



ICAO

International Civil Aviation Organization

**The Combined Tenth Meeting of the South Asia/Indian Ocean  
ATM Coordination Group (SAIOACG/10) and Twenty—  
Seventh Meeting of the South-East Asia ATS Coordination  
Group (SEACG/27)**

Video Teleconference, 29 March – 02 April 2021

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**Agenda Item 7: ANSP Coordination and Civil/Military Cooperation**

**CIVIL-MILITARY COOPERATION UPDATE**

(Presented by the Secretariat)

**SUMMARY**

This paper presents information on Asia/Pacific's civil-military cooperation issues and initiatives, which are critical for safety and very relevant for COVID-19 recovery in terms of efficient procedures to support airlines.

**1. INTRODUCTION**

1.1 Civil-military cooperation remains one of the highest priority items in the Asia/Pacific Region, as evidenced by the ten Seamless Air Navigation Services (ANS) elements on this subject. As the Asia/Pacific is now the largest aviation market in the world and the fact that the Region does not have the same civil-military cooperation structures in place that North America and Europe do, progress in this area is considered vital. The *Asia/Pacific Seamless ANS Plan's* elements are as follows:

1. **Strategic Coordination.** *This element emphasised the creation of a permanent body, facilities and procedures to facilitate long and medium-term planning for optimal civil and military operations, and the tactical coordination element. This element features the establishment of a national body that encompasses military (and State aircraft operators) and civil stakeholders, to develop high level Civil-Military cooperation policy.*
2. **Tactical Coordination.** *The establishment of facilities and procedures derived from the high level strategic coordination body for the daily, safe and efficient tactical management of operations. Tactical coordination features participation of military officers at appropriate civil ATM meetings, airspace scheduling through interaction and communications between civil and military units, and military representation within civil ATC Centres where necessary.*
3. **Airspace Review.** *The regular review of SUA and controlled airspace, to ensure that the means and notice of activation provide adequate warning for other airspace users, the SUA types reflect the usage, and the lateral and vertical limits are the minimum required to safely contain the activity therein (Annex 11 2.19.2.1 (b) refers). The review of airspace should be conducted by an airspace authority independent or a collaboration of civil and military airspace users.*
4. **Flexible Use Airspace.** *Mechanisms to ensure the minimisation of airspace being exclusively assigned for civil or military use in accordance with FUA principles, assessed by the percentage of military SUA within a Flight Information Region (FIR).*
5. **International Airspace.** *The minimisation of SUA and other military entities that may adversely affect international airspace. Restricted and prohibited areas must not be designated within international airspace or airspace of undefined sovereignty.*

6. ***Integrated Civil-Military ATM Systems.*** *The integration of civil and military ATM systems where practicable, including the management of civil and State UAS aircraft, policies and procedures to manage State aircraft that are non-compliant with civil requirements, systems to manage civil and military SAR units, and joint procurement of systems where possible.*
7. ***Joint Civil-Military Aerodromes and Navigation Aids:*** *The operation of joint civil-military aerodromes if possible, and the provision of navigation aids that could be utilised by both civil and military aircraft where practical.*
8. ***Shared Civil-Military Data:*** *The provision of ATS surveillance data from civil surveillance systems to military units to improve monitoring (thereby minimising the need for individual defence identification authorisation), trust and confidence. The provision of surveillance data from military surveillance systems where this would enhance ATS surveillance coverage and redundancy; suitably filtered as appropriate.*
9. ***Common Civil-Military Training and Procedures.*** *The familiarisation of civil and military ATM personnel with each other's systems and procedures, where national security allows. Training and licensing of civil and military air traffic controllers to equivalent standards. The implementation of the same or equivalent standards, procedures and policies for the provision of ATS and the management of air traffic.*
10. ***Ballistic Launch and Space Re-entry.*** *Effective coordination mechanisms established by States responsible for ballistic launch and space re-entry activities to ensure the safety of civil air navigation in the air and on the ground, with particular emphasis on how such activity affects other States in terms of safety and efficiency.*

1.2 Regional policy elements related to civil-military cooperation are copied from the Asia/Pacific Seamless ANS Plan (Version 3.0) as follows:

**7.16 Civil-Military Airspace expectations are as follows:**

a) *SUA should only be established after due consideration of its effect on civil air traffic by the appropriate Airspace Authority to ensure it will be:*

- *used for the purpose that it is established;*
- *used regularly;*
- *as small as possible, including any internal buffers, required to contain the activity therein;*
- *if applicable, operated in accordance with FUA principles; and*
- *activated only when it is being utilised; and*

b) *SUA should be regularly reviewed to ensure the activities that affect the airspace, and size and timing of such activity are accurately reflected by the SUA type, dimensions, activation notice and duration of activation.*

**7.44 Civil-Military ATM expectations are as follows:**

a) *a national Civil-Military body should be formed to coordinate strategic civil-military activities (military training should be conducted in locations and/or at times that do not adversely affect civilian operations, particularly those associated with major aerodromes);*

b) *formal civil-military liaison should take place for tactical responses by encouraging military participation at civil ATM meetings and within ATC Centres;*

*c) integration of civil and military ATM systems using joint procurement, and sharing of ATS surveillance data (especially from ADS-B systems) should be provided as far as practicable;*

