



ASSEMBLY — 40TH SESSION

TECHNICAL COMMISSION

Agenda Item 30: Other issues to be considered by the Technical Commission

NECESSITY OF INCREASING COOPERATION AND COORDINATION EFFORTS
BETWEEN STATES IN FLIGHT INFORMATION REGIONS THAT ARE ADJACENT TO THE
ICAO CAR AND SAM REGIONS

(Presented by the Bolivarian Republic of Venezuela)

EXECUTIVE SUMMARY

This working paper presents the practical aspects that States must take into account in connection with coordination and cooperation between civil and military air traffic which make it possible to ensure the safety, regularity and efficiency of civil aviation and satisfy the requirements of military air traffic through the establishment of a dynamic airspace. In addition, the paper argues for the need to carry out an analysis of the risks entailed by the non-observance of clear and established Standards between contiguous States in the provision of air traffic services. This can be achieved only by fully integrating flight monitoring and flight planning procedures within the area control centres (ACCs) of the units involved.

Action: The Assembly is requested to:

- a) underscore the necessity of close coordination between contiguous States in the Caribbean and South America with the aim of achieving the optimized use of intercontinental airspace while maintaining the safety and efficiency Standards provided for in the *Global Air Navigation Plan* (GANP) and the *Global Aviation Safety Plan* (GASP);
- b) request ICAO to recognize the need for greater collaboration and cooperation between contiguous States for the maintenance and regularity of international air navigation in accordance with safety criteria through compliance with the operational agreements in force; and
- c) urge ICAO to promote more working contacts between the two regions aimed at achieving the Organization's strategic objectives for the benefit of the international aeronautical community.

<i>Strategic Objectives:</i>	This working paper relates to the Strategic Objectives of Aviation Safety and Air Navigation Capacity and Efficiency.
<i>Financial implications:</i>	N/A

¹ Spanish version provided by Venezuela (Bolivarian Republic of).

<i>References:</i>	ICAO Annex 11 — <i>Air Traffic Services</i> <i>Global Air Navigation Plan</i> (GANP, Doc 9750) <i>2017–2019 Global Aviation Safety Plan</i> (GASP, Doc 10004) <i>Procedures for Air Navigation Services — Air Traffic Management</i> (PANS-ATM, Doc.4444) Operational agreements between States for the provision of air traffic services
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1. INTRODUCTION

1.1 States need to administer their airspace in such a way as to satisfy the requirements of both civil and military aviation. In order for international aviation to function as a safe and harmonious system, States have agreed to cooperate in defining a common regulatory framework and, among other things, air traffic services, which include access to and use of airspace.

1.2 Since airspace is an increasingly scarce and valuable resource, States must adopt a balanced approach to air traffic management so that the requirements of traffic and national security are harmonized and satisfied. This requires communication, collaboration and cooperation.

1.3 A Standard is a specification for physical characteristics, configuration, material, performance, personnel or procedure, the uniform application of which is recognised as necessary for the safety or regularity of international air navigation and to which Contracting States will conform in accordance with the Convention; in the event of impossibility of compliance, notification to the Council is compulsory under Article 38 of the Chicago Convention.

1.4 The Convention establishes the prerogatives and limitations of all ICAO Member States and envisages the adoption of international Standards and Recommended Practices (SARPs) to regulate international air transport. The Convention recognizes and accepts the principle that every State has complete and exclusive sovereignty over the airspace above its territory. Here it needs emphasizing that complete sovereignty is over the territory of the State in question and not over the territory of any other State.

1.5 Thanks to increased dialogue and a changing culture, civil/military cooperation is becoming a subject of worldwide relevance, owing to the enormous benefits such cooperation entails for air traffic management systems (ATM) and other aviation activities, civil and military alike.

2. ANALYSIS

2.1 Article 3 (d) of the Chicago Convention provides that “the Contracting States undertake, when issuing regulations for their State aircraft, that they will have due regard for the safety of navigation of civil aircraft”.

2.2 Chapter 1 of ICAO Circular 330-AN/189, *Civil/Military Cooperation in Air Traffic Management*, at 1.2.3, states that “States are required to safeguard navigation of civil aircraft when setting rules for their State aircraft. This leaves it up to the individual State to regulate these operations and services, generating a wide diversity of military regulations. However, especially in congested airspace, harmonized regulation is a precondition for a safe, efficient and ecologically sustainable aviation system.” Such harmonization must be coupled with the operational requirements and safety criteria of adjacent States.

2.3 As stated in the Foreword of Annex 11, a State may delegate to another State responsibility for providing ATS. Nevertheless, States retain sovereignty over the airspace in respect of which such delegation is made, as confirmed in the Convention to which they have acceded. This factor may require – and indeed this is the case – additional coordination in civil/military cooperation and due regard to bilateral or multilateral agreements.

2.4 Accordingly, ICAO Circular 330-AN/189, at 1.2.6, emphasizes that more and more multinational military operations that cross international boundaries require complex coordination and planning processes to avoid unnecessary segregation or restrictions and to achieve the required level of safety. In the light of Article 3 (d), ICAO should provide support to States in harmonizing the operations of their State aircraft and related services in a regional – ideally, worldwide – setting.

2.5 In the light of the foregoing, the International Civil Aviation Convention identifies the need for a regulatory framework that creates obligations for States with respect to civil/military issues, such as the formulation of aviation safety regulations that comply with the ICAO SARPS set forth in Annexes to the Convention (Article 37) and the adoption of measures relating to, for example, ATM, as specified in Annexes to the Convention, such as the classification of airspace and coordination with respect to civil/military coordination.

2.6 This must be extended beyond territorial frontiers or the limits for the provision of air traffic services or the flight information region (FIR) of each State, even when it is a matter of international airspace or airspace over international waters, given that some States provide services in these spaces since they fall within the limits of the FIR.

2.7 Hence the importance of harmonization of civilian/military activities and operations which transcend the frontiers of individual States and can at any time affect the safety of civil operations in the airspace under the responsibility of an adjacent State.

2.8 Annex 2 — *Rules of the Air* sets forth Standards relating to aircraft flights and manoeuvres within the scope of Article 12 of the Convention. It includes provisions for coordination with military authorities in view of the State's integrity and territorial sovereignty, i.e. for reasons of air defence. In order to facilitate coordination with the competent military units, a flight plan must be submitted for any flight within the designated area or along the designated airways. In such cases, the flight plan is submitted in order to facilitate coordination and flight control with the transparent exchange of data in real time.

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