

#### INTERNATIONAL CIVIL AVIATION ORGANIZATION

MIDDLE EAST OFFICE

#### REPORT OF THE SPECIAL CIVIL/MILITARY COORDINATION MEETING (SCMCM)

(Sana'a, Yemen, 18 – 19 June 2006)

The views expressed in this Report should be taken as those of the Special Civil/Military Coordination Meeting and not the Organization. This Report will, however, be submitted to the MIDANPIRG and any formal action taken will be published in due course as a Supplement to the Report.

Approved by the Meeting And published by authority of the Secretary General The designations employed and the presentation of material in this publication do not imply the expression of any opinion whatsoever on the part of ICAO concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontier or boundaries.

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#### Special Civil/Military Coordination Meeting History of the Meeting

#### PART I - HISTORY OF THE MEETING

#### 1. PLACE AND DURATION

1.1 The Special Civil/Military Coordination Meeting (SCMCM), was held at the Conference Room of the Movenpick Hotel, Sana'a, Republic of Yemen, from 18 to 19 June 2006.

#### 2. OPENING

2.1 The meeting was opened by Mr. Mohamed Abdelkader, Deputy Chairman of Civil Aviation and Meteorology Authority (CAMA) who extended a warm welcome to all participants to Sana'a. In his welcome address, Mr. M. Abdelkader reiterated the commitment of Yemen to fully support the ICAO MID Office and the civil aviation community as a whole. He expressed his confidence that the meeting will constitute an important milestone and turning point into a better future of Civil/Military coordination, which will improve the safety of air navigation. He highlighted that safety is the main concern of ICAO, States and all airspace users and aviation organizations. In this regard, he recalled that ICAO has adopted SARPs that require States to implement Safety Management Systems (SMS) to ensure that safety is maintained in the provision of Air Traffic Services. Mr. M. Abdelkader wished the meeting every success in its deliberations.

2.2 Mr. Mohamed R. M. Khonji, Regional Director ICAO Middle East Office, also extended a warm welcome to all participants. He expressed his personal thanks to the Civil Aviation and Meteorology Authority (CAMA) in Yemen and especially to its Chairman, Mr. Hamad Farag for hosting this important meeting and for the excellent hospitality. He pointed out that Yemen has always played a positive role in the MID Region.

2.3 Mr. Khonji recalled that, the issue of Civil/Military coordination in general and especially the issue of Military flights using the airspace over the high seas was raised with concern repeatedly in the MID Region.

2.4 He pointed out that the issue of uncoordinated flights over the Red Sea area has also been addressed by MIDANPIRG and its appropriate subsidiary bodies. However, it is with deep concern that it is noted that an important number of flights are still not strictly following the procedures endorsed by MIDANPIRG/8 under Conclusion 8/22, which could jeopardize the safety of air navigation over the Red Sea Area.

2.5 Mr. Khonji highlighted that the subject of co-ordination of civil air traffic and military activities is covered by a number of current ICAO provisions/documents. Bearing in mind that satisfactory solutions to the problem of common use of airspace between civil and military users have not been evolved in all areas, he underlined that the main objective of the meeting would be to increase the level of awareness of States with regard to Civil/Military coordination, to provide a forum for open discussions to address the issue of Civil/Military coordination and to explore ways and means to further improve Civil/Military coordination in the Region.

2.6 Finally, Mr. Khonji thanked all States, IATA and IFALPA for their presence and wished the meeting every success in its deliberations.

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#### Special Civil/Military Coordination Meeting History of the Meeting

#### 3. ATTENDANCE

3.1 The meeting was attended by a total of 72 participants from 9 States (Eritrea, Ethiopia, Iran I.R. of, Kuwait, Oman, Saudi Arabia, Sudan, the United States of America and Yemen) and 2 Organizations (IATA and IFALPA). The list of participants is at **Appendix A** to the report.

#### 4. OFFICERS AND SECRETARIAT

4.1 The meeting was chaired by Mr. Mr. Abubaker Salem Bafaqih, Director General ATS, Civil Aviation and Meteorology Authority, Yemen. Mr. Mohamed Smaoui, Regional Officer Aeronautical Information and Charts/Meteorology (RO/AIS/MET) from the ICAO Middle East Regional Office, was the Secretary of the meeting supported by Mr. Mohamed R. M. Khonji, Regional Director.

