

Flights Into and Over Conflict Zones

NOTE

This paper supersedes 15POS08, of the same name.

BACKGROUND

Due to the dynamic political situation across the world, conflict zones persist and change, sometimes suddenly and/or unpredictably, exposing civil aviation to the risk of collateral damage or targeted attack. According to ICAO regulations, it is the responsibility of Member States to close any airspace over their territory in which the safety and security of air traffic cannot be guaranteed. Unfortunately, Member States do not adhere to this obligation in many cases.

In addition, some member states have legal authority to impose limitations on the operation of operators falling under their jurisdiction and many states give advisory information to their operators about operations in and over conflict zones.

Recent incidents (the downing of flight MH17 over Ukraine in 2014 and flight PS752 departing Tehran/Iran in 2020) made clear that many risk assessment methods currently applied by States and airlines tend to underestimate the risks when a new conflict is developing, or when an existing conflict is intensifying.

The final responsibility for the actual routing always lies with the Commander, who is responsible for the safety and security of passengers, crew, and aircraft, based on the flight crews' assessment of information provided by the State and the airline. Currently the extensiveness of this information is often limited, especially regarding conflict zones that are not overflown, but are very close to the planned route.

ANALYSIS

As many States do not close their airspace when conflicts arise, the Federation firmly believes the responsibility for the safety of civil aircraft when considering overflying conflict zones should additionally lie with the State of the operator. It should be ensured that proper risk assessments are being made, considering that sufficient information must be available to decide on continuation of the operation and possible mitigation measures.

There should not be any room for commercial and political considerations in this process as the safety of passengers, crew, and aircraft may never be jeopardised.

IFALPA believes that in situations where a new conflict is developing, or when an existing conflict is intensifying, the precautionary principle should be applied: the perceived likelihood is to be disregarded and instead the impact of the threat should be the leading consideration in the decision to continue or stop operating.

Relevant and timely information about the threat and the risk assessment should be available to enable Commanders to exercise their legal responsibility. Caution should take precedence: whenever there is doubt about the level of risk, the conflict zone should be avoided.

POSITION

- The State of the Operator should ensure that any flight over and into conflict zones is only conducted after a thorough risk assessment has been performed and appropriate mitigation measures have been implemented, taking into account operational circumstances and contingency procedures.
- In case of emerging or intensifying conflicts, the precautionary principle should be applied.
- Commanders should be given sufficient information about the threat and the risk assessment performed to exercise their legal responsibility for the safety and security of their flight. This should include a dedicated briefing when flying over or near conflict zones.