aviation Against Acts of Unlawful Interference is known as the

"Security Manual" where the guidance on the contents of the Security program is provided.

ECAC has produced ECAC/JAA Aviation Safety Action program and Manual of ECAC recommendations and resolutions relating Facilitation and Security Matters known as Doc.30/7th Ed.4/98.

Turkey is a contracting party to the three principal international conventions concerning Aviation Security. These are;

- a) Tokyo Convention 1963,
- b) Hauge Convention 1970, and
- c) Montreal Convention 1971, followed by Montreal Protocol on 1988,

With Tokyo Convention, contracting States recognize offences committed on board of aircraft of international flights, acknowledge powers accorded to aircraft subject to unlawful interference to its lawful commander.

With Hague Convention, contracting States agree to make the seizure of an aircraft by force or intimidation-hijacking, an offence punishable by severe penalties.

With Montreal Convention, contracting States agree to make an increased range of offences relating to the safety of aircraft like acts of violence against persons on board, destruction or damage of an aircraft or navigational facility, communication in respect of an aircraft (e.g. false bomb threats, etc.) punishable by severe penalties. On 1988, endangering safety at aerodromes by carrying out acts of violence against persons or facilities at such aerodromes were added.

## **3- Legislation**

ICAO	Act 4749	05.06.1945
Hague Convention	Act 1634	30.11.1972
Montreal Convention	Act 1888	17.04.1975
Tokyo Convention	Act 1889	17.04.1975
Turkish Civil Aviation	Act 2920	14.10.1983

## **4- Areas of Responsibilities**

A law organizing the responsibilities, authority, application definitions, practices and procedures should cover;

- a) Airport Security
- b) Airline Security
- c) Third Party Security (Freight Forwarders, Suppliers, Shippers, Servicers, etc.)
- d) Monitoring.

#### 4.1 Airport Security

Should cover;

- a) Applicability
- b) Definitions
- c) Falsification
- d) Security Program
  - i) Security of restricted areas
  - ii) Passenger & Baggage Checking
  - iii) Security of Checked Baggage, cargo, mail, parcels and Co-Mat/Co-Mail.
  - iv) Catering and other Aircraft supplier
- e) Revisions and amendments
- f) Security of Air Operations Area
- g) Access Control System
  - i) Screening of VIP's, Diplomats and Diplomatic Couriers.
  - ii) Screening of Staff and Recruitment of Security Staff.
- h) Law Enforcement Support
- i) Submission to screening
- j) Carriage of weapon and control procedures
- k) Airport Identification Media and Airport Classification
- l) Evidence of Compliance
- m) Airport Security Coordinator
- n) Employee Qualifications
- o) Employment history, verification and criminal records check.

#### 4.2 Air Operator Security

Should cover;

- a) Applicability
- b) Definitions
- c) Falsification
- d) Security Program
  - i) Adoption & implementation
  - ii) Form, content and availability
- e) Revisions and amendments
- f) Screening of passenger and property
  - i) Refusal to transport
  - ii) Supervision
- g) Prevention and management of Hijacking and Sabotage attempts
- h) Carriage of weapons
- i) Security of Airplane and facilities
- j) Transportation of Government Officers and Law Enforcement Officers.
- k) Use of x-Ray systems
- l) Security Directives and Procedures
- m) Use of Explosive Detection Systems
- n) Carriage of passengers under custody
- o) Training
- p) Evidence of compliance
- q) Standards for Security Oversight
- r) Employment standards for screening personal
- s) Access investigation

#### 4.3 Third Party Security

Should cover;

- a) Applicability
- b) Security Program
  - i) to prevent and /or deter any explosive or incendiary device into any package for carriage by air,
  - ii) authorization for loading,
  - iii) authorization/representation by carrier

#### 4.4. Response to Incidents Affecting Security

- a) Catering
  - i) Staff engaged in preparing catering packs
  - ii) Preparation of trolleys and delivery
- b) Duty and Tax Free Goods
  - i) Storage in secure bonded premises
  - ii) Secure conveying
- c) Aircraft Supplies
  - i) Consumables
  - ii) Supplies

#### 4.5. Training

- a) Airport Operators' Training
- b) Air Operator Training
- c) Third Party Training

#### 4.6. Monitoring

- a) Objective
- b) Implementation
- c) Inspections
- d) Tests
- e) Audits
- f) Aviation Security Inspection Program-Protocol

#### 5. Present Condition

*Bazı Kurum Ve Kuruluşların Korunması Ve Güvenliklerinin Sağlanması Hakkında Kanun Kanun No.2495 Kabul Tarihi: 22/7/1981)*

Some airports (e.g. Istanbul-Atatürk Airport) have established a control system according to this law. As it was not foreseen to be used in such an important and strategic places, so it was accepted as it is

#### 5.1 Airport Security and screening

This law doesn't fit and fulfill the requirements of Annex 17 needs and Quality can not be established as it is not based on quality principles. Police is supervising, doing the best but no procedure is established for abnormal, unusual, governments movements, VIP, Disabled, Arms, Fire arms, Ammunitions, Fire Arm Carriage, Diplomats, Diplomatic Pouches, etc.

Cargo, Catering, duty-free, Co-Mail, Co-Bag, etc. is still waiting for their procedure.

Company personnel, Crew, Dead-Head, Pass Definition, Family, Additional Crew, etc. should be defined and procedures should be set.

And for all above, procedure for Transit occurrence, connections and acceptance.

