

Indonesia's Diplomacy on Flight Safety Issues

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ABSTRACT

This paper aims to explain the development of aviation safety in Indonesia prior to the removal of the ban on flights of Indonesian Airlines by the European Commission during the 2007-2018 period, and to examine the diplomatic steps taken by the Indonesian government concerning the removal of the ban. This article employs a qualitative approach which is a literature study. Data were obtained from various official documents and reports, as well as articles and news related to the issue of Indonesian airline's flight ban by the European Commission. The results exhibit a lengthy diplomacy process that took place in the year 2007-2018, illustrating the weakness in the aviation safety aspect of Indonesia's aviation that must be improved. The Indonesian government must continue to strive for the independence of the country's national aviation sector so that it is able to take a prominent role internationally and not to heavily depend on the global transportation business. Economic integration in the aviation sector with all ASEAN countries must also be strengthened to balance the strength of the aviation industry in the European countries and the United States, especially following the horizontal agreement. With such integration in the aviation sector, it is hoped that Indonesia will be able to focus on regional market forces.

Keywords : *track one diplomacy; flight safety; european commision; airlines' ban*

A. Introduction

In the year 2007, the European Commission issued a list of flying restrictions on all Indonesian airlines. The ban was proposed by the European Union (EU) aviation experts on 6 July 2007 due to a series of air accidents that occurred in Indonesia (European Comission, 2007). The ban also refers to reports of safety standards that have deteriorated since the deregulation

of the aviation sector in Indonesia in the late 1990s. Although there are no Indonesian airlines with routes to the European Union (EU) countries, the ban still threatens the Indonesian tourism industry since the Europeans are warned not to use Indonesian airlines on their routes, such as the one from Jakarta to the island of Bali (Mason & Grajewski, 2007).

The airlines' ban by the EU is certainly a heavy blow to the aviation industry in Indonesia, especially to Garuda Indonesia since the main factor that contributes to the ban is the inability of the Indonesian government to carry out its function as aviation authority. Although at that time Garuda had already met the aviation international standards (IOSA), Garuda was still not allowed to fly to Europe before the Indonesian government fixed its regulations related to the aviation safety aspects (Kania, 2008). A European Union Executive Commission official said the ban was caused by various factors, such as those related to the weaknesses in aircraft maintenance, unsafe flight operations, and the inability of the aviation authority in Indonesia to take corrective measures against such issues. All these shortcomings have led to serious accidents and bring about the decision of the European Commission for the airlines' ban (Mason & Grajewski, 2007).

The Indonesian Transportation Minister himself stated that the flight ban was only caused by mere misperceptions. According to him, it all started when the Europeans were upset because the letter that they send to the Indonesian government was never responded. Following that, the European Commission then imposed a ban on Indonesian flights without any prior auditing and basing their decision only from the arisen perception. While following a further examination on several of Indonesia's national airlines such as Garuda, those airlines have met proper international standards (Biro Komunikasi dan Informasi Publik Kemenhub RI, 2008).

Despite such fact, the Government of Indonesia, in the end, did conduct various flight safety improvement programs and make some diplomatic efforts to the European Union and related UN agencies, namely the International Civil Aviation Organization (ICAO) and the International Air Transport Association (IATA), so that the flight ban could be lifted immediately. Although it took some time, those efforts finally paid off and in June 2018 the

European Commission revised the EU Air Safety Register which contained a list of airlines not meeting the international safety standards (Kementerian Luar Negeri Republik Indonesia, 2019). The updated list has lifted the flight ban off all the seven Indonesian airlines that were previously listed on the list (Flight Safety Editorial, 2018). The Minister of Transportation acknowledged that the efforts to lift the ban were not an easy journey due to the complexity of the aviation industry in terms of safety risks (Setia, 2018).

