



| ICAO

CAPACITY & EFFICIENCY

Virtual FP Meeting on the implementation of an effective Civil – Military Cooperation in ATM

ICAO provisions and guidance material

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Virtual / 14 -15 June 2023





Chicago Convention

Four sections, 96 articles

- **Part 1 – Air Navigation**
- **Part 2 – The International Civil Aviation Organization**
- **Part 3 – International Air Transport**
- **Part 4 – Final Provisions**

CONVENTION
ON
INTERNATIONAL
CIVIL AVIATION
DONE
AT CHICAGO
ON THE
7TH DAY OF DECEMBER
1944





Chicago Convention

➤ Part 1 – Air Navigation (main concepts)

Sovereignty

The contracting States recognize that every State has **complete and exclusive sovereignty over the airspace above its territory** (Art.1)

Territory

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



Chicago Convention

➤ Part 1 – Air Navigation (main concepts)

Civil and State aircraft (Art. 3)

a) This **Convention** shall be applicable only to civil aircraft, and **shall not be applicable to state aircraft**.

b) Aircraft used in **military, customs and police services** shall be deemed to be state aircraft.

c) No state aircraft of a contracting State shall fly over the territory of another State or land thereon without **authorization by special agreement** or otherwise, and in accordance with the terms thereof.

d) 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**



Chicago Convention

- Part 1 – Air Navigation (main concepts)

Article 3 bis

Every State must “**refrain from resorting to the use of weapons against civil aircraft in flight**” and that, in case of **interception**, lives and aircraft must not be endangered (**Art. 3 bis**, Assembly amendment 10 May 1984)



Chicago Convention

➤ Part 1 – Air Navigation (main concepts)

Rules of the Air

Each State “undertakes to adopt **measures ensuring** that “every aircraft flying over or maneuvering within its territory and every aircraft carrying its nationality mark shall comply with the rules and regulationsin force” (**Art.12**)

Each State “undertakes to keep its own regulations in these respect **uniform**, to the greatest possible extent, with those established from time to time under this Convention

Over the High Seas, the rules in force shall be those established under this Convention



Chicago Convention

➤ Part 1 – Air Navigation (main concepts)

Adoption of international standards and procedures

“Each contracting State undertakes to collaborate in securing the **highest practicable degree of uniformity** in regulations, standards, procedures, and organization in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation”

STANDARD

Any specification the uniform application of which is recognized as **necessary** for the safety or regularity of international air navigation



Chicago Convention

➤ Part 1 – Air Navigation (main concepts)

Adoption of international standards and procedures

“To this end the **International Civil Aviation Organization shall adopt and amend from time to time, as may be necessary, international standards and recommended practices** and procedures” dealing with communication systems and air navigation aids, including ground marking, characteristic of airports and landing areas, rules of the air, licensing, airworthiness.....and such other matters concerned with the safety, regularity and efficiency of air navigation.... (Art. 37)

Initial set of 12 , now 19
Technical Annexes to the
Convention



UN Convention on the Law of the Sea (UNCLOS)

➤ Articles with relevance for Aviation

Article 2, Legal status of the territorial sea, of the air space over the territorial sea and of its bed and subsoil

1. The **sovereignty of a coastal State extends**, beyond its land territory and internal waters and, in the case of an archipelagic State, its archipelagic waters, to an adjacent belt of sea, described as **the territorial sea**.
2. This **sovereignty extends to the air space over the territorial sea** as well as to its bed and subsoil.
3. The sovereignty over the territorial sea is exercised subject to this Convention and to other rules of international law.

Article 3, Breadth of the territorial sea

Every State has the right to establish the breadth of its territorial sea **up to a limit not exceeding 12 nautical miles**, measured from baselines determined in accordance with this Convention.



UN Convention on the Law of the Sea (UNCLOS)

Article 58, Rights and duties of other States in the exclusive economic zone

In the exclusive economic zone, all States, whether coastal or land-locked, enjoy, subject to the relevant provisions of this Convention, **the freedoms referred to in article 87 of navigation and over-flight** and of the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to these freedoms, such as those associated with the **operation** of ships, **aircraft** and submarine cables and pipelines, and compatible with the other provisions of this Convention.

