

# Study Guide - Week 21

## ICAO - Use of Airspace in Conflict Zones

### 1) TLDR:

The use of airspace over conflict zones remains a critical issue in international civil aviation. Civil aircraft sometimes pass through or near regions affected by armed conflicts, which significantly increases the risk of accidents due to missiles, misidentification, or military activity. While rerouting flights can improve safety, it also leads to higher operational costs, longer flight times, and increased fuel consumption.

One of the main debates is whether airspace over conflict zones should be closed entirely or managed with warnings and risk assessments. Western countries generally prioritize safety and advocate for strict restrictions or complete avoidance of dangerous airspace. In contrast, developing countries and airlines often emphasize economic considerations, as rerouting flights can be financially burdensome. Meanwhile, states involved in conflicts emphasize sovereignty, arguing that control over their airspace is a national right.

ICAO faces the challenge of balancing safety, economic realities, and state sovereignty while ensuring global coordination. Delegates must determine whether ICAO should play a stronger regulatory role in restricting airspace or continue functioning as a coordinating body that issues recommendations rather than binding decisions.

### 2) Background:

International aviation operates on the principle of open and coordinated global airspace, allowing aircraft to travel efficiently across borders. Civilian aircraft often have unrestricted access to air routes across the entire globe which effectively sustain global economy and transport needs. Major disruptions in the system can have substantial repercussions for regional or global stability and economy. Such disruptions are mainly caused by conflict zones in which the airspace is officially closed for civil aviation or where flying becomes a safety hazard due to risk of being targeted by the clashing forces. In recent years, several tragic incidents have highlighted the dangers of flying over or near conflict-affected regions.

On July 17, 2014 Malaysia Airlines Flight MH17 was shot down over Ukraine en route from Amsterdam to Kuala Lumpur. The air-space over Ukraine was partially open at the time however there was an ongoing active conflict between the Ukrainian forces and Russian-supported Separatists in Donetsk and Donbas. An investigation discovered that the aircraft was most likely shot down by a surface-to-air missile stationed in the conflict zone. The crash resulted in 298 deaths and exposed a critical lack of standing protocols for international communication, warning systems and risk assessment connected to civil aviation in the conflict zones.

On July 3, 1988 Iran Air Flight 655 was targeted and shot down by the US military in the Persian Gulf region. The area was an active conflict zone between Iran and the USA and USS Vincennes mistakenly categorized the Airbus A300 as an hostile military aircraft, resulting in 290 deaths.

On January 8, 2020 the Ukraine International Airlines Flight 752 taking off from Teheran to Kyiv was targeted and taken down by the Islamic Revolutionary Guard Corps. The tragedy happened during a period of hostilities between Iran and the USA which resulted in the area being once again an active conflict zone. The IRGC miscategorized the plane as a potential enemy aircraft and shot it down causing 176 deaths.

This situation raises significant legal and ethical questions. In the absence of clear international standards, responsibility for ensuring passenger safety is left in the hands of private corporations with no effective way of action for individual states past closing their own airspace. When incidents occur, determining accountability is highly complex, as liability may stem from a failure to close airspace, inadequate risk communication, or operational decisions taken by airlines. Airlines rely on risk assessments provided by governments, intelligence agencies, and aviation organizations but they have no obligations to follow through with non-binding recommendations or methods to receive immediate information about changes in the active conflict zones.

Airlines must therefore make complex operational decisions based on safety, cost, and available information. As global aviation continues to expand and regional conflicts seem to be a continuing risk, the limitations of the existing framework become increasingly apparent. The challenge for the international community, and for ICAO in particular, is to create a framework and unified standards that will take into account the principle of sovereignty while at the same time advocating for greater coordination, clearer accountability, and enhanced protection of civilian lives.

### 3) Key Issues:

#### 3.1) Safety vs Economic Efficiency

One of the central issues is the trade-off between safety and cost. Avoiding conflict zones improves safety but increases flight duration, fuel consumption, and operational expenses. Airlines operating on tight margins, especially in developing countries, may face significant financial pressure. Delegates must consider whether safety should always take absolute priority over economic factors.

#### 3.2.) Sovereignty vs International Oversight

Airspace is traditionally considered part of a nation's sovereignty. However, conflict zones often involve risks that extend beyond national borders. Some argue that international oversight is necessary to prevent accidents, while others maintain that states have the final authority over their own airspace. Should ICAO or any international body have the authority to override national decisions regarding airspace?

#### 3.3) Lack of Standardized Global Protocols

Currently, there is no universal system for classifying or managing conflict airspace. Different countries and organizations use different criteria to assess risks, leading to inconsistent decisions. This lack of standardization can create confusion for airlines and increase safety risks. Delegates must explore whether ICAO should establish unified global guidelines.