Several studies have discussed the issue of Indonesian airline's flight ban by the European Commission. One of the studies is entitled "*Diplomasi Indonesia terhadap Pencabutan Larangan Terbang bagi Maskapai Penerbangan Indonesia oleh Komisi Eropa (2007-2016)* / Indonesian Diplomacy on the Removal of Flight Restrictions for Indonesian Airlines by the European Commission (2007-2016)" by Aprilliddina (2016). However, this article did not discuss the conditions of aviation safety in Indonesia in depth. The second study is the research of Widadi & Hawin (2008), "*Analisis Larangan Terbang Maskapai Penerbangan Indonesia di Kawasan Uni Eropa ditinjau dari General Agreement of Trade Servicest* / Analysis of Indonesian Airlines travel ban in the European Union region in terms of the General Agreement of Trade Services", which emphasizes its discussion on the aspects of international law. The third is Kania (2008), "*Komitmen Perusahaan Penerbangan Nasional Indonesia terhadap Keselamatan Penerbangan* / Commitment of Indonesian National Aviation Companies towards Aviation Safety", which discusses the corrective actions of several Indonesian airlines to improve flight safety following the EU flight ban.

This paper aims to describe and analyze the development of the aviation safety in Indonesia prior to the lifting of the flight ban by the European Commission in the period of 2007-2018, and to examine the diplomatic steps taken by the Indonesian government

regarding the lifting of the ban. This article uses a qualitative approach which is a literature study. Data were obtained from various official documents and reports, as well as articles and news related to the issue of Indonesian airline's flight ban by the European Commission.

B. Method

This article employs qualitative approach which is a literature study. Data were obtained from various official documents and reports, such Indonesia Ministry of Foreign Affairs, Ministry of Transportation, The International Air Transport Association (IATA), International Civil Aviation Organization (ICAO), as well as articles and news related to the issue of Indonesian airline's flight ban by the European Commission.

C. Result and Discussion

1. The Development of Aviation Safety in Indonesia

The International Air Transport Association (IATA) in its press release on 12 March 2015 stated that several issues must be considered in developing the aviation industry of Indonesia based on global standards. One potential element that was identified by IATA is the need for Indonesia to improve its safety performance. Safety is a top priority in the aviation business and is the biggest factor for the successful development of this sector in Indonesia. Prior to 2010, based on the audit of the Universal Safety Oversight Audit Program (USOAP), Indonesia's safety rating was below the global average. Meanwhile, the American Federation of Aviation Administration (FAA) classified Indonesia's aviation into category 2 in the International Aviation Safety Assessment program, which means that it has not met the safety standards required by the ICAO (IATA, 2015). However, in 2017, the results of Indonesia's safety audit have increased very rapidly as shown in table 1 below.

Table 1 Audit Result of *the 2017 International Aviation Safety Assessment (IASA)*

Critical Elements	Indonesia	Global Average
1. <i>Legislation</i>	71.43	73.45
2. <i>Organisation</i>	69.23	70.08
3. <i>Licensing</i>	75.82	73.51
4. <i>Operations</i>	87.31	70.03
5. <i>Airworthiness</i>	90.86	78.92
6. <i>Accident investigation</i>	65.00	56,80
7. <i>Air Navigation Services</i>	84.88	65,72
8. <i>Aerodromes</i>	73.38	61.23

Source : International Civil Aviation Organization (ICAO, 2020)

Description :

0 = Not implemented

100 = Fully implemented

Table 1 shows that in almost every critical element, Indonesia is above the global

average value. Indonesia's score which is below the global average is in the legislative

aspect (71.43) and the organizational aspect (69.23). The IASA audit program focuses on the ability of a country - not the ability of air carriers - to adhere to international aviation safety standards and the practices contained

in Annex 1 (personnel licensing), attachment 6 (aircraft operations), and recommended attachment 8 (airworthiness of aircraft) in the Chicago Convention on civil aviation.

