



INTERNATIONAL FEDERATION OF AIR TRAFFIC CONTROLLERS' ASSOCIATIONS

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PRESS RELEASE

Japan – Supreme Court Appeal Verdict – 7th November 2010

The International Federation of Air Traffic Controllers' Associations (IFATCA) strongly condemns the Japanese Supreme Court decision to dismiss the appeal against convictions, imposed by the Tokyo High Court, of the two air traffic controllers who were on duty at the time of a serious incident between two Japan Airlines aircraft above Yaizu, Japan on 31 January 2001. The High Court decision overturned the earlier District Court decision that found the controllers not guilty.

This decision does not respect the International Civil Aviation Organisation (ICAO) requirement for incident investigation to establish factual causes, with the aim to prevent future occurrences. The accident report of the near miss revealed a number of contributing factors to the cause of the incident; including pilot's actions, controllers' actions, controllers' operational procedures and lack of proper training for the controllers, as well as lack of definitive procedures, at the time, for pilots to follow in these situations. "To single out just one element of a complex "system" failure, is short-sighted and does not give the rest of the world confidence in the safety of aviation in Japan" said IFATCA President & CEO Alexis Brathwaite.

ICAO requires that Japan, along with all States, establish a blame free reporting system as part of its overall aviation safety management. This can only be effective in conjunction with the concept of a "Just Culture" that promotes a reporting culture whereby pilots and controllers can give details of events and incidents, knowing that the sole purpose of these reports is to enhance and complete safety information and that these details will not be used for retribution or punishment. "It is essential that we recognise that human action is not the cause of the system failure – human action is a consequence of the failure of the system", said Alexis Brathwaite.

Last month, at the 37th Assembly of ICAO, Japan was one of 170 Nations that resolved to create "Just Culture" in aviation. "This decision is not consistent with, nor respecting the commitment that Japan made to ICAO", said Alexis Brathwaite.

In the 2001 incident there was no suggestion of intent to do wrong, therefore this decision is not only misdirected, but may actually make air travel less safe by imposing a climate of fear over technical investigation. It also creates a climate of fear for air traffic controllers as they are working, being afraid that any situation may result in a criminal prosecution.

By upholding these convictions, the Supreme Court is impeding an environment that encourages the full disclosure and investigation of critical aviation safety incidents, thus having a detrimental affect on aviation safety in Japan.