*d) joint provision of Civil-Military navigation aids and aerodromes;*

*e) common training should be conducted between civil and military ATM units in areas of common interest; and*

*f) civil and military ATM units should utilize common procedures as far as practicable.*

*Note: the term ‘military’ in this context may include other State functions such as customs, police, and paramilitary activities.*

*7.45 All States with organisations that conduct ballistic launch or space re-entry activities should ensure:*

*a) the development of written coordination agreements between the State civil aviation authority and the launch/re-entry agency concerned;*

*b) that strategic coordination is conducted between the State civil aviation authority and any States affected by the launch/re-entry activity at least 14 days prior to the proposed activity, providing notice of at least:*

*i) three days for the defined launch window; and*

*ii) 24 hours for the actual planned launch timing;*

*c) that consideration of affected airspace users and ANSPs is made after consultation, so that the size of the airspace affected is minimized and the launch window is optimized for the least possible disruption to other users; and*

*d) that communication is established with affected ANSPs to provide accurate and timely information on the launch/re-entry activity to manage tactical responses (for example, emergencies and activity completion) (Priority 1).*

*Note 1: increasingly, ballistic launch and space re-entry activity is being conducted by commercial organisations, so this element applies equally to State or private operations.*

*Note 2: guidance for States on ballistic launch and space re-entry activity is available on the ICAO Asia/Pacific eDocuments webpage.*

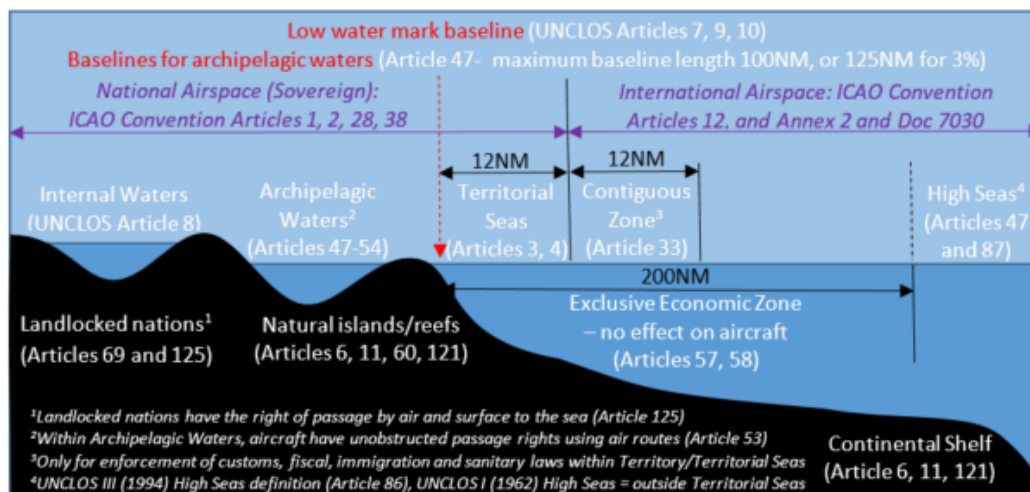
## **2. DISCUSSION**

### International Airspace and Civil-Military Cooperation

2.1 **Figure 1** provides an overview of the following key aspects related to the *United Nations Convention on the Law of the Sea* (UNCLOS) and the *Convention on International Civil Aviation* (‘Chicago Convention’ or ‘CC’) for civil and military operations (also available on the ICAO website at: <https://www.icao.int/APAC/Documents/edocs/International%20Airspace%20and%20Civil-Military%20Cooperation.pdf>).

- Although UNCLOS is titled as a ‘Law of the Sea’, its provisions also affect airspace and the operation of aircraft. In particular, UNCLOS defines volumes of airspace that are sovereign and international (where States may make laws and where States may not make universal laws\* respectively). It should be noted that the terms ‘national airspace’ and ‘international airspace’ are descriptive in nature, but do not appear in UNCLOS or the CC.

*\*Note: notwithstanding this, States may enact laws for their own citizens and aircraft registered in those States for operations within international airspace.*



