



International Civil Aviation Organization

WORKING PAPER

HLSC/15-WP/82

27/1/15

English only

SECOND HIGH-LEVEL SAFETY CONFERENCE 2015 (HLSC 2015) PLANNING FOR GLOBAL AVIATION SAFETY IMPROVEMENT

Montréal, 2 to 5 February 2015

Theme 1: Reviewing the current situation

Topic 1.2: Emerging safety issues

CIVIL MILITARY COORDINATION

(Presented by Sweden, Canada, Denmark, Finland, Netherlands, Poland, the United Kingdom
and EUROCONTROL)

SUMMARY

There have been a number of occurrences in high seas airspace in certain regions involving civil and military aircraft (airprox). For high traffic density areas, there is an obvious risk for serious incidents involving civil and military aircraft. The rules and regulations regarding international civil aviation operations over high seas airspace are set out in the Chicago Convention. The Chicago Convention does explicitly exempt State aircraft from its remit. However, Article 3 d) obliges the Contracting States to undertake that State aircraft “...will have due regard for the safety of navigation of civil aircraft”. Civil and military arrangements and coordination procedures are of vital importance to mitigate the risk of serious incidents involving civil and military aircraft over the high seas.

Action: The conference is invited to:

- a) note the information on events in high seas airspace;
- b) recall the principle of having due regard for the safety of navigation of civil aircraft, when operating State aircraft; and
- c) call upon Contracting States to ensure proper civil military coordination, including, where possible, exchange of radar data, in order to ensure the safety of navigation of civil aircraft.

1. INTRODUCTION

1.1 In 2014 there have been an increased number of occurrences in high seas airspace in certain regions involving civil and military aircraft compared to previous years. One incident raised serious safety concerns; a civil and a military aircraft were close to a mid-air collision. Apart from this incident, military aircraft flight paths have intersected the civil aircraft flight paths on several occasions, creating unsafe situations. Furthermore, these have taken place without the necessary safety elements such as a filed flight plan, an operative transponder, being the ultimate safety net for aircraft in flight, or communication with civil air traffic control (ATC).

1.2 For high traffic density areas with descending and climbing civil aircraft and with an increasing number of uncoordinated military flights, there is a risk for serious incidents involving civil and military aircraft, and ultimately accidents.

1.3 European Union (EU) authorities are investigating near mid-air collisions over the high seas between commercial aircraft and military aircraft during 2014, the aim being to identify the causes of these incidents and provide recommendations on how to prevent or minimize the risks.

2. ICAO PRINCIPLES

2.1 The basic principle of freedom of overflight over the High Seas is laid down in Article 87 of the United Nations Convention on the Law of Sea. The rules and regulations regarding international civil aviation operations over the high seas are set out in the Chicago Convention and its supporting documents. The Convention addresses only civil aviation and recognizes the need for States to access all airspace for military purposes.

2.2 Annex 2 — *Rules of the Air* of the Chicago Convention constitutes rules relating to the flight and manoeuvring of an aircraft within the meaning of Article 12 of the Chicago Convention. It applies without exception to high seas airspace. At the same time the Chicago Convention does explicitly exempt State aircraft from its remit. However, Article 3 d) obliges the Contracting States to ensure that State Aircraft “...will have due regard for the safety of navigation of civil aircraft”.

2.3 The 2009 ICAO Global Air Traffic Management (ATM) Forum on Civil and Military Cooperation noted that the airspace should be managed as a continuum and a common limited resource with civil and military coordination being imperative. Interoperability of civil and military CNS/ATM systems has been identified as an urgent issue to be pursued (*Civil/Military Cooperation in Air Traffic Management*, ICAO Circular 330-AN/189).

2.4 Civil and military arrangements and coordination procedures are of vital importance to mitigate the risk of serious incidents involving civil and military aircraft over the high seas. If such arrangements are insufficient; enhanced coordination between States is essential.

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