#### 5. LANGUAGE

5.1 The discussions were conducted in English. Documentation was issued in English.

#### 6. AGENDA

6.1 The following Agenda was adopted:

Agenda Item 1:	Adoption of the provisional agenda and election of Chairperson.
Agenda Item 2:	Coordination between Military Authorities and ATS Authorities.
Agenda Item 3:	Military activities over the high seas.
Agenda Item 4:	Uncoordinated flights over the Red Sea Area.
Agenda Item 5:	Any other business.

## 7 CONCLUSIONS AND DECISIONS - DEFINITION

7.1 The MIDANPIRG records its actions in the form of Conclusions and Decisions with the following significance:

7.2 **Conclusions** deal with matters that, according to the Group's terms of reference, merit directly the attention of States, or on which further action will be initiated by the Secretary in accordance with established procedures; and

7.3 **Decisions** relate solely to matters dealing with the internal working arrangements of the Group and its Sub-Groups.

#### 8 LIST OF CONCLUSIONS AND DECISIONS

DRAFT CONCLUSION1:	CIVIL/MILITARY COORDINATION
DRAFT CONCLUSION 2:	COORDINATION OF FLIGHTS OPERATING OVER HIGH SEAS
DRAFT CONCLUSION 3:	UNCOORDINATED FLIGHTS OVER THE RED SEA AREA

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## PART II: REPORT ON AGENDA ITEMS

#### REPORT ON AGENDA ITEM 1: ADOPTION OF THE PROVISIONAL AGENDA AND ELECTION OF CHAIRPERSON

1.1 The meeting reviewed the Provisional Agenda, and adopted it as at Para 6 of the History of the Meeting.

1.2 The meeting agreed unanimously that Mr. Abubaker Salem Bafaqih, Director General ATS, Civil Aviation and Meteorology Authority, Yemen, serves as Chairman of the meeting.

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# REPORT ON AGENDA ITEM 2: COORDINATION BETWEEN MILITARY AUTHORITIES AND ATS AUTHORITIES

2.1 Under this agenda item, the meeting recalled that Article 3 (a) of the Convention on International Civil Aviation (Doc 7300) states that "this Convention shall be applicable only to civil aircraft, and shall not be applicable to State aircraft". However, Article 3 (d) of the Convention states 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". Article 3 (b) states that "aircraft used in military, customs and police services shall be deemed to be State aircraft".

2.2 The meeting recalled also that the subject of co-ordination of civil air traffic and military activities is covered by a number of current ICAO provisions, notably Assembly Resolution A35-14 Appendix P and Annexes 2, 11 and 15. It was pointed out that guidance material concerning safety measures relating to military activities potentially hazardous to civil aircraft are also available in ICAO Doc 9554.

2.3 The meeting recognized that although full integration of the control of civil and military air traffic may be regarded as the ultimate goal, improvement in coordination in many States offers, at the present time, an immediate approach towards resolution of existing difficulties. In this regard, the meeting recalled Assembly Resolution A35-14 Appendix P, which states that "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 international civil air traffic". With a view to comply with this requirement, it is also stated that "Contracting States should as necessary initiate or improve the coordination between their civil and military air traffic services". Annex 11 states also that "Air Traffic Services Authorities shall establish and maintain close cooperation with Military Authorities responsible for activities that may affect flights of civil aircraff".

2.4 The meeting made reference to the LIM MID (COM/MET/RAC) RAN Meeting, Cairo 7-17 January 1996 and agreed that there is a need to reduce restrictions imposed on the operation of civil aircraft by military operations. With due regard to the need for designated airspace for military activities, increased efforts should be made to have such areas changed to locations that would not interfere with the optimum ATS routes for civil aircraft operations. It was also agreed that, in cases where relocation of areas used for military activities would prove impossible, promulgation of the actual hours of activity, accompanied by a statement that the areas are available for use by civil aircraft outside those hours, would alleviate existing problems to some extent. However, day-to-day or, better still, hour-to-hour coordination between military operational control units and civil ATS units would allow for a flexible use of common airspace. It was noted in this regard that the concept of Flexible Use of Airspace, through the optimization and equitable balance in the use of airspace between Civil and Military users is facilitated through both strategic coordination and dynamic interaction.

2.5 The meeting recognized that good communication should be established between ATS units and appropriate military units. It recalled that in accordance to Annex 11 para. 6.2.2.2, the communication facilities required shall include provisions for rapid and reliable communications between the ATS unit concerned and the military unit(s) responsible for control of interception operations within the area of responsibility of the ATS unit, inter-alia:

- a) communications by direct speech alone, or in combination with data link communications, whereby for the purpose of transfer of radar control the communications can be established instantaneously and for other purposes the communications can normally be established within fifteen seconds; and
- b) printed communications, when a written record is required; the message transit time for such communications being no longer than five minutes.