**Figure 1:** UNCLOS (white/red) and Chicago Convention (purple = CC) Provisions

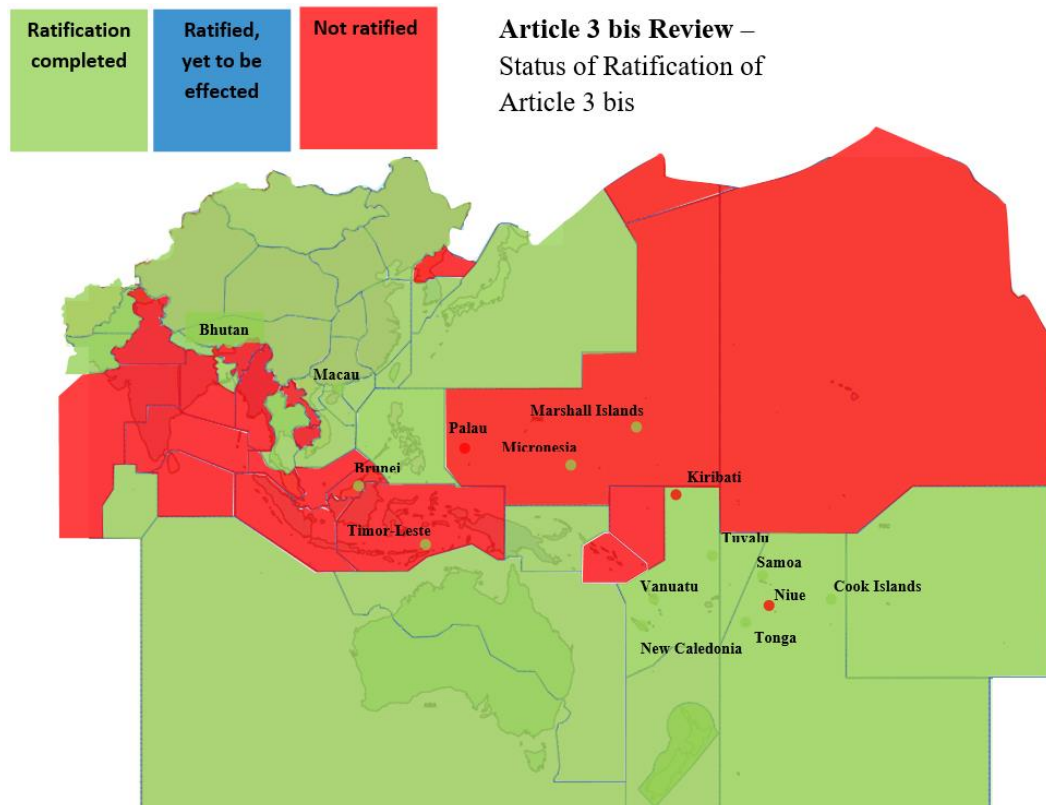
- Volumes of airspace are dependent on the definition of ‘baselines’ in UNCLOS, which are generally based on the maritime shoreline, whether the shore is continental or the outermost part of a chain of islands (an archipelago). However, not all island groups are archipelagos, as the islands must be no more than 100NM apart to meet the definition of being an archipelago (except for 3%, 125NM apart).
- Archipelagic Waters and the airspace above them are sovereign and part of the territory of the State concerned, which is relevant for Article 28 of the CC (provision of air navigation services). However, the sovereignty of archipelagic airspace is not the same as other territorial airspace, as aircraft have the right of ‘continuous and expeditious’ passage, so cannot be denied transit through this area (UNCLOS Article 53).
- Exclusive Economic Zones (EEZs) only have material effect on maritime resources, including the sea bed (UNCLOS Articles 57 and 58).
- The CC and Annex 2 is not considered to use the same definition of ‘High Seas’ as the 1994 iteration of UNCLOS, deferring to the earlier version (1962)\*. Article 2 of the CC is clear that ‘National Airspace’ only composes the land and territorial waters; therefore, the non-sovereign portion of airspace is beyond this, as far as aviation is concerned (i.e.: beyond 12NM). In addition, not all States have ratified the latest version of the UNCLOS.

*Article 2: For the purposes of this Convention the territory of a State shall be deemed to be the land areas and territorial waters thereto under the sovereignty, suzerainty, protection or mandate of such State.*

- While the CC and its Annexes, including Annex 2, are not applicable to State aircraft (military, police or customs) in general, the Convention does place requirements upon States regarding the interaction between military and civil aircraft. For example, State aircraft may not overfly the territory of another State without permission, and regulations must be enacted to require State aircraft to have ‘due regard’ for the safety of navigation of civil aircraft (Article 3 of the CC).
- In addition, Article 3 *bis* of the CC requires States to ensure that military aircraft do not endanger civil aircraft, but these are only for two specific situations – use of weapons and interception.
- State aircraft are not required to comply with another State’s requirements in international airspace (thus a State aircraft operating on a flight plan in such airspace

complies with civil requirements voluntarily, including an ATC clearance to enter controlled airspace, and may not legally be denied an ATC clearance to transit).

2.2 **Figure 2** indicates the ratification status of *Convention on International Civil Aviation* Article 3 bis. This Article urges States to refrain from the use of weapons against civil aircraft and to ensure that people’s lives on an intercepted aircraft are not endangered (source: <https://treaties.un.org/Pages/showDetails.aspx?objid=080000028008eb82>).



**Figure 2:** Article 3 bis Status

### Ballistic Launch and Space Re-Entry

2.3 During the period between 2015 and 2019, IATA and affected States had brought to the attention of the ATM/SG problems being by ballistic launch and space re-entry activities that had affected civil air traffic, and concerns about the danger of debris from ballistic activities affecting the safety of aircraft, aerodromes and people on the ground. Some of these activities were likely to be conducted by military or State agencies, and some by civil organisations in coordination with the State (including commercial operations).

2.4 With respect to endangerment of persons and property on the ground, the provisions of the Outer Space Treaty of 1967 are relevant. Specifically, space activity must be considered in the context of Article VII and VIII, which states that:

*...each State Party from whose territory or facility an object is launched, is **internationally liable for damage** to another State Party to the Treaty or to its natural or juridical persons by such object or its component parts on the Earth, in air space or in outer space, including the moon and other celestial bodies. ...A State Party to the Treaty on whose registry an object launched into outer space is carried shall **retain jurisdiction and control** over such object...*

2.5 The *Asia/Pacific Seamless ANS Plan* has specific guidance regarding the minimisation of disruption to civil traffic, so that a launch window is refined to a much lesser timing closer to the actual operation. Moreover, the *Plan* expected States to consider minimising the size and the position of the affected airspace to reduce the effect on civil operations (paragraph 7.45 c) refers).