Article 86

The provisions apply to all **parts of the sea that are not included in the exclusive economic zone, in the territorial sea or in the internal waters of a State**, or in the archipelagic waters of an archipelagic State. This article does **not entail any abridgement of the freedoms enjoyed by all States in the exclusive economic zone in accordance with article 58.**



UN Convention on the Law of the Sea (UNCLOS)

Article 87, Freedom of the high seas

The **high seas are open to all States**, whether coastal or land-locked.

1. Freedom of the high seas is exercised under the conditions laid down by this Convention and by other rules of international law. It comprises, inter alia, both for coastal and land-locked States:

- (a) Freedom of navigation
- (b) **Freedom of over-flight**



Note : Turkey is not a signatory to the UNCLOS III from 1982 and their position is well known and remains unchanged



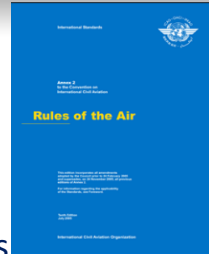
ICAO Annex 2 (Rules of the Air)

➤ Art 3.8 (and Attachment A) Interception of Civil Aircraft

3.8.1 Interception of civil aircraft shall be governed by appropriate regulations and administrative directives issued by Contracting States in compliance with the Convention on International Civil Aviation, and in particular Article 3(d) under which Contracting States undertake, when issuing regulations for their State aircraft, to have due regard for the safety of navigation of civil aircraft. Accordingly, in drafting appropriate regulations and administrative directives due regard shall be had to the provisions of Appendix 1, Section 2 and Appendix 2, Section 1.

Note. — Recognizing that it is essential for the safety of flight that any visual signals employed in the event of an interception which should be undertaken only as a last resort be correctly employed and understood by civil and military aircraft throughout the world, the Council of the International Civil Aviation Organization, when adopting the visual signals in Appendix 1 to this Annex, urged Contracting States to ensure that they be strictly adhered to by their State aircraft.....

3.8.2 The pilot-in-command of a civil aircraft, when intercepted, shall comply with the Standards in Appendix 2, Sections 2 and 3, interpreting and responding to visual signals as specified in Appendix 1, Section 2.





ICAO Annex 11 (Air Traffic Services)

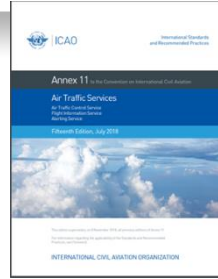
➤ Art 2.18 Coordination between military authorities and air traffic services

2.18.1 Air traffic services authorities shall establish and maintain close cooperation with military authorities responsible for activities that may affect flights of civil aircraft.

2.18.2 Coordination of activities potentially hazardous to civil aircraft shall be effected in accordance with 2.19.

2.18.3 Arrangements shall be made to permit information relevant to the safe and expeditious conduct of flights of civil aircraft to be promptly exchanged between air traffic services units and appropriate military units.

2.18.3.1 and 2.18.3.2 with further details on data provision and special procedures for information exchange in order to avoid an interception.





ICAO Annex 11 (Air Traffic Services)

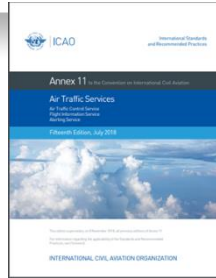
➤ Art 2.19 Coordination of activities potentially hazardous to civil aircraft

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 the provisions of Annex 15. (Recommendations)

2.19.2 The objective of the coordination shall be to achieve the best arrangements which will avoid hazards to civil aircraft and minimize interference with the normal operations of such aircraft. (Recommendations)

2.19.3 The appropriate ATS authorities shall be responsible for initiating the promulgation of information regarding the activities.