#### 3.4) Information Sharing and Transparency

Accurate and timely information is essential for airlines to make safe routing decisions. However, intelligence regarding conflict zones is often incomplete, delayed, or not shared openly between states. This raises concerns about transparency and trust between governments, airlines, and international organizations.

#### 3.5) Responsibility in Case of Accidents

If an aircraft is damaged or destroyed in a conflict zone, determining responsibility is complex. Possible factors include the airline's decision-making, the state's failure to close airspace, or insufficient warnings from international bodies. Delegates must address how accountability should be assigned in such scenarios.

### 4) What Can ICAO actually do?

Unlike national governments, ICAO does not have direct enforcement power. It operates as a global coordinating and standard-setting body.

ICAO can:

- Issue safety recommendations and guidelines regarding conflict airspace
- Encourage states to share risk information and intelligence
- Develop international frameworks for airspace risk assessment
- Promote cooperation between states, airlines, and regional bodies
- Support capacity-building and technical assistance
- 

However, ICAO's resolutions are non-binding. States retain sovereignty over their own airspace decisions, meaning ICAO cannot force countries to close or restrict airspace. Its influence depends on cooperation and voluntary compliance.

### 5) Major Stakeholders

To better understand the debate, countries in ICAO can be grouped into three main blocs based on their approach to conflict airspace management.

#### 5.1) Western (Safety-First Bloc)

Countries such as the United States, United Kingdom, France, Germany, and Canada prioritize aviation safety above all else.

These countries argue that:

- Civilian aircraft should avoid conflict zones entirely
- States and airlines must prioritize passenger safety over cost
- Strong international guidelines are necessary to prevent accidents

They will advocate for strict airspace restrictions and stronger global coordination mechanisms.

#### 5.2) Developing (Economic Consideration Bloc)

Countries such as India, Brazil, South Africa, Indonesia, and Turkey emphasize the economic impact of rerouting flights.

These countries argue that:

- Rerouting increases operational costs significantly
- Not all airlines can afford longer routes
- Economic sustainability of aviation must also be considered

They will likely support flexible guidelines rather than strict mandatory closures.

#### 5.3) Conflict-Affected (Sovereignty-Focused Bloc)

Countries such as Russia, Ukraine, Syria, and Israel emphasize sovereignty over their airspace. These countries argue that:

- Airspace control is a core aspect of national sovereignty
- External interference should be limited
- Each state should decide how to manage its own airspace

They may resist international pressure to close or restrict their airspace and prefer state-led decision-making.

### 6) Questions to Consider

- Should conflict-zone airspace be automatically closed to civilian flights? Why or why not?
- Does ICAO have the authority to enforce airspace restrictions globally?
- How can safety be balanced with economic considerations for airlines?
- What role should states play in sharing risk information?
- Who should be held responsible if an accident occurs in conflict airspace?
- Should there be a standardized global system for conflict airspace risk assessment?

### Sources and Further Readings

- [https://onderzoeksaan.nl/wp-content/uploads/2023/11/debcd724fe7breport\\_mh17\\_crash.pdf](https://onderzoeksaan.nl/wp-content/uploads/2023/11/debcd724fe7breport_mh17_crash.pdf)
- <https://www.icao.int/news/icao-council-vote-flight-mh17-case>
- [https://en.wikipedia.org/wiki/Iran\\_Air\\_Flight\\_655](https://en.wikipedia.org/wiki/Iran_Air_Flight_655)
- <https://international.canada.ca/en/global-affairs/corporate/reports/flight-ps752/report-2022>
- [https://www.international.gc.ca/world-monde/affaires\\_developpement-enjeux\\_developpement/reponse\\_conflict-reponse\\_conflicts/crisis-crisis/flight-vol-ps752.aspx?lang=eng](https://www.international.gc.ca/world-monde/affaires_developpement-enjeux_developpement/reponse_conflict-reponse_conflicts/crisis-crisis/flight-vol-ps752.aspx?lang=eng)
- <https://www.icao.int/about-icao>
- <https://www.icao.int/safety-reports>
- [https://www.icao.int/sites/default/files/sp-files/safety/Documents/ICAO\\_SR\\_2025.pdf](https://www.icao.int/sites/default/files/sp-files/safety/Documents/ICAO_SR_2025.pdf)
- <https://www.icao.int/aviation-security-policy-section/Conflict-Zones>
- <https://www.easa.europa.eu/en/domains/air-operations/czibs>
- [https://www.eurocockpit.eu/sites/default/files/2025-10/ECA\\_Position\\_Paper\\_Conflict\\_Zones\\_Final\\_0.pdf](https://www.eurocockpit.eu/sites/default/files/2025-10/ECA_Position_Paper_Conflict_Zones_Final_0.pdf)
- <https://www.icao.int/safety/conflictzones>