

Conflicting information

Adrian Young, Vice Chair of ERA's Operations Group and Senior Aviation Consultant at To70 Aviation, which specialises in both airspace design and use and aviation safety investigation, looks at the MH17 accident and the ongoing challenges of conflict zones

On 17 June 2014, a Malaysian Airlines Boeing 777 was shot down above eastern Ukraine whilst on a flight from Amsterdam's Schiphol Airport to Kuala Lumpur International Airport, killing all 298 people on board. Despite the rare nature of the event, this accident has raised significant questions about the issue of flights into, out of and over conflict zones.

The accident led to an investigation by the Dutch Safety Board. Its report¹ concluded that the aircraft had been shot down by a ground-to-air weapon whilst it was in cruise flight in unrestricted airspace above an area of airspace that had been closed.

Preventing similar events

There are three areas of activity that are key to the prevention of a similar event. Firstly, states need to recognise when there is a conflict in their country and that it may affect flights overflying the territory. This is the most difficult area of activity as the existence of a risk is not only a technical matter, but also a highly political one. Admitting that there is an armed conflict that could result in aircraft being shot down is not always easy to do.

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Secondly, the effective collation and distribution of information relating to areas of conflict is essential – a step that ICAO and some aviation authorities are working on. The collation of high-quality intelligence and its timely dissemination can be complicated. From the simple issue of integrating such messages into flight planning systems to determining when there is enough evidence to warrant a warning, work is ongoing.

Lastly, operators need to better include operations over conflict

zones in the risk assessments that they already perform as part of their safety management systems.

The first two areas of activity require ICAO and national (regional in the case of EASA) regulations to be adopted. ICAO is actively working on this and a senior investigator from the Dutch Safety Board has been seconded to ICAO to assist. However, updating the Annexes and ICAO Document 9554 'Manual Concerning Safety Measures Relating to Military Activities Potentially Hazardous to Civil Aircraft Operations' will not result in concrete preventative measures being taken. Annexes need translation into national legislation and then implementing. Document 9554 was first published in 1990 and its existence had no impact on the outcome of the MH17 accident.

In addition, international and European guidance is already out of sync. Greater government-to-government harmonisation is needed.

More work needed

ERA participated in a hearing held in February 2017 at the European Parliament to address the key issue "The lack of [an] EU system on sharing information on risks arising from conflict zones has heavily affected the level of safety of civil aviation and EU passengers".

From the hearing, it was clear that the need to work on the issue of conflict zones is seen as a priority by all parties. However, significant differences exist between the industry and authorities, and between the agencies themselves regarding two primary matters:

1. the amount of information that needs to be gathered and analysed before a warning is issued; and
2. whether or not such an advice is binding on operators.

The two issues are related to each other in that the more prescriptive a measure is, the better the data sources need to be. This has an impact on the amount of material required to justify any prohibition. In turn, this inevitably means that the speed of production of a binding measure will be slower.

A specific issue for ERA members is that most of the information made available today has either restricted access to a whole region or to airspace below 25,000 feet or thereabouts. This excludes operations in such areas by turboprops, but it is not clear whether the level of 25,000 feet has been chosen arbitrarily.

¹ See www.safetyboard.nl

² Long-standing ERA member Denim Air was a Dutch-based charter organisation. The airline specialised in regional airline operations in difficult parts of the world, including domestic flights in Afghanistan (for ISAF) and South Sudan (UN WFP).

Sharing information

EASA needs to educate national aviation authorities (and their respective governments) to share timely and accurate information. A possible solution would be to create a Conflict Zone Alert System (CZAS) where all stakeholders, including EASA, national aviation authorities and airlines, could share and publish up-to-date conflict zone information.

Decisions on where to fly and where not to fly should remain the responsibility of the operator. EASA needs to find a balance between maintaining a level playing field and allowing some flexibility in the approach that an operator takes. By way of example, Denim Air² operated safely on domestic routes in Afghanistan by making use of security information that ISAF did not share publicly. If an operator has legitimate access to good information, an authority should allow it to be used in a risk assessment, even if the details of that information are not known to the authority.

In addition, EASA needs to encourage member states to share

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more information; this is something that can be problematic with certain EU states that are reluctant to divulge what they may deem as sensitive information. Experience reported from both the SITA aeronautical and navigation data departments shows that some states published ‘selected’ data, but shared additional information only with operators registered in that state. Encouraging states to share information at an ICAO level is essential to combat the varying quality and quantity of official data that can be found both inside and outside the EU. ■

