

Flights into and over conflict zones

Background

For many years, IFALPA and other International Organizations have been calling for States to consider the prevention of attacks against international civil aviation as a high priority, through a multi-layered approach with an emphasis based on both ground and airspace security.

IFALPA has always upheld the principle of international co-operation to prevent and combat these attacks. The Federation has endorsed the formulation, ratification and implementation of Conventions, Protocols, Resolutions, Standards and Statements intended to achieve this aim, and has been urging States to ratify and fulfil their obligations as signatories to these international instruments, and ensure the safety and security of commercial flights in their national airspace.

Yet, recent events have once again shown that international civil aviation continues to be targeted by weapons of increasing range and sophistication. Commercial flights over and into conflict zones, although clearly identified and peacefully engaged in global commerce through an airspace that is officially deemed to be safe and not subject to restrictions, run the risk of ending tragically. This cannot be tolerated, and urgent action is needed at international level.

The nature of the problem

IFALPA is opposed in principle to flights over and into conflict zones due to the unavoidable reduction in safety and security and the risk of collateral damage. The Federation also notes that there are always armed conflicts underway in a significant number of locations worldwide, without the area being declared as conflict zone or war zone. Avoiding every airspace concerned is not always feasible, nor is it a long-term and satisfactory solution. It is a fact that, each and every day flights operate into, from, over and around zones where conflicts are or may arise.

Therefore it is essential that all relevant safety and security information is gathered and shared, that a thorough threat and risk assessment is made, stipulating the relevant mitigation measures., and that such information be made available to the pilot-in-command at the flight planning stage.

Threat and Risk Assessment

The aviation system remains highly safe and secure. There is no need for a complete overhaul, however recent events have raised many questions on gaps in the overall management of airspace, and on the ability of the international aviation industry to adequately assess, in a coordinated manner, the safest routes to fly and the threat and risk of flying over and into conflict zones. Whilst the MANPADS risk had been well identified in some locations, with IFALPA producing a Briefing Leaflet on the subject, powerful and long-range anti-aircraft systems

has seen little to no discussions amongst the industry's expert groups, possibly due to the lack of information available or shared on the individuals or extremist groups likely to possess and use them. As a result, operators have been conducting their own threat and risk assessment process based on their own information. This has led to some significant differences in the choices made by operators with regards to their routes and destinations.

The continuing threat of terrorism is most effectively managed by identifying, understanding and addressing the potential risks to civil aviation, including possible collateral damage. Assessment of (inter)national and/or local risks, in conjunction with other risk factors, provides important and useful information as to potential terrorist methods and types of attack.

It is therefore necessary to assemble information about the threat, particularly possible targets and possible modus operandi. Such information may come from a variety of sources, including the following:

- actual incidents, including successful or unsuccessful attacks on aviation, which provide information on terrorist objectives and methodologies;
- closed sources, primarily counter-terrorism information and assessments, which may be gathered or made by intelligence, law enforcement, and other agencies of States; and
- open sources, which may include publicly available information on unusual or suspicious occurrences, and the availability of items that could be used for terrorist purposes, and any other information that may contribute to the threat picture.

This information has to be exchanged in a timely manner, both formally and informally, between States. States should develop procedures, including for urgent communications, for the analysis and dissemination of threat information, and to ensure that appropriate actions are taken by aircraft and airport operators to counter the identified threat.

Intelligence sharing with other States is a highly complex and politically sensitive area of international coordination. It is essential that safety and security-critical information be made available through fail-safe channels to all the relevant aviation stakeholders in an authoritative, accurate, consistent, reliable and unequivocal way. Even sensitive information can be sanitized and still remain operationally relevant.

A single occurrence suffered by a single operator can have industry-wide consequences, and it is in the interest of all that information on conflict zones be shared to the maximum possible extent, not taking into account any commercial consideration. IFALPA believes that this is the only way that a thorough threat and risk assessment can be carried out. The same level and quality of data, information and guidance should be given to all the States and operators, in order to guarantee a consistent and assumption-free approach to the decision-making process.

Ideally, the threat and risk assessment process should work as follows:

- Gathering by States of intelligence/information about all routes, destinations, and any related alternate used by their operators, taking into account possible in-flight emergencies and non-normal operations
- Sharing of such information with other States as appropriate
- Threat assessment based on this information
- Determination by States and aviation stakeholders of the risks to the aviation community and advice on mitigation measures
- Transmission by States to their operators of the relevant threat and risk assessment so that these operators can evaluate the situation
- Implementation by operators of any additional mitigation measures if deemed necessary
- Identification of performance measurement criteria for these risk assessments to evaluate their effectiveness

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Notes:

- *The sharing of threat and security information by States is already addressed in the following ICAO Annex 17 Standards:*

2.4.3 Each Contracting State shall establish and implement procedures to share with other Contracting States threat information that applies to the aviation security interests of those States, to the extent practicable.