2.19.4 Recommendation.— *If activities potentially hazardous to civil aircraft take place on a regular or continuing basis, special committees should be established as required to ensure that the requirements of all parties concerned are adequately coordinated.*





ICAO Annex 11 (Air Traffic Services)

- Art 2.19 Coordination of activities potentially hazardous to civil aircraft
 - 2.19.5 Adequate steps shall be taken to prevent emission of laser beams from adversely affecting flight operations
 - 2.19.6 Recommendation.— *In order to provide added airspace capacity and to improve efficiency and flexibility of aircraft operations, States should establish procedures providing for a flexible use of airspace reserved for military or other special activities. The procedures should permit all airspace users to have safe access to such reserved airspace.*
- Art 2.25 In-flight Contingencies
 - 2.25.1 Strayed or unidentified aircraft
- Attachment C - Contingency Plans

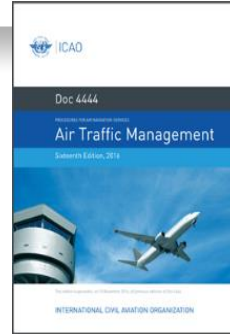




ICAO Doc 4444 (PANS Air Traffic Management)

16.1 RESPONSIBILITY IN REGARD TO MILITARY TRAFFIC

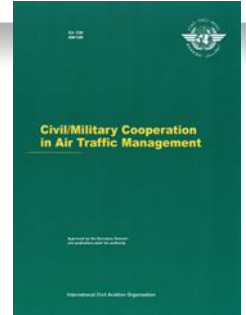
- 16.1.1 It is recognized that some military aeronautical operations necessitate non-compliance with certain air traffic procedures. In order to ensure the safety of flight operations the appropriate military authorities shall be asked, whenever practicable, to notify the proper air traffic control unit prior to undertaking such manoeuvres.
- 16.1.2 A reduction of separation minima required by military necessity or other extraordinary circumstances shall only be accepted by an air traffic control unit when a specific request in some recorded form has been obtained from the authority having jurisdiction over the aircraft concerned and the lower minima then to be observed shall apply only between those aircraft. Some recorded form of instruction fully covering this reduction of separation minima must be issued by the air traffic control unit concerned.
- 16.1.3 Temporary airspace reservation, either stationary or mobile, may be established for the use of large formation flights or other military air operations. Arrangements for the reservation of such airspace shall be accomplished by coordination between the user and the appropriate ATS authority. The coordination shall be effected in accordance with the provisions of Annex 11 and completed early enough to permit timely promulgation of information in accordance with the provisions of Annex 15.





ICAO Circular 330 (Civil/Military Cooperation in ATM)

- based on the ICAO Doc 9554 (Manual concerning the safety measures relating to military activities potentially hazardous to civil aviation)



Guidance on the ICAO institutional and regulatory framework

Guidance on airspace organization and management

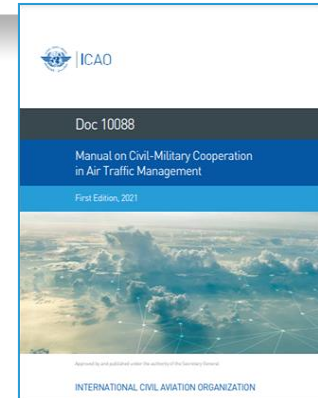
Guidance on State aircraft operations

Practical examples



ICAO Doc 10088 (Manual on Civil-Military Cooperation in Air Traffic Management)

- released with Electronic Bulletin EB2021/08 in February 2021 as unedited version, in English only
- The focus of this manual is to provide guidance to States wishing to implement or improve civil-military cooperation in air traffic management, for safe and optimal use of the airspace by civil and military users.
- This manual also serves as reference for authorities and units responsible for establishing and implementing the processes and procedures that will facilitate civil-military collaboration, cooperation and coordination