2.6 States should also note that coordination of activities hazardous to civil aircraft being effected early enough to permit timely promulgation of information, as provided for by paragraphs 2.18 and 2.19 of Annex 11 — *Air Traffic Services*, is of paramount importance to achieve the best arrangements to avoid hazards.

2.7 The procedures for ballistic launch and space re-entry management are available at: <https://www.icao.int/APAC/Documents/edocs/Ballistic%20Launch%20and%20Space%20Re-entry%20Management.pdf>.

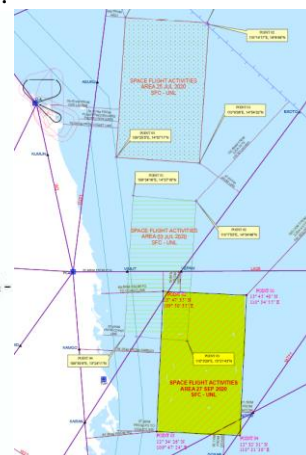
2.8 Unlike past years, during 2020 the ICAO Regional Office had not received reports of significant disruptions or rocket debris from launches originating from China's Jiuquan and Taiyuan sites landing near populated areas in Myanmar, Thailand, Lao People's Democratic Republic (PDR) or Cambodia. Some Long March rockets (长征五号) were now also being launched from the new Wenchang Spacecraft Launch Site facility on the East Coast of Hainan Island, South China Sea.

2.9 ICAO had recently received concerns from Viet Nam about ballistic launch and re-entry activities emanating from Hainan Island that had been notified by China affecting Viet Nam's international and national (territorial) airspace for various dates (03 July, 25 July, 07 September and 27 September 2020). If the information provided is correct, it appeared that these notifications and the process of expected consultation did not comply with regional policy set out by APANPIRG and the *Asia/Pacific Seamless ATM Plan*. ICAO HQ was involved in discussing this matter with China.

2.10 An example of a problematic notification from China is shown at **Figure 3** and **Figure 4**. The notification to 'the relevant units' (meaning Viet Nam) was provided only three days before the activity (the expected minimum 14 days' pre-tactical notice was not provided), did not take into account the flight operations of the airspace concerned, and of great concern, intimated that a restricted area should be established over international airspace, when restricted areas are not legally permissible outside a State's sovereign airspace. This notification and in particular the NOTAM text that suggested flight activity was 'forbidden' over the high seas within airspace assigned to Viet Nam is inconsistent with the CC (Annex 2, 11 and 15) and UNCLOS, to which China is a party.

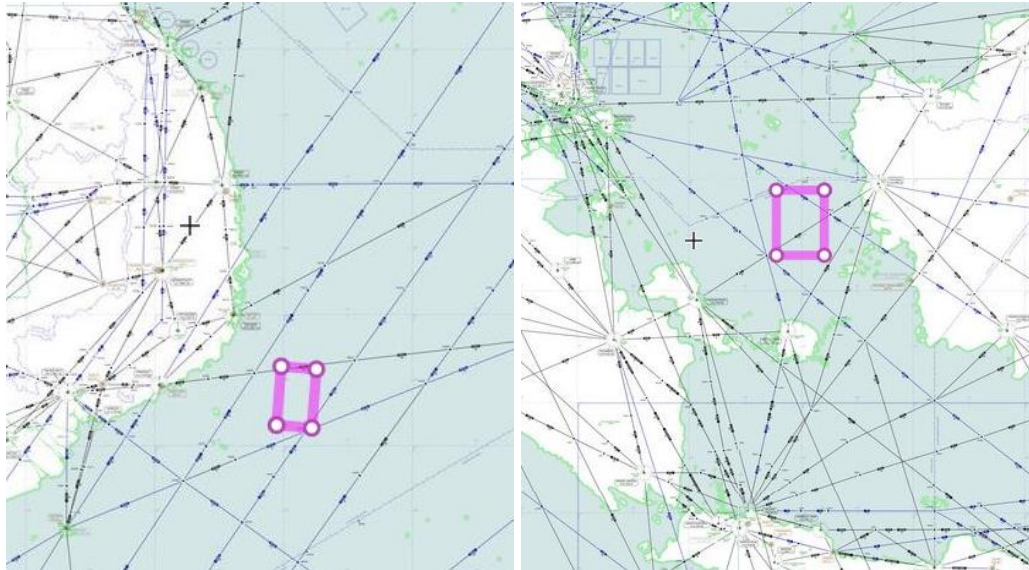
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1. LYA0804 240044
GG VVZZNAXX
240040 ZBBBYNYX
ATTENTION ON DUTY.
AIR TRAFFIC MANAGEMENT BUREAU OF CAAC REMINDS THE RELEVANT UNITS
OF ATTENTION.
DUE TO SPACEFLIGHT ACTIVITIES, THE FLIGHT SAFETY OF THE AIRCRAFT
IN THE FOLLOWING AREAS MAY BE AFFECTED ON SEP 27, 2020.
WE RECOMMEND THAT THE CIVIL AVIATION AUTHORITIES AND OPERATORS
CONCERNED TAKE THE NECESSARY MEASURES TO ENSURE THE SAFETY OF
FLIGHT. DETAILS ARE AS FOLLOWS:
ON SEP 27, 2020, FROM 0307-0336 UTC, A TEMPORARY RESTRICTED AREA
ESTABLISHED BOUNDED BY N134540E1103455-N134735E1095035-N123426E1094724-
N123231E1103130 BACK TO START.
FLY ACTIVITY ARE FORBIDDEN WI RESTRICTED AREA.
VERTICAL LIMITS:SFC-UNL.
ANY CHANGES TO THE SCHEDULE WILL BE FORWARDED TO YOU IMMEDIATELY.
THANK YOU FOR COOPERATION.