2.6 The meeting emphasized that arrangements shall be made also to permit information relevant to the safe and expeditious conduct of flights of civil aircraft to be promptly exchanged between ATS units and appropriate military units. It was also highlighted that the ATS units shall, either routinely or on request, in accordance with locally agreed procedures, provide appropriate military units with pertinent flight plan and other data concerning flights of civil aircraft. The meeting recalled also that, in accordance with Annex 15 provisions, the coordination shall be effected early enough to permit timely promulgation of information regarding the activities. The meeting recalled Annex 15 para. 5.1.1.4, which states that "at least seven days' advance notice shall be given of the activation of established danger, restricted or prohibited areas and of activities requiring temporary airspace restrictions other than emergency operations". However, a greater lead-time is recommended by Annex 15 regarding the establishment and withdrawal of, and premeditated significant changes in temporary danger, restricted and prohibited areas and navigational hazards, military exercises and mass movements of aircraft where it is mandatory to comply with the AIRAC procedures with the objective that the information reaches the recipients at least 28 days prior to the effective date.

2.7 The meeting agreed that the first step in the normal coordination process is the transmission, or delivery, of a message to the appropriate ATS authority or authorities containing details of the planned activity. The message should describe the nature of the activity, the geographical area(s) affected, including its horizontal and vertical dimensions, the proposed date(s), time(s) and duration(s) of the activity, any special safety measures to be taken if necessary, and the means and methods of coordination between participating military units and ATS units concerned, including use of radio communications.

2.8 The meeting was of view that the use of military liaison officers and, where appropriate, civil liaison officers would do much to smooth the process of coordination and to ensure necessary follow-up action. In the case of extensive military operations, invitations from the planners to civil aviation administrations to participate in planning conferences at an early stage have been found fruitful, and exchange visits by operations personnel are also useful.

2.9 The meeting was apprised of Yemen's experience relative to the civil/military coordination and noted with appreciation that such cooperation has led to more direct routing and better use of the airspace by both civil and military aircraft and improved the safety and efficiency of air navigation.

2.10 The meeting noted that Oman has established a high body to coordinate the joint use of airspace between the Civil and Military.

2.11 The meeting noted with appreciation also the good coordination observed in Saudi Arabia between the ATS and Military authorities, which led, inter-alia, to the implementation of more direct/economic ATS routes. Accordingly, it improved the airspace capacity, reduced the air traffic controllers' workload and more generally improved the air navigation safety and efficiency. The meeting noted that traffic is growing rapidly in the MID Region and particularly in Saudi Arabia, especially during the Haj season (10 to 17 % annually). The good civil/military coordination was one of the pre-requisite to face this important traffic growth. In fact, more than 30 direct/economic routes were established. The following examples were cited for illustration purpose. They are calculated based on an Airbus 340 performance and on a 500 US\$ by ton of fuel:

Route	Old Route distance	New route distance	Saving in NM	Saving in min	Fuel saving in tons	Saving in US\$
Riyadh to Doha	419 NM	263 NM	156 NM	20.3	1.2	2000
Riyadh to Salalah	901 NM	662 NM	239 NM	31	1.8	3100
Riyadh to Muscat	704 NM	651 NM	53 NM	6.9	0.4	691
Cairo to Riyadh	1098 NM	881 NM	217 NM	28.3	1.66	2830
Riyadh to Kuwait	319 NM	264 NM	55 NM	7.2	0.4	720
Cairo to Kuwait	1192 NM	938 NM	254 NM	33.1	1.9	3310
Cairo to Dammam	1241 NM	1025 NM	216 NM	28.2	1.7	2820
Jeddah to Tabuk	599 NM	440 NM	159 NM	20.7	1.2	2070
Jeddah to Sana'a	520 NM	472 NM	48 NM	6.3	0.4	630
Sana'a to Abu Dhabi	1135 NM	884 NM	251 NM	32.7	1.9	3270

2.12 The meeting noted also that the civil/military coordination in Saudi Arabia was observed in the following fields but not limited to:

- Mutual use of available facilities;
- preparation of contingency plans;
- exchange of training expertise;
- exchange of information, as appropriate; and
- SAR operations.

