

Letter of 27 August 2015 to the President of the House of Representatives from the Minister of Security and Justice, the Minister of Defence, the Minister of the Interior and Kingdom Relations, the Minister of Foreign Affairs and the State Secretary for Infrastructure and the Environment, responding to questions submitted by MP Wassila Hachchi (D66) on 15 July 2015 (ref. 2015Z14133) to the State Secretary for Infrastructure and the Environment concerning a news report on the continued practice of overflying conflict zones a year after the MH17 air disaster.¹

1

Are you familiar with the NOS news report on the continued practice of overflying conflict zones a year after the MH17 air disaster?

Answer:

Yes.

2

Can you confirm that KLM and Air France are overflying conflict zones, including Mali, South Sudan and Sinai?

3

Were you or other members of the government aware of the fact that, despite earlier reports suggesting otherwise, KLM continues to overfly these conflict zones?

Answer to questions 2 and 3:

Every airline is responsible for the safe operation of its flights (see also the answer to question 4). KLM has indicated that at present it is not flying through the airspace over Iraq, Syria, North Korea, Libya or Yemen. Nor does it fly over the Gaza Strip, eastern Ukraine or the conflict zone in Mali. In contrast, KLM is using the flight corridor over eastern Mali and adheres to a minimum altitude over South Sudan and Sinai. Other airlines make similar use of the airspace over the above-mentioned conflict zones.

KLM has further indicated that it continuously monitors whether it is possible to overfly conflict zones. It has strict procedures with regard to overflying such areas, and the decision

¹ NOS.nl, 13 July 2015 (<http://nos.nl/artikel/2046817-eeen-jaar-na-mh17-nog-steeds-vliegen-boven-conflictgebieden.html>).

whether or not to do so is continuously assessed and reassessed. To this end, KLM closely monitors all available information at national and international level.

In practice, this means that KLM may overfly a particular region at the beginning of the year but then change its policy at a later time. This explains why the NOS news network may possess information which, though accurate at the time of reporting, may conflict with the facts on this issue at another time.

4

If so, has the government taken steps to prevent KLM from overflying these conflict zones? If not, why not?

Answer:

Dutch airlines do not actively inform the government as to whether they are avoiding the airspace of certain countries. This is consistent with the division of responsibilities between the airlines and the authorities. As previously explained, for example in the factsheet on the division of responsibilities regarding the use of airspace,² airlines are responsible for the safe operation of their flights. For this purpose, they conduct their own risk assessments based on official announcements by countries about their own airspace (NOTAMs) and information from other sources. On the basis of these continuous assessments, airlines will immediately adjust their routes if necessary.

Contacts between the government and Dutch airlines accordingly do not focus on preventing airlines from overflying certain regions but on sharing relevant information that airlines can take into consideration in their own risk assessments.

5

How would you assess the provision of information on this issue to KLM passengers?

Answer:

As previously noted, for example in a letter to the House of 2 September 2014,³ the government considers it important that passengers be kept properly informed. It is subsequently up to the airlines – in this case KLM – to choose the manner in which they do this. Passengers are entitled to an appropriate response to questions they may have. There

² Sent to the House as an annexe to Parliamentary Papers 31 939, no. 255.

³ Parliamentary Papers 33 997, no. 15.

are no indications that KLM passengers are dissatisfied with the information provided by KLM.

In addition, KLM has noted that it provides information on its flight routes to its passengers through an interactive map on its website (www.klm.com), which tracks the location of every aircraft with a 10-minute delay. In areas where up-to-date location data is unavailable, the map displays the projected flight route between destinations rather than the exact route and position of the aircraft. KLM also responds to questions about flight routes from passengers and the public via other channels, including social media.

It goes without saying that airlines should continuously seek to improve the way in which they communicate with passengers. To this end, it is important that they learn from each other by sharing experiences and developing best practices. The International Civil Aviation Organization (ICAO) has asked the International Air Transport Association (IATA) – the trade association for the global airline industry – to take the initiative in this regard.

6

Does the government know what weapons are present in the above-mentioned conflict zones? If not, why not? If so, can you list these weapons and indicate whether they could pose a risk to flights at the supposedly safe flight altitude of 10km?