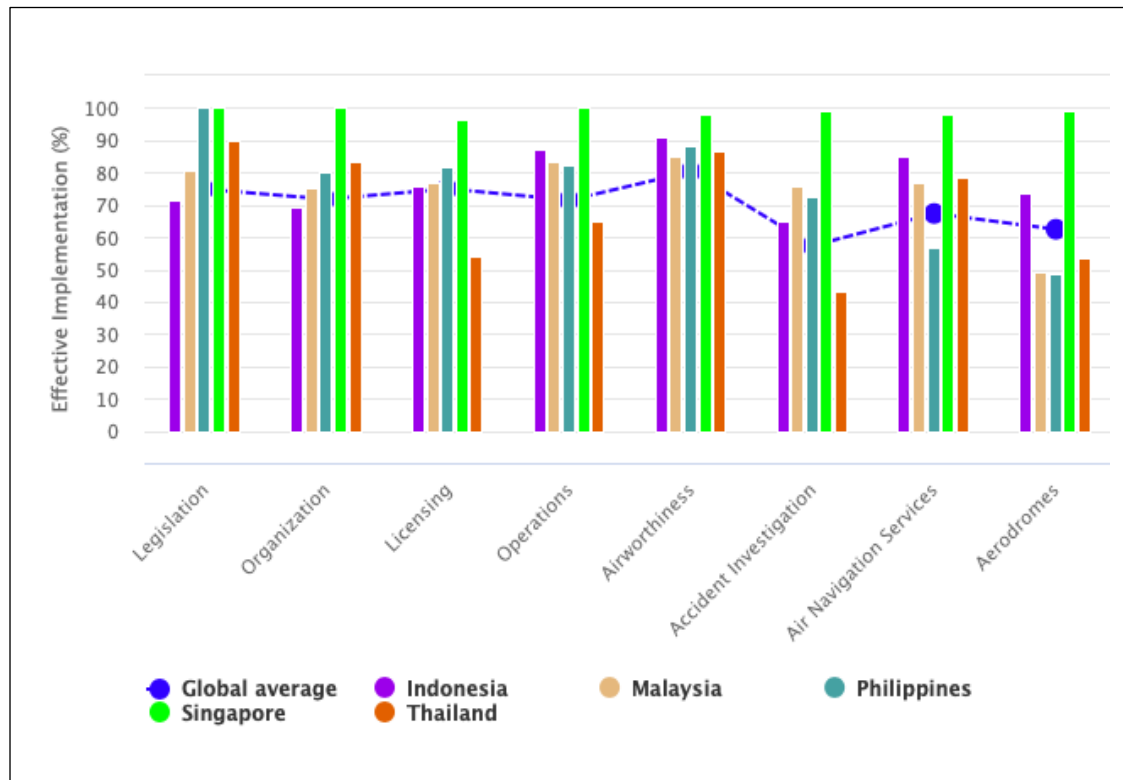


Figure 1 Comparison of the International Aviation Safety Assessment (IASA) audits in Indonesia, Malaysia, Singapore, Philippines, Thailand, and Global Averages

Source: International Civil Aviation Organization (ICAO, 2020)

Whereas compared to the results of the audits of other ASEAN countries, Indonesia is lower only to Singapore, which is a country that is very advanced in the aviation systems and technology. Figure 1 shows that Singapore's overall score is superior to other countries and is above the global average.

While Indonesia, Malaysia, the Philippines, and Thailand, all have varied scores but most are above the global average. This shows that Indonesia has undergone significant progress compared to its previous audit scores.

Table 2 Development of International Safety Audit on Indonesia in the year 1997-2020

Period	International Safety Audit
September 1997	Obtained Category I in the FAA IASA Program.
16 April 2007	Obtained Category II (does not meet ICAO standards) in the FAA IASA program.
04 July 2007	All airlines certified by the authority (authorized to supervise the regulation in Indonesia) are banned by the European community.
13 July 2009	All airlines certified by the authorities (authorized to supervise the regulation in Indonesia) are banned by the European community, except for Garuda Indonesia, Airfast Indonesia, Mandala Airlines, and Intercontinental Transportation Express.
15 August 2016	Obtained Category I in the FAA IASA Program.
14 June 2018	The European Union lifts the ban on all Indonesian airlines except for those that are still on the list.

Source: Flight Safety Foundation (2020)

Table 2 illustrates the development of the aviation safety audits in Indonesia from the year 1997 to 2020, wherein 2016 Indonesia has succeeded in obtaining Category I in the IASA FAA program. According to the Ministry of Transportation, out of the total 283 findings in the FAA audit, 276 or around 97% had been answered by the Directorate General of Civil Aviation. The audit results stated several findings that needed improvements, including the number of pilots and their recruitment, licensing procedures, and others (INACA, 2017). This IASA FAA audit result is the achievement of all the stakeholders in Indonesia's aviation circle.