2.13 The meeting was informed about the civil/military coordination carried out within the USA, which was considered as a good example of transparency between civil and military. The meeting noted that FAA manages the National Airspace System (NAS) with full consideration of the US Department of Defense (DoD) needs. It was also noted that Military and civil Air Traffic Controllers are trained and certified to US FAA standards, utilize FAA ATC procedures and are authorized to provide ATC services to both military and civilian aircraft. The DoD – FAA partnership continues to accommodate changing need of all users for a safe, secure and efficient ATM system. In regards to airspace management, it was also highlighted that there was a culture change from "Whenever We Want" to "As Often As We Need".

2.14 IATA highlighted that the AIRAC procedures are often not respected when establishing danger, restricted and prohibited areas and invited States to comply with Annex 15 provisions in this regard.

2.15 Based on the above, the meeting recalled and re-iterated the LIM MID (COM/MET/RAC) RAN Meeting 1996, Recommendations 2/9, 2/10 and 2/13:

#### Recommendation 2/9 – Civil/Military Co-ordination

That, in order to achieve optimum civil/military co-ordination and joint use of airspace with a maximum degree of safety, regularity and efficiency of international civil air traffic, States which have not yet done so:

- a) establish appropriate civil/military co-ordination bodies to ensure at all levels the co-ordination of decisions relating to civil and military problems of airspace management and air traffic control;
- b) make known to military authorities the existing ICAO provisions (Assembly Resolution A31-5, Appendix P, Annex 11, paragraphs 2.16 and 2.17) and guidance material [Manual Concerning Safety Measures Relating to Military Activities Potentially Hazardous to Civil Aircraft Operations (Doc 9554) and Manual concerning Interception of Civil Aircraft (Doc 9433)] related to civil/military co-ordination and promote familiarization visits by military personnel to air traffic services (ATS) units;
- c) arrange permanent liaison and close co-ordination between civil ATS units and relevant military air defense units, in order to ensure the daily integration or segregation of civil and military air traffic operating within the same or immediately adjacent portions of airspace, employing civil and/or military radars as necessary, and to obviate the need for civil aircraft to obtain special "air defense" clearances; and
- d) take the necessary steps to prevent, as far as possible, penetration of controlled airspace by military aircraft without co-ordination with the air traffic control unit concerned.

Recommendation 2/10- Reservation of airspace

That States:

- a) refrain, to the extent possible, from establishing prohibited, restricted or danger areas, bearing in mind that, in accordance with Annex 15, prohibited areas or restricted areas may only be established over the territories of a State and not over international waters;
- b) apply the following principles when the establishment of prohibited, restricted or danger areas is unavoidable:
  - 1) give due regard to the need not to prejudice the safe and economical operation of civil aircraft;
  - provide adequate buffer, in terms of time and size, within the designated area, appropriate to the activities to be conducted;
  - 3) use standard ICAO terminology in designation of the areas;
  - promulgate information regarding the establishment and day-to-day use of the areas well in advance of the effective date(s);
  - 5) arrange for the closest possible co-ordination between civil air traffic services (ATS) units and relevant units responsible for activities within the restricted or danger areas so as to enable the ATS units to authorize civil aircraft to traverse the areas in emergencies, to avoid adverse weather, and whenever the restrictions do not apply or the areas are not active; and
  - 6) review the continuing need for the prohibited, restricted or danger areas at regular intervals;
- c) when reservation of airspace outside territorial limits becomes unavoidable, it should be in the form of a temporary airspace reservation and States should apply the following principles:

- 1) prior to requesting the establishment of a temporary airspace reservation, the requesting authority shall obtain full information on the likely effect of such a reservation on air traffic. Such information shall include areas of high traffic density which may exist in the vicinity or at the planned location of the airspace reservation, as well as information on peak periods of traffic operating through such areas. In the light of that information, the requesting authority should, to the extent possible, select the site of the airspace reservation, and the time and duration so that this will have the least effect on normal flight operations conducted in the area in question;
- 2) in specifying the extent of a requested temporary airspace reservation and its duration, the requesting authority shall limit the size of the area to the absolute minimum required to contain the activities intended to be conducted within that area, taking due account of:
  - ATS route structure and associated airspace arrangement;
  - operational requirements of civil aircraft;
  - the navigation capability of aircraft or other vehicles within the airspace reservation;
  - the means available to monitor those activities so as to guarantee that they will be confined within the airspace reservation; and
  - the ability to interrupt or terminate activities;
- the duration of the airspace reservation shall be limited, taking a realistic account of preparation of the activities and the time required to vacate the reservation after the completion of the activities;
- 4) the actual use of the temporary airspace reservation shall be based on appropriate arrangements made between the ATS unit normally responsible for the airspace and the requesting authority. Such arrangements shall be based on the general agreement reached previously between the competent ATS authority or ATS authorities and the requesting authority. They should, inter alia, cover:
  - the start of the use of a temporary airspace reservation;
  - the termination of its use; and
  - emergency provisions in case of unforeseen events affecting the activities, to be conducted within the temporary airspace reservation; and
- when developing the plans for its future ATS system, give consideration to the creation of a flexible airspace management system capable of integrating the requirements of all categories of users in the most effective manner.