NOF/AIS CHINA
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**Figures 3 and 4: Space Flight Activity Notified by China**

2.11 Post-APANPIRG/31 (14 – 16 December 2020), Indonesia expressed concern to ICAO related to rocket launch activities notified on 18 December and 20 December, for launches on 20 and 22 December respectively, neither of which were notified by China to Indonesia by any means (**Figure 5** and **Figure 6**).



**Figure 5 and Figure 6: Chinese Ballistic Launch Activity, December 2020**

2.12 Ideally the ‘ATS authority’ of the launching State, per Annex 11, should be coordinating directly with the ATS Authorities of the affected states as identified in their respective AIPs GEN 1.1 (Designated Authorities), although PANS AIM uses the rather unclear expression ‘designated authorities concerned with the facilitation of international air navigation’.

2.13 The ICAO Regional Office have maintained a list of ATM Points of Contact, which is updated at all relevant technical meetings through each year. This information should be utilised by States responsible for launch activities, so primary communication is conducted between the ATC points of contact, as they are the most likely to understand the issues and plan their tactical response, with additional communication to the Administration POCs, who are normally the ATM regulators.

2.14 The primary media for coordination should be by telephone, backed up by email, to the phone numbers/addresses provided for these formally identified POCs. If any State conducting launches has difficulty identifying whom they should talk to, then the Regional Office can facilitate contact, provided of course they provide adequate advance notification.

2.15 The *Seamless ANS Plan* expects 14 days’ advance initial coordination, followed by three days for confirmation of the defined launch window, and lastly 24 hours for the actual launch timing. The risks associated with a single notification at late notice, especially on a weekend or in the middle of the night, are high. If the initial 14 days’ notification is provided, the two States can then work it out between them if they want any of the subsequent notifications to go directly to, say, the duty watch manager in the ATC Centre. States can always talk to the ICAO Regional Office if they need further assistance.

2.16 Furthermore, regarding media, most contacts appear to favour the use of informal web-based chat apps such as Messenger, WhatsApp or Line. Some also use WeChat. These can be quite useful media provided the initial connection has been established. However, ICAO does not support their use for formal contact between the ATS Authorities, which should use the formally agreed phone/email contacts in the ATM POC list.

2.17 In summary, ICAO strongly urges all parties to recall the mandatory provisions of Annex 11, Section 2.19 (below), and the regionally-agreed policy and process described in the attached excerpt from the *Asia/Pacific Seamless ANS Plan*.

## 2.19 Coordination of activities potentially hazardous to civil aircraft

2.19.1 The arrangements for activities potentially hazardous to civil aircraft, whether over the territory of a State or over the high seas, shall be coordinated with the appropriate air traffic services authorities. The coordination shall be effected early enough to permit timely promulgation of information regarding the activities in accordance with *Procedures for Air Navigation Services — Aeronautical Information Management* (PANS-AIM, Doc 10066).

2.18 The broadcast transmission of information by a NOTAM Office to other NOTAM Offices does not meet these requirements.

2.19 **Figures 7 and 8** provide a commendable example of compliance with regional policy by India, as the initial notification was sent to concerned ATC units with 24 days' notice, and the 'definitive launch window' advisory with 16 days' notice, narrowing the potential disruption time.

### PRE-INTIMATION

SIR/MADAM

PLEASE ACCEPT WARM GREETINGS FROM AIRPORTS AUTHORITY OF INDIA.

- A. LAUNCH OF ONE PSLV- CS1 ROCKET FROM INDIA IS SCHEDULED BETWEEN 0430 TO 0830 UTC ON ANY DAY FROM 28 FEBRUARY TO 29 MARCH 2021.
- B. LAUNCH PAD COORDINATES ARE 134354N 0801412E.
- C. DANGER ZONE 1, 2 AND 3 FALLS WITHIN CHENNAI FIR (INDIA).
- D. DANGER ZONE 4 FALLS PARTLY WITHIN CHENNAI FIR AND PARTLY WITHIN COLOMBO FIR.
- E. DANGER ZONE 5 FALLS WITHIN MELBOURNE FIR AND VERY CLOSE TO COLOMBO FIR.
- F. DANGER ZONE 6 FALLS PARTLY WITHIN MELBOURNE FIR AND PARTLY WITHIN MAURITIUS FIR.

