



Use of High Seas Military Perspective

OUTLINES

- **International Law**
- **Types of Military Flight**
- **Constraints and Requirements**
- **Conclusion**

INTERNATIONAL LAW

- Sovereignty; (CC*, Art. 1)
"...every State has complete and exclusive sovereignty over the airspace above its."
- Territory; (CC, Art.2)
"...shall be deemed to be the land areas and territorial waters adjacent thereto..."

*CC; Chicago Convention 1944

INTERNATIONAL LAW

- Applicability of CC (CC, Art 3a);
"...shall **not be applicable to state aircraft**"
- State A/C; (CC, Art. 3b)
"...**military, customs and police services**..."
- Due Regard; (CC, Art.3d)
".. undertake, when issuing regulations for their state aircraft, that they will **have due regard for the safety of navigation of civil aircraft**"

INTERNATIONAL LAW

- Prohibition (CC, Art. 9)

"...State **may,.... restrict or prohibit** uniformly the aircraft of other States from flying **over certain areas of its territory...**"

- Rules of the air (CC, Art 12)

"**Over the high seas, the rules** in force shall be those **established under this Convention**"

INTERNATIONAL LAW

- Freedom of Flight Over High Seas (UNCLOS*, Art.87

"The **high seas are open to all States**... Freedom of the high seas ...comprises, inter alia :
(a) freedom of navigation,
(b) **freedom of overflight**..."

* Turkey's position regarding UNCLOS (United Nations Convention on the Law of the Sea) remains unchanged.

INTERNATIONAL LAW

- Provisions of Services Over the High Seas (Annex-11, para 2.1.2)

...over the high seas ...where air traffic services will be provided shall be determined on the basis of regional air navigation agreements.

- Provisions of Services Over the High Seas (ATSPM, DOC 9426, Para 1.3.3)

...over the high seas ...,ATS services shall be established in accordance with regional air navigation agreements ...

*ATSPM; THE AIR TRAFFIC SERVICES PLANNING MANUAL

INTERNATIONAL LAW

- Provisions of Services Over the High Seas (ATSPM, DOC 9426, Para 1.3.3) Cont'd

...the assumption of ...responsibility by a State...does not imply that this State is then entitled to impose its specific rules and provisions in such airspace at its own discretion...

...conditions of operation therein will be governed by applicable ICAO provisions of a world-wide...

*ATSPM; THE AIR TRAFFIC SERVICES PLANNING MANUAL

TYPES OF MILITARY FLIGHTS*

- **Airlift**
- **Counter-Air**
- **Space Operations**
- **Air Support**
- **Airborne Operations**
- **Medical Evacuation**
- **ISR/AWACS**
- **Special Air Operations**
- **Air-to-air refuelling**
- **Search and rescue**
- **In support of**
 - ✓ Police
 - ✓ Customs
 - ✓ Meteorology
 - ✓ Geography and hydrography
 - ✓ Fire Fighting
- **VIP**
- **UAV**

*ICAO Circular 330-AN/189

Constraints and Requirements

Institutional C&R

- * Cost efficiency
- * Modernization cycle
- * Defence budget

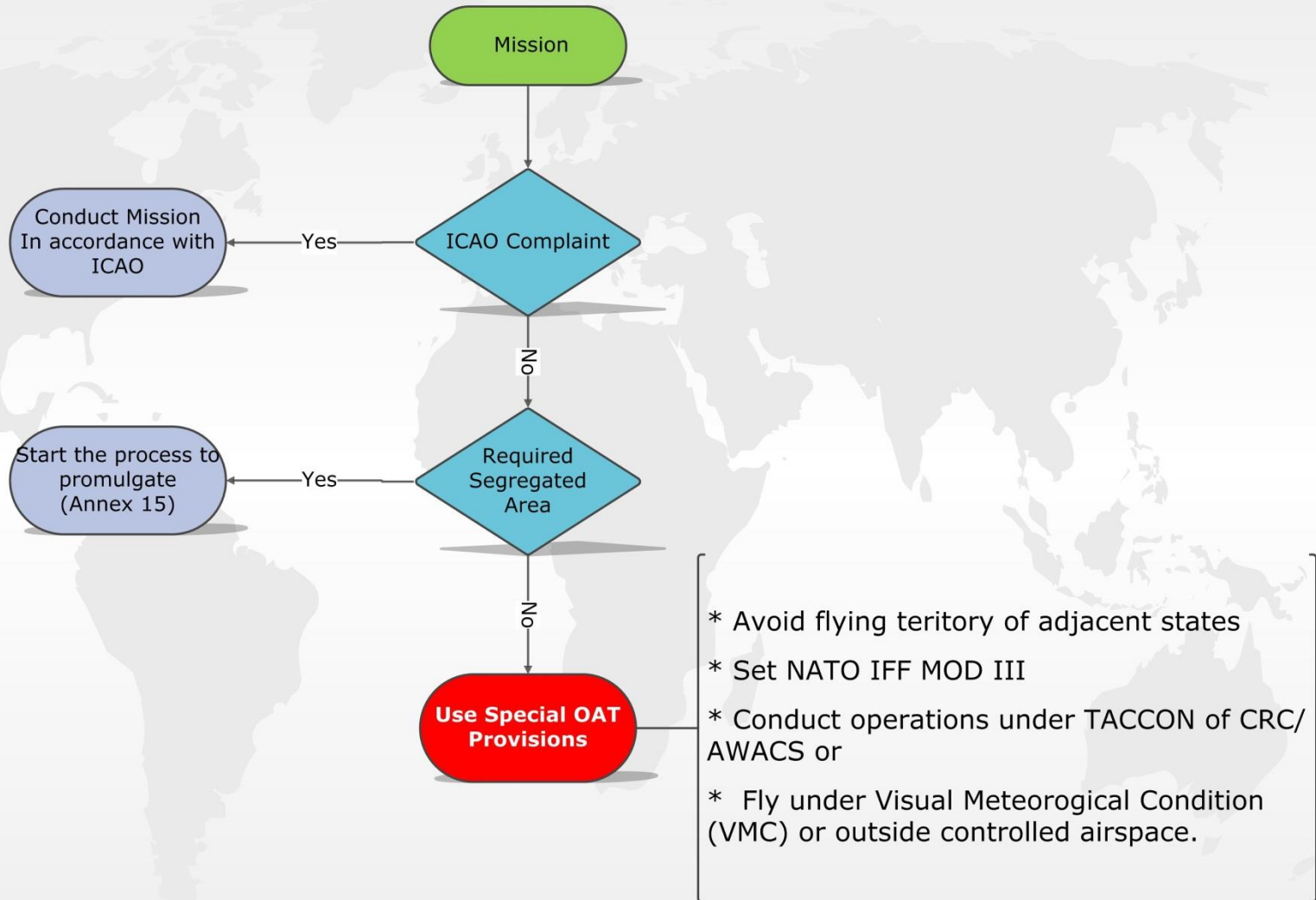
Operational C&R

- * Mission effectiveness
- * Base to Base Operations
- * Training areas
- * C2
- * Access to all airspace
- * Mission flexibility

Technical C&R

- * Limited cockpit space
- * Mission oriented equipage on board
- * Life cycle
- * Manufacturer problem

Mission Planning Flow Chart



Conclusion

- Economic benefit vs. mission effectiveness,
- Safety is paramount,
- The airspace is a unique and scarce resource,
- Military requirement to effectively and efficiently use airspace increases exponentially,
- Concentrate on root reason of today's problem,
- Avoid misconception of ATS responsibility over high seas,
- Avoid exploiting the responsibility,
- Understand and respect the military requirement as equal as civilian one.