Recommendation 2/13 – Publication of information in AIPs

That:

a) States which have determined that there is a risk of interception in case of penetration of certain areas adjacent to air traffic services (ATS) routes, include in their aeronautical information publications (AIPs), as soon as possible, text relating to the potential risk of interception, including the navigation requirements to keep clear of the area;

- b) States which have not determined the existence of interception risk, but which are affected by a situation of this nature, adopt, as soon as possible, all measures which may be necessary to comply with the indications referred to in sub-paragraph a) above;
- c) States, which possess the facilities to monitor deviations from track which may involve the possibility of penetrating airspaces where interception procedures are implemented, include in their AIPs that such deviations will be communicated to the aircraft concerned; and
- d) AIS units prepare a separate pre-flight bulletin on dangers to air navigation with details on activated areas, for distribution to flight crews and operations personnel.

2.16 The meeting agreed that the issue of civil/military coordination has to be included in the agenda of appropriate MIDANPIRG subsidiary bodies meetings and that States have to ensure that their delegations to these meetings include military representatives. In this regard, it was noted that the Terms of Reference of the ATM/SAR/AIS Sub-Group include the issue of civil/military coordination. The meeting was also informed that the ATM/SAR/AIS SG/8 meeting scheduled for November 2006 will review the report of this Special Civil/Military Coordination Meeting.

2.17 The meeting agreed that adjacent States have to be involved and invited to the MID Region meetings dealing with such issue, as required.

2.18 Based on the foregoing, the meeting urged States to establish/improve the required coordination between ATS and Military Authorities and to report any incident relating to the lack of civil/military coordination. Accordingly, the meeting agreed to the following Draft Conclusion:

#### DRAFT CONCLUSION 1: CIVIL/MILITARY COORDINATION

That, with a view to ensure effective/optimum civil/military co-ordination and joint use of airspace with a maximum degree of safety, regularity and efficiency of international civil air traffic, States which have not yet done so, are urged to:

- a) implement without delay, Assembly Resolution A35-14 Appendix P and the provision of Annexes 2, 11 and 15 as well as LIM MID (COM/MET/RAC) RAN Meeting 1996, Recommendations 2/9, 2/10 and 2/13;
- b) give due consideration to the urgent establishment of civil/military coordination bodies for airspace management and air traffic control;
- c) arrange for letters of agreement (LOAs) to be signed between ATS authorities and Military authorities in order to establish coordination procedures for the exchange of information; and
- d) ensure that the Military authorities are:
  - i. fully involved in the airspace planning and management process;
  - ii. aware of the new developments in civil aviation; and
  - iii. involved in national, regional and international aviation meetings, workshops, seminars and training sessions, as appropriate.

#### REPORT ON AGENDA ITEM 3: MILITARY ACTIVITIES OVER THE HIGH SEAS

3.1 Under this agenda item, the meeting recalled that Assembly Resolution A35-14 Appendix P, states that "the regulations and procedures established by Contracting 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".

3.2 The meeting recalled also Annex 11 paragraph 2.17.1, which states that "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". It was also highlighted that Annex 11 paragraph 2.17.1.1, recommends that "if the appropriate ATS authority is not that of the State where the organization planning the activities is located, initial coordination should be effected through the ATS authority responsible for the airspace over the State where the organization is located".

3.3 The meeting made reference to Doc 9554 and recognized that the civil/military coordination is necessary regardless of whether the activities take place over the territories of States, over the high seas, or over territories of undetermined sovereignty, and whether the military and ATS authorities belong to the same State or different States. Coordination with regard to activities potentially hazardous to civil aircraft operations over the high seas should be effected even if the States whose military organization and ATS authorities are concerned find themselves temporarily in diplomatic disagreement. If direct coordination with the appropriate ATS authorities via aeronautical or diplomatic channels is not possible, the coordination should be effected with the assistance of the appropriate ICAO Regional Office or the ATS authorities of another State.

