



International
Civil Aviation
Organization

Organisation
de l'aviation civile
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Organización
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Internacional

Международная
организация
гражданской
авиации

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Subject: Safety and security of civil aircraft operating in airspace affected by conflict

Action required: a) note the need for close coordination between civil and military authorities in the event of armed conflict or the potential for armed conflict; and
b) restrict or prohibit uniformly the aircraft of other States from flying over your territory for reasons of military necessity or public safety

Sir/Madam,

1. I have the honour to address you as the appropriate State civil authority for initiating coordination in the event that military forces are engaged in conflict, and responsible for oversight of aircraft operator(s) that may operate in airspace affected by armed conflict.

2. Taking into consideration the armed conflicts that are currently underway in various locations, I draw your attention to the possible existence of serious risks to the safety of international civil flights and the critical need for close coordination between civil and military authorities. In this respect, you are reminded that Article 9 of the *Convention on International Civil Aviation* (Doc 7300) sets forth that each contracting State may, for reasons of military necessity or public safety, restrict or prohibit uniformly the aircraft of other States from flying over its territory. Such prohibited areas, if needed, shall be of reasonable extent and location so as not to interfere unnecessarily with air navigation. Notices to airmen (NOTAM) or other communications containing the necessary information, advice and measures to be taken should then be issued and subsequently updated in the light of developments.

3. The responsibility for initiating the coordination process rests with the State whose military forces are engaged in the conflict. The responsibility for instituting special measures to assure the safety and security of international civil aircraft operations remains with the State responsible for providing air traffic services in the airspace affected by the conflict, even in cases where coordination is not initiated or completed.

4. Based on all available information, the State responsible for providing air traffic services should identify the geographical area of the conflict, assess the hazards or potential hazards to civil

aircraft operations, and determine whether such operations in or through the area of conflict should be avoided or may be continued under specified conditions.

5. It is further recalled that each State shall keep under constant review the level of threat to civil aviation within its territory, and establish and implement policies and procedures to adjust relevant elements of its national civil aviation security programme accordingly, based upon a security risk assessment carried out by the relevant national authorities.

6. ICAO Standards are contained in Annex 11 — *Air Traffic Services*, Annex 15 — *Aeronautical Information Services*, and Annex 17 — *Security* with guidance available in the *Manual Concerning Safety Measures Relating to Military Activities Potentially Hazardous to Civil Aircraft Operations* (Doc 9554) and *Aviation Security Manual* (Doc 8973 – Restricted). The obligations of States under the *Convention* and the requirements in its annexes should not be confused with hazard notifications circulated in State letters by ICAO under those exceptional circumstances where potential risks to the safety of civil aviation operations are incapable of being effectively communicated by States, whether over sovereign territory or over the high seas.

7. I also wish to draw your attention on the need for the appropriate authorities to consider and mitigate the safety risk and potential congestion consequences in the event that operators decide, based on their assessments of the level of risk involved, to circumnavigate various airspaces affected by conflict, availing themselves of alternate routings in neighbouring flight information regions (FIRs).

Accept, Sir/Madam, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'Raymond Benjamin', written over a light blue horizontal line.

Raymond Benjamin
Secretary General