**DANGER ZONE -1:** IS A CIRCLE OF 10 NAUTICAL MILES AROUND THE LAUNCHER.

**DANGER ZONE -2:** IS A SECTOR BETWEEN 15 NAUTICAL MILES AND 60 NAUTICAL MILES FROM LAUNCH PAD COORDINATES AND BETWEEN AZIMUTH ANGLES 130 DEGREE AND 150 DEGREE FROM TRUE NORTH.

**DANGER ZONE -3:** IS AN AREA ENCLOSED BY THE FOLLOWING COORDINATES:

- I. 1135 N 08130 E
- II. 1205 N 08200 E
- III. 1050 N 08255 E
- IV. 1020 N 08225 E

.....(abbreviated)

ALL COORDINATES ARE IN DEGREES AND MINUTES.

**THIS IS AN ADVANCE INFORMATION. DEFINITIVE LAUNCH WINDOW OF 3 DAYS WILL BE INTIMATED 8 DAYS IN ADVANCE.**

IT IS REQUESTED THAT THE CIVIL AVIATION AUTHORITY OF SRILANKA, AIR SERVICES AUSTRALIA AND CIVIL AVIATION DEPARTMENT OF REPUBLIC OF MAURITIUS MAY TAKE APPROPRIATE NOTAM ON RECEIPT OF DEFINITIVE LAUNCH WINDOW AS PER RELEVANT ICAO PROVISIONS IN ANNEX 11, ANNEX 15 AND DOC 10066-AIM.

KINDLY ACKNOWLEDGE RECEIPT BY EMAIL/SIGNAL/FAX

BEST REGARDS

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Sent: Friday, February 12, 2021 3:43 PM

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Subject: PSLV-CS1 ROCKET LAUNCH FROM INDIA- DEFINITIVE LAUNCH WINDOW OF 3 DAYS

### DEFINITIVE LAUNCH WINDOW OF 3 DAYS

SIR/MADAM,

PLEASE ACCEPT WARM GREETINGS FROM AIRPORTS AUTHORITY OF INDIA.  
KINDLY REFER TRAILING MAIL.

LAUNCH OF ONE PSLV- CS1 ROCKET FROM INDIA IS SCHEDULED BETWEEN 0430 TO 0830 UTC ON ANY DAY FROM 28 FEBRUARY TO 02 MARCH 2021. THERE IS NO CHANGE IN DANGER ZONES.

IT IS REQUESTED THAT THE CIVIL AVIATION AUTHORITY OF SRILANKA, AIR SERVICES AUSTRALIA AND CIVIL AVIATION DEPARTMENT OF REPUBLIC OF MAURITIUS MAY TAKE APPROPRIATE NOTAM FOR ABOVE MENTIONED TIME PERIOD FOR DEFINITIVE LAUNCH WINDOW OF 03 DAYS FROM 28<sup>TH</sup> FEB TO 02 MARCH 2021 AS PER RELEVANT ICAO PROVISIONS IN ANNEX 11, ANNEX 15 AND DOC 10066-AIM.

THE LAUNCH WINDOW FROM 03<sup>RD</sup> TO 29<sup>TH</sup> MARCH 2021 SHALL BE KEPT ALIVE FOR RESHEDULING OF LAUNCH IF REQUIRED.

KINDLY ACKNOWLEDGE RECEIPT BY EMAIL/SIGNAL/FAX

BEST REGARDS

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**Figures 7 and 8: Compliant Ballistic Launch Notification Example**

### Bangladesh Air Defence Identification Zone (ADIZ)

2.20 In 2018, the ad hoc establishment by Bangladesh of an Air Defence Identification Zone (ADIZ) had been discussed by the ATM/SG/6. To date, the Regional Office was not aware of any change in the ADIZ status or progress to minimize the impact of the ADIZ, which had no basis in international law.

2.21 ADIZ are referenced in Annex 4 – *Aeronautical Charts* and Annex 15 – *Aeronautical Information Services* solely to ensure that, where established, any necessary information is included in the State AIP and aeronautical charts. While ICAO Annex 2 – *Rules of the Air* provides standards and recommended practices (SARPS) relating to the interception of aircraft, there are no ICAO SARPS or procedures for the establishment and operation of ADIZ.

2.22 Regarding Air Defence Codes (ADCs), ICAO had noted at the ATM/SG and APANPIRG these should not be necessary when data is readily available to military authorities from flight plans. APAC States that currently require an ADC are therefore urged to discuss the establishment of appropriate data sharing with their military authorities in accordance with the expectations of the *Asia/Pacific Seamless ANS Plan*, so that the need for an ADC can be superseded by more efficient arrangements.

2.23 Bangladesh and India were understood to require an ADC for each flight, irrespective of the flight plan status. Bangladesh and India are therefore urged to consider alternative, less disruptive measures used by other Asia/Pacific States, especially to support the post-pandemic recovery.

### ATM Delays Emanating from Chinese Airspace

2.24 As long ago as the Third Air Traffic Management Subgroup (ATM/SG/3, Bangkok, 03 – 07 August 2015) major delays emanating from Chinese airspace had been discussed. While recognising that not all delays were caused by civil-military cooperation issues, the continuing reports of problems related to Chinese airspace led to China’s commitment in 2017 to implement some ATFM measures to better manage traffic. APANPIRG/27, APANPIRG/28, APANPIRG/29 and APANPIRG/30 had noted the Subgroup reports on delays affecting many Asia/Pacific Flight Information Regions, and had urged China to address these.