The meeting recalled the LIM MID (COM/MET/RAC) RAN Meeting 1996, 3.4 Recommendation 2/10 item c) specifying the principles which should apply when reservation of airspace outside territorial limits becomes unavoidable. In this regard, it was highlighted that the State(s) of the military organization(s) planning the potentially hazardous activities should initiate the coordination process. When the military organization involved is located in a State other than that responsible for the provision of air traffic services in the airspace affected, the initial coordination should be effected through the ATS authority responsible for the airspace over the State where the organization is located or via other agreed channels. For example, a naval force of State A, operating in the FIR of (friendly) State B, plans a potentially hazardous activity in the FIR of State C and States A and B agree through prior arrangements, the ATS authority of State B may coordinate the potentially hazardous activity directly with the ATS authority of State C. The ATS authority will be able to provide information and assistance in achieving coordination with all appropriate ATS authorities and ATS units and to give advice as to the impact the planned activity is likely to have on civil aircraft operations in the area.

3.5 The meeting further noted that the same coordination process between the military authorities/units and the ATS authorities/units apply for the coordination of military activities over the high seas including Annex 15 provisions regarding the promulgation of aeronautical information.

3.6 The meeting recognized that the issue of Civil/Military coordination in general and especially the issue of Military flights using the airspace over the high seas was raised with concern repeatedly in the MID Region. It was recalled that the LIM MID (COM/MET/RAC) RAN Meeting 1996, addressed the issues relating to civil/military coordination specific for the Gulf area where extra-regional naval units operated and where military aircraft operated from such naval units. The meeting recognized that difficulties could arise in effecting coordination adequately when some of the units involved were from outside the region, as was the case in the Gulf area. For the safety of civil aircraft operations, it was considered essential that formal civil/military coordination arrangements be established at the operational level between extra-

regional naval units and air traffic control units in the adjacent States. The meeting was of the opinion that this aspect of civil/military coordination was not adequately covered in ICAO guidance material. It was suggested that any perceived violation of ICAO provisions by military aircraft should, at the earliest possible time, be brought to the attention of the ATS unit concerned and the State responsible for military aircraft, if known, to permit a thorough investigation. Accordingly, the meeting invited ICAO to develop additional guidance material relating to civil/military coordination between air traffic services and military units from other States conducting operations potentially hazardous to civil aircraft.

3.7 The meeting noted with concern that uncoordinated military activities continue to take place over the Gulf area, the Arabian Sea and Indian Ocean. In this regard, the meeting recalled that a long range missile firing test was conducted by Pakistan in the Arabian Sea and Indian Ocean on 29 and 30 April 2006. This military activity took place in a corridor with an unlimited altitude extending outside Karachi FIR and the airspace over high seas covering parts of Muscat, Sana'a and Mumbai FIRs. Accordingly, several international oceanic routes were unavailable. This affected the safety and efficiency of air navigation in these areas.

3.8 The meeting noted the concerns of Yemen regarding the presence of uncoordinated foreign Military operations/activities over the Gulf of Aden and Arabian Sea within Sana'a FIR. It was also noted with concern that such military flights cross many airways and fly along the boundary line of Sana'a FIR crossing many transfer of control points and infringing RVSM transition area without complying with ATC instructions and often without even communication with Sana'a ACC.

3.9 The meeting noted also the concerns raised by the continuing presence of military aircraft operating in the Muscat FIR. It was mentioned in this regard that the Muscat ACC faces ongoing problems with the control of foreign military operators using the airspace of the Muscat FIR. Operations take place between the Muscat and Karachi FIRs and often involve a large "racetrack" pattern being flown between the two FIRs. These "racetracks" cross many busy international airways. The meeting noted with concern that the Operators of these flights often do not comply with ATC instructions, which means that the other operators have to be either vectored well away from these flights or required to change flight level, which has a negative financial effect on these operators, in addition to the safety concerns.

3.10 It was mentioned that some military operators fly "VFR" at high levels which occupies several usable IFR levels. (It should be noted that VFR is not permitted in the Muscat FIR above FL150, as published in the Oman AIP). Some of the rationale used in response to ATC instructions is that they are "operating due regard".

3.11 The meeting also noted the concerns of Iran I.R. of regarding the continuous presence of uncoordinated/military flights over the Gulf area within Tehran FIR.

3.12 The meeting recognized that sovereignty is not observed over high seas. However, it was emphasized that States are responsible for ensuring the safety of air navigation over the high seas within their FIRs. The meeting recalled Article 3 (a) of the Convention on International Civil Aviation and recognized that the Convention exempts State aircraft from compliance with ICAO SARPs. However, Military aircraft must exercise "due regard" for the safety of navigation of civil aircraft.

