

# Aeropolitics

## *Transportation Issues, Policies and R&D Series*

Aeropolitics, by Professor Dr, Ruwantissa Abeyratne, is a both a provocative and demanding book. In a way, it is three books in one. That is, there is the stated theme that defines 'aeropolitics' as the governance processes of air transport to be viewed from a global perspective, including consideration of the increasing impact of transnational interests and stakeholders on policy formulation and execution. Second, it is an extensive and intensive review of the functioning of the International Civil Aviation Organization (ICAO), for whom the author has served in executive capacities. Third, there is a large number of diverse issue discussions, some of which could be termed mini-case studies.

By Ruwantissa Abeyratne

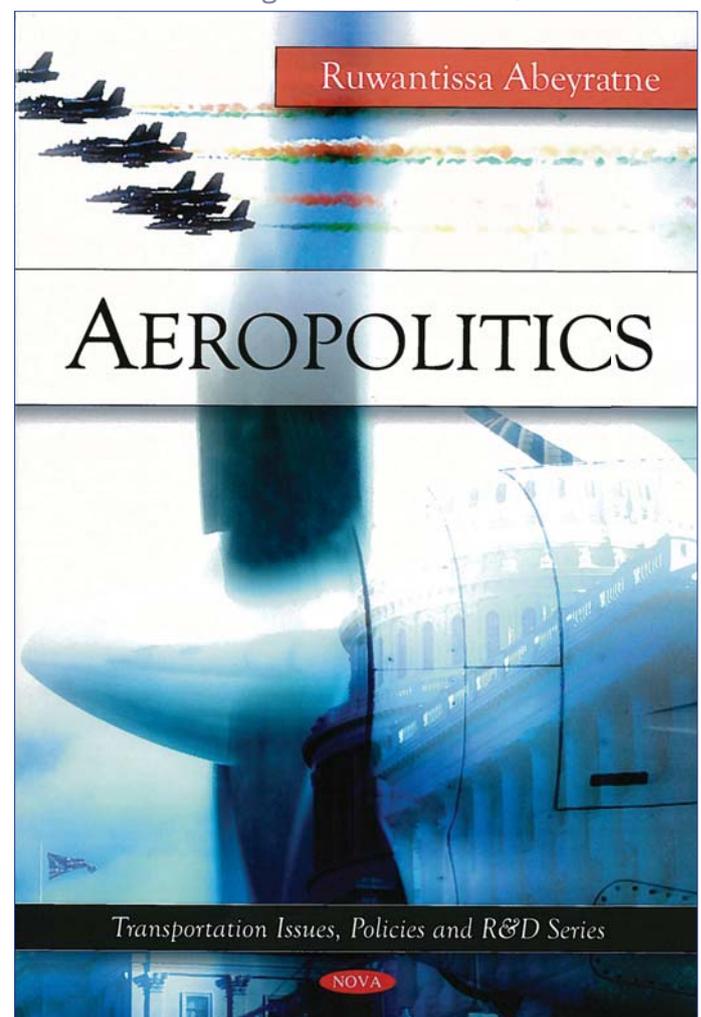
Book Review by: Erwin von den Steinen

The issues' discussions (more on which at the close of this review) can naturally be understood -- and are undoubtedly so seen by the author -- as providing illustration and documentation of the aeropolitical process. However, many of them become rather involved legal analyses and others present the author's thoughts on policy. In this sense, "aeropolitics" -- or the *processes by which policy is developed and decisions are taken* -- may come up a bit short.

Missing for example is a systematic discussion of the role of nation states and the pursuit of their interests in the international system. This is a shame, particularly since doing so might even have illuminated more clearly the evolving role of ICAO -- which I take to be the author's chief interest. Recent trends in advancing safety standards may provide a relevant illustration.

The book describes ICAO's relatively new (since the 1990s) universal safety audit program without any description or discussion of the political role of states in its development and application. The so-termed USOAP program and process responded -- at least significantly if not primarily -- to growing concerns starting in the 1980s among states that an impartial inspection process was needed. There was concern that the United States, for example, would apply unilateral standards to revoke foreign airline operating rights to the US, pursuant to the new Safety and Security Articles it was negotiating in all its bilateral agreements, which sought to impose strong technical operating standards at the same time that these agreements were liberalizing market access and deregulated economic regulation.