2.25 The International Federation of Air Line Pilots’ Associations (IFALPA) had recently reported less delays in its 2020 reports, which would appear to indicate some improvements implemented by China.

2.26 At APANPIRG/31, ICAO extended its appreciation to the Air Traffic Management Bureau (ATMB) of the China Civil Aviation Administration (CAAC) for these efforts, and urged China to continue these positive developments, including closer cooperation between the military and State authorities, and the ATMB.

### Special Use Airspace

2.27 In 2018, an example of a poor notification processes for activation of military Special Use Airspace (SUA) used by Myanmar had been discussed at the ATM/SG/7. The NOTAM promulgated by Yangon did not meet the standard expected of Annex 15 in terms of timeliness. This example was discussed with the Myanmar military authorities from 17 – 18 December 2019 at a Myanmar Civil-Military Cooperation Seminar/Workshop.

2.28 An example of danger areas being improperly designated by Bangladesh within or partly within India's airspace of responsibility had also been highlighted at the ATM/SG/7 (**Figure 7**). States are only permitted to designate airspace within international airspace that was delegated to that State for the purposes of provision of ATS. The provisions of Annex 2 – *Rules of the Air* applied:

*2.1.2 Each Contracting State shall ensure that the provision of aeronautical data and aeronautical information covers its own territory and those areas over the high seas for which it is responsible for the provision of air traffic services (ATS).*



**Figure 9:** Bangladesh AIP Depiction of Danger Areas

2.29 APANPIRG/30 had agreed to a Deficiency for the establishment of the Bangladesh danger areas in question. Even though Bangladesh had taken the positive step of enacting a coordination agreement for these danger areas with India, the designation was still non-compliant with SARPs.

2.30 Moreover, restricted areas were being designated in international airspace, despite restricted areas and prohibited areas being defined by Annex 2 as only being able to be designated 'above the land areas or territorial waters of a State'. This had resulted in APANPIRG/30 issuing a formal Deficiency to Australia, India and Indonesia, as the UNCLOS provisions did not allow States to impose restrictive measures on aircraft within international airspace, other than the State's own aircraft.

2.31 The only means of imposing restrictions on international airspace is for a Regional Air Navigation Agreement to be enacted by a Proposal for Amendment (PFA) to the Regional Air Navigation Plan, or to ICAO Doc. 7030 – *Regional Supplementary Procedures*. In the case of SUA, the only ICAO-recognized entity that can be designated in international airspace is a danger area.

2.32 There were a number of other States which had apparently designated restricted areas within international airspace. **Figures 10, 11, 12** and **13** are examples from China, Japan, Republic of Korea and Malaysia that could be subject for consideration of an APANPIRG Deficiency, unless the airspace was re-designated as a danger area or disestablished.



