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COMMITTEE B

- Agenda Item 7: Operational safety risks**
7.3: Other implementation issues

CONFLICT ZONES

(Presented by Austria on behalf of the European Union and its Member States¹, other Member States of the European Civil Aviation Conference² and by EUROCONTROL and supported by Australia and Malaysia)

REVISION NO. 1

EXECUTIVE SUMMARY

In its ambition to remain as the world's safest mode of mass transportation, the international civil aviation (ICAO) faces many challenges. One of the challenges is the protection of civil aviation from the risks arising from conflict zones. This paper acknowledges and support the ICAO work programme on conflict zones and proposes the Thirteenth Air Navigation Conference (AN-Conf/13) to support and further prioritize the activities of ICAO on the issue of conflict zones, and to include specific items in the Global Aviation Safety Plan (GASP), Global Air Navigation Plan (GANP) and Global Aviation Security Plan (GASeP).

Action: The Conference is invited to agree to the recommendations in paragraph 3.

1. INTRODUCTION

1.1. The 2015 High-level Safety Conference (HLSC) and 39th session of the Assembly (2016) recognized the necessity to provide accurate and timely information to States and airlines regarding risks to civil aviation arising from conflict zones.

1.2. The actions taken by ICAO in relation to conflict zones overall are supported. Further, actions on the subject has since been introduced as a result of the accident investigation on the downing of Malaysia Airlines flight MH17 on 17 July 2014. The final report of the investigation was published on

¹ Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxemburg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and United Kingdom.

² Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Iceland, Moldova, Monaco, Montenegro, Norway, San Marino, Serbia, Switzerland, The former Yugoslav Republic of Macedonia, Turkey and Ukraine.

13 October 2015 with safety recommendations, with a view to prevent similar tragedy from recurring over or nearby conflict zones in the future.

1.3. The activities indicated in this working paper relate to risk management, collection of information, responsibilities for publication of and adequate dissemination of information to avoid flying above or nearby conflict zones which represent risks to civil aviation, and to organize air traffic flow management to avoid such conflict zones.

2. DISCUSSION

2.1 Flying over or nearby conflict zones is related to both security and safety management and requires an integrated risk management process, as proposed by ICAO in the second edition of the *Risk Assessment Manual for Civil Aircraft Operations Over or Near Conflict Zones* (Doc 10084) as an activity for further development. Several steps have to be taken, as part of the continuous risk assessment cycle including: the collection of information and intelligence; the subsequent threat analysis; the security risk assessment; the hazard identification; the safety risk assessment; the determination of the acceptable risk level and lastly information sharing. Each mitigating action should be accompanied with the identification of (new) hazards as a result of unintended consequences of the risk assessment mitigating actions. ICAO has acknowledged these steps in the second edition of Doc 10084. ICAO is invited to develop this concept together with States, regional organisations and stakeholders of industry.

2.2 ICAO has also reviewed several Annexes and is working on amendments. This work requires an update of ICAO provisions, to optimize the chain of provisions in Annex 6 — *Operation of Aircraft*, Annex 11 — *Air Traffic Services*, Annex 15 — *Aeronautical Information Services*, Annex 17 — *Security — Safeguarding International Civil Aviation against Acts of Unlawful Interference* and Annex 19 — *Safety Management*.

2.3 ICAO has already formulated obligations for its Member States to disseminate information and to close their airspace or parts thereof in case of conflicts. Under the *Convention on International Civil Aviation*, (Doc 7300), States are the sovereign authority over their airspace. By ratifying the Convention, States have the right to prohibit uniformly the aircraft of other States from flying over certain areas of their territories as deemed necessary for reasons of military necessity or public safety.

2.4 ICAO had introduced as a pilot a repository on information about conflict zones. The ICAO Council decided not to continue with this repository and to explore alternative options. The library with links from States about conflict zones was introduced instead. The ICAO Council decided in light of recent positive developments, to discontinue the ICAO web-library of risk-based information, and to devote increasing efforts to providing training and capacity-building initiatives in order to assist States to further develop their risk management capabilities as well as multilateral arrangements for the sharing of risk information.

2.5 In situations of conflicts not all States are in a position to adequately inform others. Additional actions to collect and disseminate information are often needed for States to protect their citizens and airlines. Aviation is a global business and people can fly with any airline. In addition, States should inform other States directly when they have relevant information about threats within foreign airspace. An initiative supporting such information sharing has been launched in Europe to facilitate the collection and sharing of information at regional level. Other States and regions are invited to act in a similar manner and to make this information available for other regions, in order to achieve the availability of information at global level.

2.6 In Europe the EUROCONTROL Network Manager (NM) has been providing information on conflict zones in Europe and its vicinity in the crisis management portlet of the NM Network Operations Portal (NM NOP Portal). To ensure its use by aviation professionals, only the registered users of the NM NOP Portal may access it, which is strongly supported by aircraft operators.