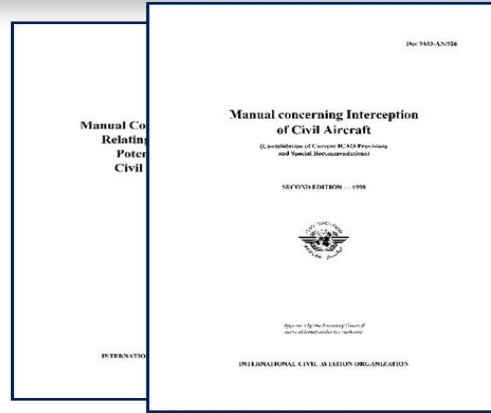




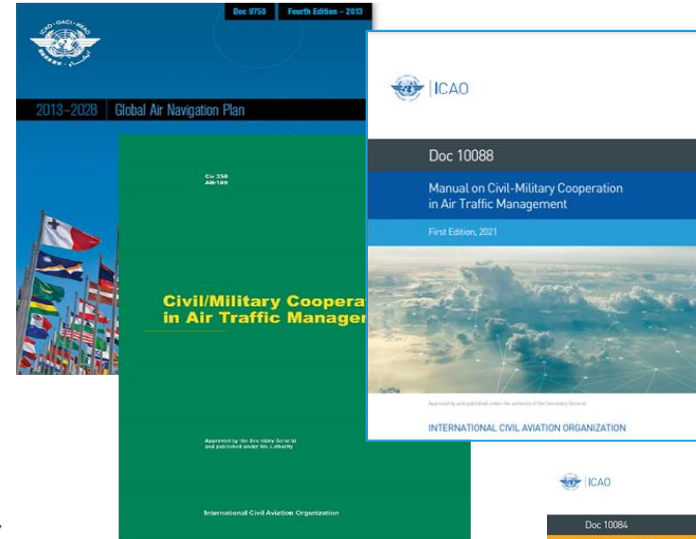
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Different Frameworks



DOC 9554-AN/932
"Manual Concerning Safety Measures Relating to Military Activities Potentially Hazardous to Civil Aircraft Operations"
DOC 9433-AN/926
"Manual Concerning Interception of Civil Aircraft"



CIRCULAR 330
"Civil/Military Cooperation in Air Traffic Management"



Doc 10084 Civil Aircraft Operations over or near Conflict Zones

Doc 10088 Manual on civ mil cooperation in ATM

Institutional and regulatory framework

Military Aircraft Operations

Civil/Military Interoperability



- Results from the Global ATM Forum should be communicated via a global campaign to support States in the implementation of provisions relating to civil/military cooperation and coordination
 - ICAO should serve as an international platform to facilitate and enhance Civil/Military Coordination as well as to provide the necessary follow up activities
- AN-Conf/12 Recommendation 4/5 – Civil/military coordination & cooperation and sharing of airspace
- AN-Conf/13 Agenda Item 3.4 on Civil Military Cooperation with 2 Recommendations on civil-military collaboration and civil-military cooperation implementation
- ICAO Assembly Resolution A40-4, Appendix I





- Civil-Military cooperation is not a mission impossible, if there is a clear political will to engage in technical and operational discussions
- Trust, the 3 Cs (coordination, collaboration, communication) and mutual respect/understanding of all user requirements are key essential components
- Especially in civil-military cooperation, the implementation must be seen as scalable and based on the operational context
- ICAO has a special role as in the implementation support. As a UN organization we can engage (global, regional workshops or specific TFs) with aviation stakeholders to address the specific aspects of civil-military cooperation, raising the understanding, sharing best practices, publishing guidance, and in some cases implementing concrete measures to enhance the safety of flight operations for all civil and military operations





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(EUR/NAT) Office
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(MID) Office
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Southern African
(ESAF) Office
Nairobi

Asia and Pacific
(APAC) Sub-office
Beijing

Asia and Pacific
(APAC) Office
Bangkok



THANK YOU



- Air Navigation Conference 12 in 2012
- High Level Safety Conference in 2015
- Air Navigation Conference 13 in 2018
- ICAO Assembly Resolution A38-12, Appendix I
- ICAO Assembly Resolution A40-4, Appendix I



AN-Conf/12



➤ Recommendation 4/5 – Civil/military coordination cooperation and sharing of airspace