Answer:

Information on weapons systems in the above-mentioned conflict zones is available from public and intelligence sources. However, the government cannot supply a list of weapons systems, as such a list would only constitute a snapshot of a given time, and there is no guarantee it would be exhaustive. The extent to which certain weapons systems might pose a risk to flights at the supposedly safe altitude of 10km depends not only on their presence in an area but also on the intentions and activities of the actors that have access to them.

Airlines are engaged in a continuous process of risk analysis, based on the most up-to-date information available, to determine whether or not they can overfly a particular conflict zone.

7

Based on the information at your disposal, including information from our own intelligence and security services and/or those of friendly countries, can you confirm that these conflict zones give rise to safety risks, for example in the form of missiles launched from Sinai?

8

If not, can you share the government's risk assessment regarding these conflict zones? In addition, can you indicate how exactly the government is able to rule out a given safety risk, including at the supposedly safe altitude of 10km? If not, why not?

9

If so, can you indicate whether there are additional conflict zones that pose a potential safety risk, including at the supposedly safe altitude of 10km? If not, why not?

10

Does the government actively share with KLM the information and risk analyses it has at its disposal regarding conflict zones such as Mali, South Sudan and Sinai? If not, why not?

Answer to questions 7-10:

The Dutch government does not conduct risk analyses concerning the safety of civil aviation in foreign airspace; every airline is responsible for the safe operation of its flights.

The Dutch intelligence and security services do not investigate global threats to civil aviation and Dutch airlines. However, when they receive information on specific threats to civil aviation – including threats emanating from the three aforementioned conflict zones – they share it with the airlines through or in consultation with the National Coordinator for Security and Counterterrorism (NCTV).

11

In your opinion, do airlines receive all the necessary information on conflict zones in order to properly assess the safety of flight routes? Can you guarantee that KLM receives all the necessary information from the Dutch government in this regard?

Answer:

Every airline is responsible for the safe operation of its flights and conducts its own risk assessments for this purpose. In the letter concerning the aftermath of the MH17 air disaster of 30 June 2015, the House was informed of the progress of the consultations between the government, Dutch airlines and the Dutch pilots' union (VNV), which were launched in part in response to the motion submitted by MP Sjoerd Sjoerdsma. In anticipation of the publication of the findings of the Dutch Safety Board (OVV), this group is exploring how to optimise the

process of sharing information and conducting risk analyses, within the existing division of responsibilities.

In addition, studies are being conducted at international level with a view to increasing the amount of information available to airlines and reducing the discrepancies between them in this regard.⁴

12

If so, how do you explain the fact that KLM nevertheless chooses to overfly conflict zones such as Mali, South Sudan and Sinai?

Answer:

See the answer to questions 2 and 3.

13

Do you agree that the safe flight altitude of 10km over conflict zones has proved to be inadequate and that it would be preferable for airlines not to overfly conflict zones at all, as in the case of Iraq, Syria and Libya? If not, why not?

14

If so, do you believe that airlines should simply avoid overflying such conflict zones altogether in order to eliminate all potential safety risks? If not, why not?

15

If so, do you intend to convince KLM not to overfly certain conflict zones, such as Mali, South Sudan and Sinai, just as it no longer overflies Iraq, Syria and Libya? If not, why not?

Answer to questions 13-15:

Airlines are responsible for conducting all necessary risk analyses and determining whether or not it is safe to fly over conflict zones at a particular altitude. Contacts between the government and Dutch airlines are not aimed at preventing them from flying over certain conflict zones but at sharing relevant information that airlines can take into consideration in their own risk assessments.

⁴ The House has been informed of this, for example in the letter of 23 April 2015 (ref. 2015D14631).

In this regard, the government would note that the safety of overflying conflict zones at an altitude of 10km depends on various factors, including the presence of certain weapons systems and the extent to which the parties to the conflict are trained in operating them. These factors have been identified by ICAO and laid down in guidelines for conducting and sharing high-quality risk analyses with regard to overflying conflict zones. Airlines can now follow these guidelines when preparing their own risk analyses. There are various conflict zones around the world where some of the above-mentioned factors are not present. Therefore, the airspace over these zones is not, in principle, regarded as unsafe.

16

Do you agree that the safety of passengers should always be the prime consideration when selecting flight routes?

Answer:

Yes.