The US authorities, especially the technical experts and policymakers at the Federal Aviation Administration (FAA) for their part, wanted ICAO Standards and Recommended Practices (the SARPS) to be the benchmarks for quality control in the technical and operating areas. FAA



executives as well as experts were very concerned that the United States should establish and maintain technological leadership. For that very reason, they were equally concerned that any enforcement actions taken should possess respect and credibility. They also wanted to avoid being put under subjective political pressure at home; therefore, they advocated the use of the SARPS as an official US benchmark. This then raised the question: who is in charge of determining levels of compliance?

A consensus then began to emerge internationally: Who could better determine compliance with ICAO standards, than ICAO itself -- appropriately staffed and organized of course. However, rather than reducing

the exercise of responsibility at the state and inter-state level, the existence of the USOAP program seems rather to have increased it.

For example, in the past decade, the European Civil Aviation Conference (ECAC) and the European Union (EU) established and propagated an even more rigorous safety article than the original US model – one that expressly provides for ramp inspections of foreign operators to measure SARPS compliance.

The EU has also gone further to set up a Banned Airlines List – a procedure that the author rightly expresses reservations about – but not necessarily for the right reasons. What is missing from the EU banning process is a formal consultations commitment aimed to give airlines and countries reasonable opportunity to correct deficiencies. This is a process prescribed by almost all the state-to-state agreements under their revocation of designation articles, which the book also fails to mention much less examine.

The broader significance of the USOAP process, from the aeropolitical perspective, is that it has done two important things: 1) For ICAO, it has meant adding a valuable new role – that of *evaluation* of safety performance and compliance with standards as well as their definition; and 2) For Member States, a clearer and more objective basis for *enforcement*.

Turning to the author's treatment of ICAO – which as indicated above is a leitmotif of the book – the reader obtains a great deal of information and insight, but may also be left with some puzzlement and even discomfort. On the one hand, the author recognizes and cogently documents the importance of the Chicago Convention as establishing both high level policy recognition of the social and political as well as economic importance of the air transport system, and for simultaneously establishing in ICAO practical and consensus-building mechanisms for the development and adaptation of modern quality control standards. On the other hand, he seems dissatisfied with the organization's past work. He writes of a 'bureaucratic machine that spewed regulation' and calls for 'a paradigm shift' to create a new leadership role in which the staff, among other things, understand the need 'to work together in the overarching interest of the Organization.'

Rhetoric about serving the 'overarching interests of an organization' frankly makes me uneasy. Work areas such as safety, security and environmental protection, which the author rightly stresses as key issue areas for the future, should mean an outward focus on tasks and service. As set forth at numerous places in the book, there is plenty of work to do.

In citing dozens of examples of regulatory questions and issue areas where the global air transport community needs to exchange information and develop harmonized approaches, *Aeropolitics* can also provide a useful reference for students and scholars. Here, however, one must mention a defect of the book – namely the absence of a useful index. The index omits many references to specific issues or particular aspects of them, but is rather largely composed of random nouns that lack associative meaning. I cite a small excerpt from the B entries that reads: "birds, birth, blacks, blood, blurring, Board of Governors [with no organizational reference]...." Clearly the index was generated by an inferior scanning program and never critically proofread.

Such small things along with far too many typographical errors are irritating, especially when the scope, ambition and enormous substantive range of this provocative book deserve far better presentation.

#### About the author

One of today's most prolific writers in the field of aviation law and policy, does not follow conventional perspectives of political analysis which in the international field, which might be to focus on trends in the role of nation states. He rather concentrates from the beginning and almost exclusively on aviation's global importance, indeed on its global character.

#### About the reviewer

Air transport policy analyst and former diplomat and air transport negotiator. Author of numerous articles, studies and the book *National Interest and International Aviation*.

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