Figure 10: Chinese Restricted Area Examples within International Airspace

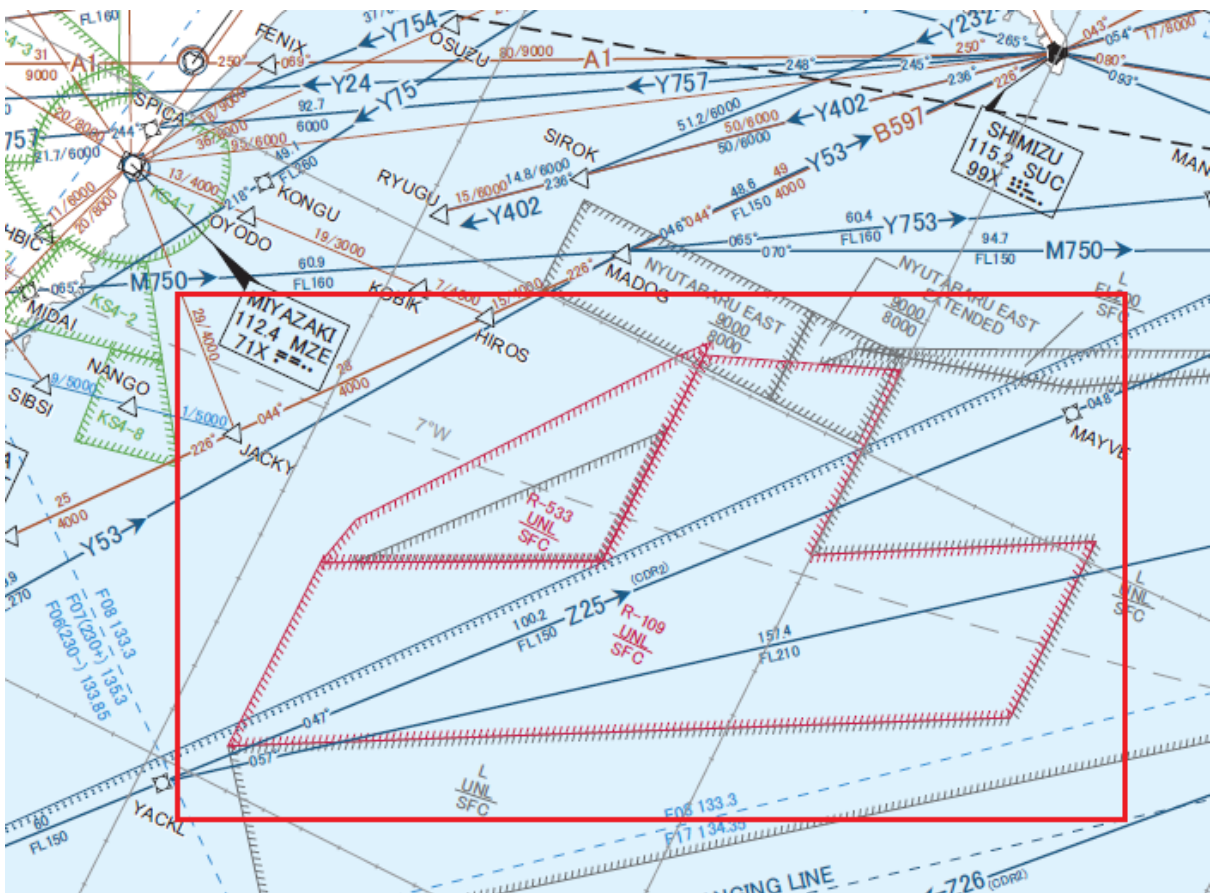


Figure 11: Japan Restricted Area Examples within International Airspace



### Conflict Zone Information Repository (CZIR)

2.33 According to ICAO Electronic Bulletin EB 2018/3 dated 24 January 2018, the ICAO CZIR web library of risk information related to civil aviation operations over or near conflict zones had now been disestablished. This is due to developments in the aviation sector whereby risk information is now being provided by States, other international organizations, and industry flight planning services in real-time. In addition, the ICAO Aviation Security Point of Contact network has demonstrated its value by enabling States to share, in a timely and efficient manner, risk information in relation to civil aviation operations over or near conflict zones.

2.34 Meeting participants should note the information provided on this subject in ICAO Doc 10084 – *Risk Assessment Manual for Civil Aircraft Operations Over or Near Conflict Zones*.

### State Aircraft filing RVSM

2.35 Recent ICAO European Aviation Systems Planning Group (EASPG) meetings had been investigating various measures that State Authorities could take to address and reduce the number of aircraft, without a confirmed Reduced Vertical Separation Minimum (RVSM) approval, operating in RVSM airspace. These aircraft were referenced in the European Regional Monitoring Agency (EUR RMA) Bulletin - particularly those aircraft that had been identified for extended periods of time.

2.36 As State authorities were required to take appropriate action to ensure the safety of operations in RVSM airspace (FL290 – FL410 inclusive), the German State authority had requested the EUROCONTROL Network Manager to introduce measures to reject aircraft identified in the EUR RMA Bulletin from operating in German RVSM airspace.

### Upgrade of ICAO Circular 330

2.37 A project to upgrade Circular 330 with ICAO Doc. 10088 – *Manual on Civil-Military Cooperation in Air Traffic Management* had been undertaken by ICAO HQ during 2016 and 2017 in cooperation with a group of civil and military experts, including input from the Asia/Pacific Region. Material from the *Asia/Pacific Seamless ATM Plan* and its subsidiary plan the *Asia/Pacific SAR Plan* had been included in the new ICAO Doc. 10088. In this regard, special attention had been paid to the strategic and tactical coordination mechanisms, and review of SUA elements.

2.38 ICAO Doc. 10088 had now been made available to States by ICAO HQ on the ICAO Secure Portal at ICAO-NET.

### Civil-Military Cooperation Seminars/Workshops

2.39 In a joint effort between the ICAO Regional Sub-Office (RSO) and the Regional Office, Civil-Military Cooperation Conferences and Workshops had been conducted in Bangladesh (22 – 23 October 2019), Indonesia (30 – 31 October 2019), Myanmar (17 – 18 December 2019) and the UAE (09 – 13 December 2019).

2.40 When appropriate post pandemic, the Regional Office hoped to conduct such events in the future. The RSO was also expected to recruit a new officer to assist with civil-military cooperation in the near future.

**3. ACTION BY THE MEETING**

3.1 The meeting is invited to:

- a) note the information contained in this paper;
- b) note that enhanced civil/military cooperation was essential to support the recovery of aviation during the pandemic and post COVID-19;
- c) note and comply with the regional policy established to minimise the instances of ballistic launch/space re-entry activity adversely affecting other States or endangering people's lives;
- d) note the possibility of APANPIRG Deficiencies related to military restricted areas over the high seas for China, Japan, Republic of Korea, and Malaysia;
- e) discuss the minimisation of onerous military requirements such as ADIZ and the establishment of data sharing arrangements with military authorities to eliminate the need for ADCs;
- f) note that ICAO Doc. 10088 had been released;
- g) support planning for civil-military cooperation workshops/seminars once the pandemic situation allowed this;
- h) request States to provide an update on their civil-military cooperation status with respect to the 10 *Asia/Pacific Seamless ANS Plan* elements; and
- i) discuss any other relevant matters as appropriate.

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