## **5.2 Handling Disruptive/Unruly Passengers**

Annex 17 and additionally Annex 9, defines type of passengers and expected behavior of these passengers. Though Facilitation requirements always helps and protects passenger flow and commodity, still there is a need of a law for Handling Disruptive/Unruly Passengers.

## **5.3 Categorizing of Incidents**

The experience of several airlines indicates that identifying and categorizing the type of incident is an effective approach to follow in order to develop and implement solutions tailored to the carrier's experiences. Therefore in order for a policy to be created, the organization needs to categorize the types of incidents which are occurring.

### **5.3.1 Types of offenses**

Distinguishing the type of offence is important in determining what the legal framework is that governs the response. Category 1 and 2 offences are covered by the Tokyo Convention 1963 and almost all countries in the world have agreed that the destination of the aircraft will have jurisdiction.

For Category 3 offences, jurisdictional issues are relevant in cases where aircraft land in countries other than in the country of its registration. It is important to remember that for domestic flights, and flights arriving in their country of registration, there is no question: the local law applies. Furthermore, IATA is continuing to work to increase the number of countries that will automatically accept jurisdiction in other cases. Regardless of country of registration, the USA, UK, Australia, Holland, Hong Kong, Switzerland and Thailand are amongst those that will assert jurisdiction in all cases. Other countries such as Canada, Japan, New Zealand and Singapore will also assert jurisdiction in cases of serious offences.

- 1) Offences classed as acts of terrorism e.g. bomb threats, hijacking etc. These are currently covered by existing industry policy and mechanisms are well in place to deal with these occurrences;
- 2) Offences that are subject to the Tokyo Convention and which could endanger the safety of the aeroplane e.g. cockpit entry, attempting to open doors, failure to follow directions of the commander or crew, smoking in lavatories, threatening with intent to cause bodily harm, abuse of alcohol, sitting on door bustles, unauthorized use of electronic devices etc.;
- 3) General offences which contravene the common law of the carrier's jurisdiction e.g. indecent assault (crew or passengers), threatening behavior, theft, public order offences, smoking in unauthorized zones (other than lavatory) etc.

In addition, the legal types of offenses of incidents should, if possible, have a clear relationship with the "levels" or "categories" of disruption, in order to enable the front-line staff to make a distinction. Furthermore, incidents could be added to the classification which have no bearing from a legal standpoint (e.g. not falling into the category of a general offence) but which form the majority of cases that require the involvement of front-line staff (e.g. passengers very upset, verbal abuse etc.).

### **5.3.2. The role of the Captain**

When an incident occurs on board an aircraft, the captain has the ultimate authority on the issue for the purposes of the Tokyo Convention. The captain will need to be mandated to ensure that the crew have filled out the required documentation. The captain will need to assist with the collection of data, he/she will need to ensure that witness statements are made upon arrival, he/she will need to help with prosecution and may need to assist internally with the aftermath of the incident.

### **5.3.3. Reporting of incidents and required documentation for prosecution**

An airline must ensure that incidents are reported and documented in an effective manner, to gain not only an understanding of the incidents themselves but also to ensure that, should prosecution be required, sufficient and appropriate information is available for legal and judicial purposes. When possible, civil and/or penal prosecutions should be pursued along with adequate media coverage of the convictions.

The reporting of these types of incidents needs to be distinguished from the "normal trip report". The appropriate place for publishing such documentation is the airline's operations manual where procedures are addressed as well as in the relevant cabin crew manuals. The company's policy on the issue of disruptive/unruly passengers should be communicated in all relevant airline documentation e.g. operations manuals, customer service manuals, training manuals etc.

Clear guidance is required on the use and completion of the reporting forms. All documentation must meet the specific requirements as defined from the security, crew and legal perspective. The reporting forms must be user-friendly, simple, with clearly defined information requirements. A reference number can be assigned to each document to assist the central coordination department. It is customary that various departments within an airline will require the incident report, therefore the routing within the airline will need to be identified on the report.

It is important to note that all documentation must link to the overall company policy on the issue of handling disruptive/unruly passengers.

When designing forms to report disruptive passenger incidents, the airline needs to consider the following which will ultimately benefit from the reported information:

- crew welfare issues
- security issues
- legal prosecution
- legal defense against civil litigation
- identification of training needs
- statistical value

There are many ways in which an airline may wish to record disruptive passenger incidents:

Two of which are:

- As the incident occurs

Often a situation may develop over several hours and will require blank space to write a detailed account. The information can be filled in by several crew members involved or who are witness to the incident over time.

- As a post incident report (upon completion of the flight)

Using this type of form is quicker but may be too limiting to cover both the legal requirements and gathering of statistical information.

#### **5.3.4 Create a relationship with national authorities**

- The carrier must play an active role to create an atmosphere of close cooperation and establish links with the police and justice departments so they will intervene when called upon;
- The carrier must take an active role to lobby the national government to ensure that any changes in national law or updating of national law is carried out.

In this respect, IATA can assist in the development of such relationships.

#### **6. Conclusion**

It is obvious that Turkish National Law is used to solve existing problems. It is as stated above, Flag Carriers' duty to inform, prepare, assist and carry an active role in establishment of a national Security Program and help/assist in revising Turkish Civil Aviation Law.

As Pegasus Airlines, we are ready to assist, carry out any responsibility that can be given and support CAD in any and every way.

#### **7 References**

ICAO Annex 17  
ICAO Annex 9  
ECAC Doc. 30  
IATA Guidelines for Handling Disruptive /Unruly Passengers  
PGT Security Program