2.4.4 Each Contracting State shall establish and implement suitable protection and handling procedures for security information shared by other Contracting States, or security information that affects the security interests of other Contracting States, in order to ensure that inappropriate use or disclosure of such information is avoided.

- *Procedures and recommended practices on information sharing, threat analyses and risk assessment methodology can be found in ICAO Aviation Security Global Risk Context Statement and in ICAO Doc 8973 (Security Manual).*
- *Consideration should be given to a worldwide, real-time warning system available to operators that identifies any mitigation measures taken by States regarding a specific area.*

States affected by armed conflicts

It should first be noted that States are required by international Conventions to address any potential risks to civil aviation in their airspace. The responsibility for instituting special measures to assure the safety and security of international civil aircraft operations remains with the State responsible for providing air traffic services in the airspace. Also in case of an armed conflict, that State should identify the geographical area of the conflict, assess the hazards or potential hazards to civil aircraft operations, and determine whether such operations in or through the area of conflict should be avoided or may be continued under specified conditions.

Operators should not have to rely solely on the self-assessment of conflict-affected States in order to decide on whether flying over or into these conflict zones is safe. There will always be circumstances where the potential threat and risks to the safety of civil aviation operations might not be effectively communicated by States, whether over sovereign territory or over the high seas. The operator's decision should therefore be the end result of an international approach to threat and risk based on the principles described above.

Conduct of the flight

The threat and risk assessment carried out by the States, including the underlying safety and security information, should be available to all operators in the most proper, expeditious and trustworthy way, in order to enable a thorough evaluation of the situation prior to the conduct of a flight over and into a conflict zone. That evaluation should not, of course, be influenced by any commercial interest, fuel/cost-saving issues or political pressure.

In any case, the pilot-in-command carries the ultimate responsibility for the safety of the aircraft, its crew, passengers and specific goods (baggage, cargo and mail) (ICAO Annex 6, Part II, Chapter 3.2). If in doubt as to the acceptable level of risk, caution should take precedence. In other words, IFALPA's recommendation to flight crews is: "If you are not satisfied with the safety and security information provided, don't overfly and don't operate into a conflict zone or potentially hostile area".

There will be many factors for the pilot-in-command to consider. Avoiding restricted or prohibited areas set up by the relevant States might not be sufficient to guarantee a safe flight, as such areas would normally be set up so as not to interfere unnecessarily with air navigation, whereas the actual situation can evolve very quickly and extend the threat well beyond these areas. It is therefore essential that Notices to Airmen (NOTAM) and other communications containing the necessary information and advice be updated and passed to the pilot-in-command in real time.

Moreover, several crews might take the same decision to circumnavigate conflict zones via the same route at the same time, which might in turn create congestion issues in neighbouring airspace.

As previously mentioned, the pilot-in-command should always be satisfied that the flight over, into or around a conflict zone can be carried out safely. Beyond the threat and risk assessment, basic items to consider will include:

- the review of interception and comm-loss procedures in the pre-flight briefing;
- full serviceability of all communication equipment;
- any additional fuel required for in-flight diversion out of the conflict area, and if applicable for take-off and departure from the conflict zone without refuelling;
- any deferred item in accordance with the Minimum Equipment List;
- and the consideration of emergency and non-normal procedures, such as depressurization and engine failure.

When over or around conflict zones, IFALPA recommends that flight crews maintain constant communication with the operator at all times, ensure that weather radar, transponder and radio altimeters are on at all times (as they give an “electronic fingerprint” which can be read by the military), consider switching on exterior lights day and night and leaving blinds open. Frequency 121.5 Mhz should be monitored at all times. If encountering or intercepted by military aircraft, instructions from these aircraft should be complied with to the maximum possible extent, whilst informing civil ATC and the operator of such instructions. If landing in a conflict zone, a full report on the latest situation should be obtained from the operator before the top of descent.

IFALPA will also continue to promote feedback on such operations from the pilot community to the operators and then on to States and specialist agencies, in order to ensure a continuous flow of information in both directions, thereby contributing to the global information sharing network.

Conclusion

- Flights over and into conflict zones can cause an unavoidable reduction in safety and security and the risk of collateral damage.
- IFALPA urges States and aviation organizations to join together both at national level and internationally under the leadership of ICAO, and take collective action towards the threat and risk assessment of every flight, with the goal of improving that safety and security even more.
- Notices to Airmen (NOTAM) and other communications containing the necessary information and advice should be updated and passed to the pilot-in-command in real time.
- Any attacks against the peaceful operation of commercial aircraft should not be tolerated.