3.13 The meeting was informed that, as a matter of policy, US military aircraft normally follow ICAO procedures. However, if operational situations do not lend themselves to following ICAO flight procedures, then those operations will be conducted with "Due Regard" for the safety of navigation of all air and surface traffic. It was mentioned in this respect that flight under the "Due Regard" option obligates the aircraft commander to follow certain conditions to separate his/her aircraft from all other aircraft. In this regard, before a U.S. military aircraft commander can declare "Due Regard", there are certain conditions that must be met:

- Aircraft shall be operated in VMC; or
- Aircraft shall be operated within radar surveillance and radio communications of a surface radar facility; or
- Aircraft shall be equipped with airborne radar that is sufficient to provide separation between themselves, aircraft they may be controlling, and other aircraft; or
- Aircraft shall be operated outside controlled airspace.

3.14 The meeting also noted that the precautions taken and if operationally feasible, US aircrews are encouraged to accomplish prior coordination for "Due Regard", maintain continuous squawking Mode 3/C and establish radio contact with the controlling ATC unit.

3.15 Accordingly, the meeting noted that the "Due Regard" prerogative is a right reserved for all State aircraft allowing aircraft commanders to complete their missions and that US military aircraft commanders have a thorough understanding of when and how to declare "Due Regard".

- 3.16 Based on the above, the meeting agreed that:
  - a common understanding between civil and military has to be observed/developed;
  - positive and effective communication between civil and military has to be established/maintained; and
  - a mechanism to ensure that data is reported in a timely manner when an incident occurs and feedback information is sent back to the origin.
- 3.17 Accordingly, the meeting agreed to the following Draft Conclusion:

#### DRAFT CONCLUSION 2: COORDINATION OF FLIGHTS OPERATING OVER HIGH SEAS

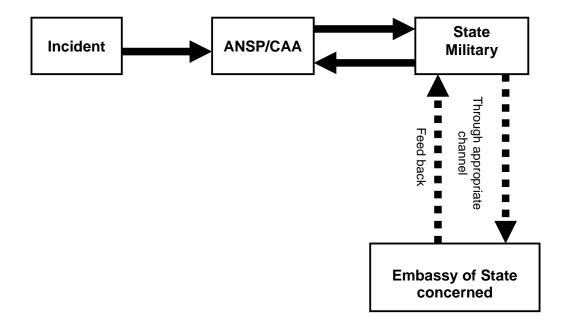
That, taking into consideration that the Convention on International Civil Aviation shall be applicable only to civil aircraft:

- all parties involved are urged to ensure that proper coordination between the ATS authorities and foreign military units operating over the high seas be carried out to the extent practicable;
- b) State aircraft operating in airspace over high seas, should:
  - i) adhere, to the extent practicable, to ICAO provisions; or
  - ii) operate with "Due Regard" for the safety of navigation of civil aircraft where there are operational situations that do not lend themselves to ICAO flight procedures.
- c) States report any incident relating to uncoordinated flights operating over high seas, in a timely manner (within 15 days) and in accordance with the suggested mechanism illustrated in the flow chart at **Appendix 3A** to the report on Agenda Item 3.

Special Civil/Military Coordination Meeting Appendix 3A to the Report on Agenda Item 3

### INCIDENTS DATA REPORTING MECHANISM

Taking into consideration the deficiencies noted in the reporting process of incidents involving State aircraft, as an interim measure, the following flow chart is a suggested process which may facilitate feedback on State aircraft incidents:



#### **REPORT ON AGENDA ITEM 4: UNCOORDINATED FLIGHTS OVER THE RED SEA AREA**

4.1 Under this agenda item, the meeting recalled that MIDANPIRG/8 under Conclusion 8/22 endorsed the procedures which were elaborated for the handling of uncoordinated flights over the Red Sea area.

4.2 The meeting noted with concern that, up to now, problems concerning uncoordinated flights over the Red Sea area are still not resolved. It was highlighted that the agreed procedures which were endorsed by MIDANPIRG/8 and the ICAO Council are not being followed by some flights overflying the Red Sea area, thus having a negative impact on the safety of aircraft in the region, in particular, within and adjacent to Jeddah and Sana'a FIRs.

4.3 The meeting recalled that IATA was requested to assist in the process as this may result in a major disaster if remedial action is not taken and to inform all operators flying over the Red Sea area of the inherent risks of encountering flights at uncoordinated flight levels. The safe implementation of RVSM is also being questioned in this environment.