The NM ‘Closures and Warnings’³ portlet contains information on latest ICAO State letters, NOTAMs, and European Aviation Safety Agency (EASA) Safety Information Bulletins (SIB)/Conflict Zone Information Bulletins (CZIB). Since 2014 the NM has also been supporting EASA with the NM operational expertise and data in preparation and publication of the EASA SIBs/CZIBs on conflict zones. The European Commission facilitates a European Union (EU) risk assessment process aiming at joining up intelligence sources available in the Member States of the European Union and the European External Action Service as well as the views on the conflict zone risk assessment capabilities. Abstracts are used in the EASA’s Conflict Zone Alerting System with its CZIBs, in order to reduce risk by raising awareness of all known conflict zones in one publicly accessible website, to enable the publication in a timely manner of information and recommendations on conflict zone risks, for the benefit of all European Member States, operators and passengers. It complements national infrastructure mechanisms when they exist, by adding, when needed, a European level common risk picture and corresponding recommendations. Europe is willing to share with other regions its experience in risk assessments and information sharing.

2.7 Risk assessment is key for airlines when developing their flight plans. The International Air Transport Association (IATA) and ICAO are encouraged to continue cooperating, notably on the issue of including the work on risk assessment for conflict zones in the IATA Operational Safety Audit (IOSA) approach. IATA can play an important role to coordinate the formulation of the needs of airlines for adequate information and discuss with States, regional organisations and ICAO if and how clarification of ICAO provisions can be instrumental for that.

2.8 Collection of information and intelligence should be based on different sources, which make dealing with conflict zones different from preparation of flights taking into account other threats and hazards. It should bring together information from parties not always directly involved in civil aviation and in planning of flights, like intelligence and military services. Civil-military exchange of information should be further enhanced (AN-Conf/13-WP/39 on civil-military cooperation refers). However airlines, where possible with support of air navigation service providers (ANSPs), should be responsible to collect information and assess risk. Cooperation between airlines and between ANSPs facilitated by their organisations if possible, will help as well.

2.9 In order to alert the airspace users on the existence of information (within a huge amount of daily produced NOTAMs and other sources of information) and to make the content of this information suitable to the needs of airlines and other airspace users, it is necessary to explore possibilities to develop a specific conflict-zone related NOTAM format with structured and formalized content.

2.10 As risk-based information about conflict zones is not always developed for aviation purposes, or is often available from non-public sources, it is recommended in a first instance to promote the cooperation between government organisations to share this information. In parallel it will be also beneficial to promote a structured cooperation between government organisations and airspace users for sharing abstracts of that information in the public domain in order to support airspace users when making their risk assessment. Cooperation at regional scale is preferred. Interregional cooperation should also be promoted including development of traffic flow crisis scenarios between regions, supported by the availability of tools and data to facilitate the development of such scenarios.

2.11 In the future, special attention should be paid within system-wide information management (SWIM) systems and procedures and ICAO provisions, to include the sharing of information relevant to avoid flying over or nearby conflict zones (AN-Conf/13-WP/38 on flight and flow information for a collaborative environment (FF-ICE) and trajectory-based operations (TBO) refers).

2.12 An important item is to organise air traffic flow management at regional scale, to assist airlines in planning flights outside and around conflict zones. Assisting in the avoidance of conflict zones

³ It was considered that the name ‘Closures and Warnings’ was more neutral, i.e. removed sensitivity related to the term ‘conflict zones’.

by using alternative airspace is a task of ANSPs and air traffic flow management (ATFM) units. More work should be done on making information available and encouraging the establishment of operational arrangements at regional level for flying safely by avoiding conflict zones. Regional platforms for cooperation should be established and facilitated by ICAO provisions. ICAO is invited to encourage and to facilitate this by bringing States, regional organisations and industry together at the right geographical level to address problems for ATFM caused by conflict zones.

2.13 We are four years after the tragedy with flight MH17. Experiences in aviation how to cope with conflict zones are growing, but many airlines and States lack the knowledge and have not developed steps as indicated in paragraph 2.1. Therefore it is recommended to describe existing provisions and practices and to share these. The results should lead to a review and upgrade of relevant ICAO guidance material.

2.14 In the coming years, the way States, regional organisations and the aviation industry are dealing with conflict zones should evolve with an ongoing focus on seeking to reduce related risks. ICAO should take this into account when performing safety and security oversight and continuous monitoring approach (CMA) activities and facilitating the sharing of best practices.

2.15 The activities related to flying over or nearby conflict zones should get a placeholder in the update of the Global Aviation Safety Plan (GASP) and the Global Aviation Security Plan (GASeP), so that progress and new developments are part of future reviews and part of the ICAO work programme to implement these strategic documents.

3. CONCLUSION

3.1 The Conference is invited to agree on the following recommendations:

That the Conference:

- a) request ICAO to finalize the existing work programme as soon as possible and to regularly update the *Risk Assessment Manual for Civil Aircraft Operations Over or Near Conflict Zones* (Doc 10084) and further develop the concept of integrated risk management with States, regional organizations and stakeholders from industry, dedicated to flying over or nearby conflict zones;
- b) request ICAO to support and facilitate work of States, regional organisations and operators on providing timely information relating to conflict zones and to support inclusion of these options in Flight and flow information for a collaborative environment (FF-ICE) and system wide information management (SWIM);
- c) invite ICAO to promote information sharing about conflict zones at regional level including sharing of experiences across the regional boundaries;
- d) request ICAO to support the development of a network management concept, and in particular air traffic flow management (ATFM) at regional level to facilitate flying safely by avoidance of conflict zones and to support regional arrangements for cooperation on ATFM; and
- e) request ICAO to include the work on avoidance of flying over or nearby conflict zones in the update of the Global Aviation Safety Plan (GASP), Global Air Navigation Plan (GANP) and Global Aviation Security Plan (GASeP).

— END —