Although the safety target was achieved by Indonesia in 2016, the number of serious accidents and incidents investigated by the National Aviation Safety Commission had

increased sharply in 2016. The highest number of flight accidents and incidents in Indonesia occurred in 2016 with as many as 41 cases, in 2013 with 34 cases, and in 2011 where 32 cases were investigated (Kania, 2018). Therefore, the EU flight ban on Indonesia's airlines, when addressed wisely, had provided valuable lessons as it opens collective awareness to prioritize the safety aspect. The collective awareness from the stakeholders of the aviation industry indeed expected to contribute significantly to the development of the air transportation business in Indonesia. According to INACA, offering assurances and improvements on safety and security in transportation has become one of the target and development priorities of the Indonesian Ministry of Transportation in 2017 (INACA, 2017).

2. Indonesia's Diplomacy on the lifting of the European Commission's Ban

The Indonesian government made various diplomatic efforts for the flight ban to be lifted so that it would not affect the Indonesian economy in the long run. In the global economy, countries and economic regions will certainly continue to compete for access to markets and resources, hence effective and efficient economic diplomacy is necessary. International business and international relations are interconnected empirically because the government needs to improve the economy through supporting businesses, while international business executives need the government to gain access to foreign markets and to deal with cross-border legal issues (Lee & Rue, 2012). The role of companies as the main actors in the global system has also been very clearly recognized by financial and industrial leaders (Strange, 1992). Moreover, the restrictions on the flights of Indonesian airlines by the EU is not merely an economic problem but is also tightly related to the issue of national integrity and sovereignty.

Indonesia opened its first communication with the European Union and conducted the Track One diplomacy. Track One Diplomacy is a form of formal diplomacy at the country-to-country level. Track One diplomacy is the main instrument of a country's foreign policy whose actors are diplomats, high-ranking government officials, or heads of state, and which aims are to influence the structure of the political power. Among the Track One diplomatic actor are the United Nations, the Vatican, and regional economic and political organizations such as the European Union, the Arab League, the African Union (AU), the Organization of American States (OAS), and many others. Track one negotiation is another term for Official Diplomacy (Mapendere, 2007).

In regards to the case of Indonesia's airlines banned to the European Union region, the first track diplomacy was carried out by the Indonesian Ministry of Foreign

Affairs and the Indonesian Ministry of Transportation (Directorate General of Civil Aviation) to the European Union (EU) and also several international aviation organizations such as ICAO, NTSB, and FAA. ICAO appreciates the 'Road Map to Zero Accident' that Indonesia has made, and proposed to integrate it with ICAO's 'Global Road Map to Safety'. They also offered capacity building programs, training, and assessment related to aviation safety, and promised to send several flight experts to Indonesia (Biro Komunikasi dan Informasi Publik Kemenhub RI, 2007).

Indonesia then proposed a fast track for the lifting of the flight ban for four of Indonesia's airlines to fly to the European Union region, one of which is Garuda Indonesia (EU Delegation to Indonesia & Brunei, 2018). At the meeting with the European Union, the four Indonesian airlines namely Garuda Indonesia, Mandala Airlines, Air Premium, and Airfast, were finally allowed to explain their company's condition in terms of the safety aspects in detail. In addition, the Indonesian government also conducts direct diplomacy to the EU (Government to Government) member countries to obtain their support. Lobbying and negotiations were carried out by Indonesian ambassadors in various European countries since the revocation of the ban are not only influenced by the improvements in the safety system but also requires political supports from all of the EU member countries since together they would produce a joint decision either through discussion or voting. According to the Indonesian Minister of Transportation, the procedure in issuing a flight ban only requires 2-3 votes, but the procedure to revoke a ban would require the votes from all of the EU members. Indonesia specifically requested support from the Netherlands as one of the EU member countries who have made some testimonies regarding several airlines in Indonesia. Diplomatic efforts also took place in the sideline of various meetings with European countries, for example, one that was done at the Asia-Europe meeting in Bali on July 18,

2008 (Biro Komunikasi dan Informasi Publik Kemenhub RI, 2008).