4.4 The meeting was apprised of the problems Sana'a ACC is constantly facing with the flights non adhering to the promulgated procedure and accordingly the infringement of separation between uncoordinated flights and other coordinated flights especially over the area of Bab Almandab.

4.5 The meeting noted with appreciation that Sana'a ACC, with the support of the radar used for monitoring, took pro-active actions with a view to avoid the occurrence of accidents between uncoordinated flights although they were flying beyond Sana'a FIR. Two incidents of this nature were recorded and brought to the attention of the meeting.

4.6 The meeting discussed the causes of occurrence of such problems and agreed that the main reason is the non-adherence of some operators of uncoordinated flights to the promulgated procedures. The non involvement of some concerned AFI States in the process of handling the uncoordinated flights in compliance with the promulgated procedure was also highlighted. In this respect, the meeting noted the difficulties Yemen is facing over Sana'a RVSM transition areas. The meeting was apprised of the status of the AFI RVSM implementation programme and noted that a "Go/Delay" RVSM meeting is to be convened end of June 2006 in the AFI Region to take the decision regarding the switch-over date of 28 September 2006.

4.7 The meeting noted with appreciation that Yemen has provided the statistics for uncoordinated flights over the Red Sea area for the last four months of 2005 and urged other concerned States to do so. It was noted with concern that during these four months a total of 288 movements of the uncoordinated flights over the Red Sea area have been recorded.

4.8 Based on the statistics provided by Yemen, the analysis carried out by IATA showed that most of the IATA members are following the procedures (83) while only (6) maintained the correct assigned FLs but did not comply with the contact and (3) of the movements did not comply with published procedures by concerned States (Saudi Arabia, Egypt, Sudan and Yemen). The majority of the non-compliance is filed against the unknown operators.

4.9 Based on the above, the meeting reviewed the procedure for the handling of uncoordinated flights over the Red Sea area, as endorsed by MIDANPIRG/8 and agreed that, to the extent practicable, State/military aircraft when flying over the Red Sea area be informed of the procedures to be followed by Civil uncoordinated flights and be requested to take into account the restrictions applicable within RVSM airspace. Accordingly the meeting developed the following Draft Conclusion which will be proposed to supersede and replace MIDANPIRG/8 Conclusion 8/22:

#### DRAFT CONCLUSION 3: UNCOORDINATED FLIGHTS OVER THE RED SEA AREA

That,

- a) the procedures at **Appendix 4A** to the report on Agenda Item 4, be followed by all civil uncoordinated flights and, to the extent practicable, to military aircraft operating over the Red Sea area;
- b) States, which have not yet done so, publish an AIP Supplement, as soon as possible, for the promulgation of these procedures;
- c) IATA continue its effort in ensuring that concerned operators are fully conversant with these procedures;
- all parties involved, through their proper channels, take appropriate action to ensure that the airspace users be informed of and comply with the agreed procedures; and

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- e) States:
  - i) report without delay all incidents relating to civil uncoordinated flights over the Red Sea Area; and
  - ii) report any incident relating to State aircraft operating over the Red Sea Area, in a timely manner (within 15 days) and in accordance with the suggested mechanism illustrated in the flow chart at **Appendix 3A** to the report on Agenda Item 3.

#### **REPORT ON AGENDA ITEM 5: ANY OTHER BUSINESS**

5.1 Under this agenda item, the meeting was informed that a Global ATM Systems Harmonizing Civilian and Military Operations Conference (CMAC) is to be held in Bangkok, 26 February - 1 March 2007. This Conference will be of a global nature and invitation will be extended to States from all ICAO Regions. In this regard, the Secretariat raised concern about the possibility of conflict between the date of the Conference and that of MIDANPIRG/10 meeting tentatively scheduled for the second half of February 2007.

5.2 Sudan informed the meeting that their new ACC will be inaugurated in January 2007 and extended the invitation to all participants to attend the inauguration. It was also mentioned that the invitation will be sent officially to all AFI and MID States as well as to concerned international Organizations.

5.3 IFALPA raised concerns regarding the adherence to ICAO SARPs during the industrial action that took place in Lebanon beginning of March 2006, when Military controllers took over the civilian Air Traffic Control of Rafic Hariri Int'l Airport.

5.4 The meeting appreciated the efforts deployed by the ICAO MID Regional Office in organising this important meeting and was of the opinion that as a follow-up action, another Special Civil/Military Coordination Meeting is to be convened in the MID Region.

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