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(English text at the bottom)

CONFLICT ZONE – IFALPA POSITION PAPER

Gentili Colleghi,

Gli eventi recenti hanno dimostrato ancora una volta come lo status “conflict zone” in tutto il mondo possa cambiare improvvisamente, esponendo l’aviazione civile al rischio di danni collaterali o attacchi mirati. I voli all’interno e/o sopra queste zone dovrebbero essere soggetti a una approfondita valutazione delle minacce e dei rischi, con informazioni pertinenti e tempestive fornite all’equipaggio di volo.

A tal proposito IFALPA ha ritenuto di pubblicare un nuovo Position Paper, che sostituisce il precedente, ribadendo tre concetti fondamentali:

- Secondo la regolamentazione ICAO è responsabilità degli Stati membri chiudere qualsiasi spazio aereo sul proprio territorio in cui la *safety* e la *security* del traffico aereo non possono essere garantite.
- Dato che molti Stati in caso di conflitto non chiudono il proprio spazio aereo, la Federazione crede fermamente che la responsabilità per la sicurezza degli aerei civili, quando si considera il sorvolo delle zone di conflitto, dovrebbe spettare anche allo stato in cui l’operatore è registrato.
- I comandanti dovrebbero ricevere informazioni pertinenti e tempestive sulle minacce e sul risk assessment effettuato, per esercitare la loro responsabilità legale per la sicurezza e la protezione del volo. Ciò dovrebbe includere un briefing dedicato quando si sorvola o si avvicina a zone di conflitto. Ogni volta che ci sono dubbi sul livello di sicurezza, la zona di conflitto dovrebbe essere evitata.

Di seguito il Position Paper IFALPA.
Buona lettura

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Dear Colleagues,

Recent events have shown once again that the status of conflict zones around the world can change suddenly, exposing civil aviation to the risk of collateral damage or targeted attack. Flights into and over these zones should be subject to a thorough threat and risk assessment, with relevant and timely information provided to the flight crew.

In this regard, IFALPA has decided to publish a new Position Paper, which superseded the previous one, reiterating three fundamental concepts:

- 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.
- 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.
- Commanders should be given relevant and timely 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. Whenever there is doubt about the level of risk, the conflict zone should be avoided.

Here below the IFALPA Position Paper.

Enjoy the reading

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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.

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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.