Various technical efforts to improve aviation safety performance coupled with the Indonesian government's diplomacy have succeeded in removing four Indonesian airlines from the EU no-fly list in July 2009. Unfortunately, however, the target to remove all Indonesian airlines from the ban list was experiencing various obstacles and requires a much longer time than initially estimated by the Indonesian government. The main problem facing the Indonesian aviation industry is closely related to the audit score of the Indonesian aviation safety that at the time has not improved. Before 2017, ICAO's interactive website showed Indonesia's USOAP audit score related to eight aspects of aviation safety that was far below the global average.

Indonesian diplomacy has been strengthened through the agreement between Indonesia and the European Union on August 17 2009 in Brussels, which is the Horizontal Air Service Agreement. Press release from the European Commission described the urgency of the agreement:

"The agreement will bring several provisions in bilateral air services agreements between 17 EU Member States and Indonesia in line with European law. Most importantly, it will remove nationality restrictions in bilateral air services agreements between the EU Member States and Indonesia" (European Commission, 2009).

The agreement aims to bring several provisions in the bilateral agreement relating to air services between the 17 EU Member States and Indonesia, which are in accordance with European law. According to the European Commission, the agreement is an important step in strengthening the aviation sector relations and encouraging air traffic between the EU and Indonesia (European Commission, 2009). On 16 June 2011 in Brussels, the Minister of Transportation of the Republic of Indonesia Freddy Number, the Ambassador of the European Union Agnes Vargha, and the Vice President of the European Commission on

Transportation Siim Kallas finally signed "the Agreement between the European Union and the Government of the Republic of Indonesia on certain aspects of air services". The signing was also witnessed by the Indonesian Ambassador in Brussels Arif Havas Oegroseno and the Director-General of Civil Aviation of the Ministry of Transportation Herry Bhakti (Kemenhub RI, 2011).

The agreement which is known as a horizontal agreement is considered a legal umbrella for bilateral agreements on certain aspects of aviation services. Several aspects of aviation including flight safety, flight emissions taxation provisions, and compliance with competition rules will be harmonized with EU provisions and are a complement to the Bilateral Agreement on Air Relations between Indonesia and EU member states (Kemenhub RI, 2011). The horizontal agreement has been ratified by the Indonesian government through Presidential Regulation No. 88 of 2016, which was ratified on 31 October 2016 (Kemenlu RI, 2019).

After a long diplomatic process, signing of pacts and agreements, as well as improvements in technical aspects through safety audits, finally in June 2017 the European Commission officially lifted all flight restrictions for Indonesia airlines, which were announced through its press release. However, the aviation safety program in Indonesia does still has some work to be done. The flight restriction list is updated every year by the European Union, hence if Indonesia cannot maintain the quality of its aviation safety, then Indonesian airlines are prone to be put back on the blacklist.

D. Conclusion

The diplomacy process shows that the aviation sector in Indonesia still possesses weaknesses in the aviation safety aspect which must be improved. Aviation safety does require a comprehensive policy because it involves technology as well as highly qualified human resources, which in both cases Indonesia is certainly still lagging

compared to developed countries. However, there are political economy reasons - not mere technical aspects - that lies behind the heavy and lengthy diplomacy process to remove all of the Indonesian airlines from the EU air flight restriction list. Who is the party that benefits the most from the horizontal agreement? Such critical questions certainly must be studied in depth for Indonesia to be protected from harm that may arise from various international policies, be it from the economic, political, and aviation technology aspects.

Despite the various shortcomings, the Indonesian government must continue to strive for the independence of its national aviation sector that is able to play a prominent role at the international level and does not heavily depend on the global transportation business. Economic integration in the aviation sector with all other ASEAN countries must also be strengthened to balance the strength of the aviation industry of the European countries and the United States, especially following the horizontal agreement. With such integration in the aviation sector with other ASEAN countries, surely Indonesia can balance out the dominance from the developed countries and focus on regional market forces.

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