That States:

a) planning and implementation regional groups, and ICAO to analyse the benefits that could be achieved through improved civil/military cooperation and sharing of the airspace serving international traffic flows and express the results of this analysis in terms of:

- capacity increases and reduction in routine delays as measured by traffic volumes on major traffic flows;
- document fuel savings and emission reductions through the use of the fuel savings estimation tools; and
- other additional benefits;

b) based on the analysis made by States, planning and implementation regional groups, and ICAO, urge States to develop plans to implement improvements for the cooperative use of airspace related to the top areas of opportunity and establish concrete targets using tools already available for this purpose;



AN-Conf/12



➤ Recommendation 4/5 – Civil/military coordination cooperation and sharing of airspace

That States:

c) in relation to international traffic flows, for each ICAO region urge the planning and implementation regional groups and their associated States to identify the top areas of opportunity that could benefit the most from improvements in civil/military cooperation and sharing of the airspace and develop concrete targets for improvement;

That ICAO:

d) develop a set of criteria or metrics to enable objective measurement of progress in civil/military cooperation; and
e) continue to develop guidance material for States on the flexible use of their airspace, airspace design, interoperability and integration of humanitarian assistance flights in crisis response scenarios in their airspaces to facilitate integrated use of the airspace.



HSC 2015

- As part of HLSC/15 Theme 1 (Reviewing the current situation) a joint WP was presented that addressed the civil military coordination aspects
- WP/82, presented by Sweden, Canada, Denmark, Finland, the Netherlands, Poland, United Kingdom and EUROCONTROL presented views for strengthening the coordination between civil and military operations over the high-seas in all types of airspace. There was strong support and agreement by the conference to call upon States' responsibility to ensure the safety of civil aircraft through civil military coordination as outlined in the ICAO circular on *Civil/Military Cooperation in Air Traffic Management (Cir 330)*. The conference also encouraged updates to Cir 330 on a regular basis.
- Consequently, as part of HLSC/15 Conclusion 2/1 it was agreed that
 - e) States should ensure the safety of civil aircraft through civil military coordination as outlined in the ICAO circular *Civil / Military Cooperation in Air Traffic Management (Cir330)* and should update that Circular on a regular basis.(see also recommendation I) for ICAO to support States in this exercise.





AN-Conf/13



- Conference Theme “From Development to Implementation” which encompassed implementation of operational improvements, such as technology, operational concepts, and roadmaps, from the conceptual phase until deployment.
- 1213 participants from 116 Member States and 37 international organizations, over 300 working and information papers
- Air Navigation Committee and Aviation Safety Committee
- Results from AN-Conf/13 will be used as input for the 40th ICAO Assembly

1

Air navigation global strategy

2

Enabling the global air navigation system

3

Enhancing the global air navigation system

4

Implementing the global air navigation system and the role of PIRGs

5

Emerging issues

6

Organizational safety issues

7

Operational safety risks

8

Emerging safety issues



- AN-Conf/13, Agenda Item 3.4 Civil Military Cooperation
- ICAO WP/9 which underlined the need to enhance civil-military collaboration at the global, regional and national levels, to reduce the need for segregation, improve safety, enable cost-efficient operations and provide States with the opportunity to protect their national security
- WPs from US and European States promoted the mutual benefits of **civil and military aviation** gradually moving from **coordination to collaboration**
- WP from Brazil addressed the need to consider the regional **specificities of civil-military cooperation**, including the application of **SWIM**
- WP from China presented the national strategy with regard to the implementation of civil-military cooperation and coordination at **joint civil/military aerodromes**
- WP from IFALPA discussed the challenges encountered by airlines to plan flights across and to obtain access through certain **air defence identification zones (ADIZs)**



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Back up Slides

- **Recommendation 3.4/1 – Civil-military collaboration**

That States:

- a) actively collaborate with their military authorities, including at the regional level, and encourage greater civil-military interoperability and appropriate use of performance equivalence;
- b) continuously inform their military authorities of the improvements to air navigation capacity and efficiency, safety, cyber threats and system resilience put forth by ICAO and advocate collaboration with ICAO at the global and regional levels;

That ICAO:

- c) identify potential opportunities for civil-military collaboration, develop a mechanism to collaborate with the military community early in the development of global provisions and guidance, and establish guidance for collaboration with the military community at global and regional levels;
- d) incorporate the military dimension, including civil-military cooperation and collaboration, in future editions of the Global Air Navigation Plan (Doc 9750,GANP);
- e) consider, with urgency and in collaboration with the military community, the interoperability and governance principles for the military community in system-wide information management (SWIM) and in the development of the ICAO trust framework; and
- f) consider, where possible, the inclusion of civil-military cooperation and collaboration subjects at ICAO events, and highlight the participation of military authorities in relevant State letter invitations.





Assembly Resolutions

- ✓ In October 2013, the 38th Session of the ICAO Assembly adopted Resolution **A38-12** (as a follow-up from Assembly Resolution A37-15) on the consolidated statement of continuing ICAO policies and practices related specifically to air navigation
- ✓ The provisions of the Resolutions address in the Appendix I the coordination and cooperation of civil and military air traffic
 - *Whereas* the airspace is a resource common to both civil and military aviation, and given that many air navigation facilities and services are provided and used by both civil and military aviation;
 - *Whereas* the Preamble of the Convention on International Civil Aviation stipulates that signatories thereto had “agreed on certain principles and arrangements in order that international civil aviation may be developed in a safe and orderly manner and that international air transport services may be established on the basis of equality of opportunity and operated soundly and economically”;
 - *Whereas* Article 3 a) of the Convention states that “This Convention shall be applicable only to civil aircraft, and shall not be applicable to state aircraft” and Article 3 d) requires that “contracting States undertake, when issuing regulations for their state aircraft, that they will have due regard for the safety of navigation of civil aircraft”;



Assembly Resolutions

✓ ICAO Assembly Resolution **A-38/12**

.....

- *Recognizing* that growing civil air traffic and mission-oriented military air traffic would benefit greatly from a more flexible use of airspace used for military purposes and that satisfactory solutions to the problem of cooperative access to airspace have not evolved in all areas;
- *Whereas* the flexible use of airspace by both civil and military air traffic may be regarded as the ultimate goal, improvement in civil/military coordination and cooperation offers an immediate approach towards more effective airspace management; and
- *Recalling* that the ICAO Global ATM Operational Concept states that all airspace should be a usable resource, any restriction on the use of any particular volume of airspace should be considered transitory, and all airspace should be managed flexibly



Assembly Resolutions

- ✓ ICAO Assembly Resolution **A-38/12**, the Assembly resolved that:
 1. the common use by civil and military aviation of airspace and of certain facilities and services shall be arranged so as to ensure the safety, regularity and efficiency of civil aviation as well as to ensure the requirements of military air traffic are met;
 2. the regulations and procedures established by Member States to govern the operation of their state aircraft over the high seas shall ensure that these operations do not compromise the safety, regularity and efficiency of international civil air traffic and that, to the extent practicable, these operations comply with the rules of the air in Annex 2;
 3. the Secretary General shall provide guidance on best practices for civil/military coordination and cooperation;
 4. Member States may include, when appropriate, representatives of military authorities in their delegations to ICAO meetings; and
 5. ICAO serves as an international forum that plays a role in facilitating improved civil/military cooperation, collaboration and the sharing of best practices, and to provide the necessary follow-up activities that build on the success of the Global Air Traffic Management Forum on Civil/Military Cooperation (2009) with the support of civil/military partners



Assembly Resolutions

- ✓ ICAO Assembly Resolution **A-38/12**, Associated Practices:
 - ✓ Member States should as necessary initiate or improve the coordination and cooperation between their civil and military air traffic services to implement the policy in Resolving Clause 1
 - ✓ When establishing the regulations and procedures mentioned in Resolving Clause 2, the State concerned should coordinate the matter with all States responsible for the provision of air traffic services over the high seas in the area in question
 - ✓ The Council should ensure that the matter of civil and military coordination and cooperation in the use of airspace is included, when appropriate, in the agenda of divisional and regional meetings, in accordance with Resolving Clauses 3, 4 and 5 above



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Back up Slides

Assembly Resolutions



- 193 ICAO Member States, SMEs and international organisations with over 2000 participants in the delegations
- New election of the Council Members from 36 States for next 3 years
- ICAO Business Plan and budget for the next triennium, which include a range of civil aviation priorities relating to economic growth and innovation, safety, security, and environmental protection
- Endorsement of new GANP and GASP editions

Administrative Commission (AD)
Economic Commission (EC)
Executive Committee (EX)
Legal Commission (LE)
Plenary (P)
Technical Commission (TE)



Assembly Resolutions



- 40th Assembly Technical Commission
 - addressed the results from the 13th Air Navigation Conference
 - discussed the need to strengthen civil/military cooperation
 - agreed to the text of the Assembly Resolution regarding coordination and cooperation of civil and military air traffic
- Resolution A40-4 ***Consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation*** , Appendix I



Assembly Resolutions

Appendix I Coordination and cooperation of civil and military air traffic

- *Whereas* the airspace is a resource common to both civil and military aviation, and given that many air navigation facilities and services are provided and used by both civil and military aviation;
- *Whereas* the Preamble of the *Convention on International Civil Aviation* stipulates that signatories thereto had “agreed on certain principles and arrangements in order that international civil aviation may be developed in a safe and orderly manner and that international air transport services may be established on the basis of equality of opportunity and operated soundly and economically”;
- *Whereas* Article 3 a) of the Convention states that “This Convention shall be applicable only to civil aircraft, and shall not be applicable to state aircraft” and Article 3 d) requires that “contracting States undertake, when issuing regulations for their state aircraft, that they will have due regard for the safety of navigation of civil aircraft”;
- *Recognizing* that growing civil air traffic and mission-oriented military air traffic would benefit greatly from a more flexible use of airspace used for military purposes and that satisfactory solutions to the problem of cooperative access to airspace have not evolved in all areas;
- *Whereas* the flexible use of airspace by both civil and military air traffic may be regarded as the ultimate goal, improvement in civil/military coordination and cooperation offers an immediate approach towards more effective airspace management; and
- *Recalling* that the ICAO Global ATM Operational Concept states that all airspace should be a usable resource, any restriction on the use of any particular volume of airspace should be considered transitory, and all airspace should be managed flexibly;





Assembly Resolutions

Appendix I Coordination and cooperation of civil and military air traffic

The Assembly resolves that:



1. the **common use by civil and military aviation of airspace and of certain facilities and services** shall be arranged so as to ensure the safety, regularity and efficiency of civil aviation as well as to ensure the requirements of military air traffic are met;
2. the regulations and procedures established by Member States to govern the **operation of their state aircraft over the high seas** shall ensure that these operations do not compromise the safety, regularity and efficiency of international civil air traffic and that, to the extent practicable, these operations comply with the rules of the air in Annex 2;
3. the Secretary General shall provide **guidance on best practices for civil/military coordination and cooperation**;
4. Member States may include, when appropriate, representatives of **military** authorities in their **delegations to ICAO meetings**;
5. ICAO serves as an international forum that plays a role in **facilitating improved civil/military cooperation**, collaboration and the sharing of best practices, and to provide the necessary follow-up activities that build on the success of the Global Air Traffic Management Forum on Civil/Military Cooperation (2009) with the support of civil/military partners.



Assembly Resolutions

- **Appendix I Coordination and cooperation of civil and military air traffic**

Associated practices

1. Member States should as necessary initiate or improve the coordination and cooperation between their civil and military air traffic services to implement the policy in Resolving Clause 1 above.
2. When establishing the regulations and procedures mentioned in Resolving Clause 2, the State concerned should coordinate the matter with all States responsible for the provision of air traffic services over the high seas in the area in question.
3. The Council should ensure that the matter of civil and military coordination and cooperation in the use of airspace is included, when appropriate, in the agenda of divisional and regional meetings, in accordance with Resolving Clauses 3, 4 and 5 above.

