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**Manual Concerning Safety Measures
Relating to Military Activities
Potentially Hazardous to
Civil Aircraft Operations**

FIRST EDITION — 1990



*Approved by the Secretary General
and published under his authority*

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Foreword

The *Manual Concerning Safety Measures Relating to Military Activities Potentially Hazardous to Civil Aircraft Operations* was developed at the request of the Air Navigation Commission at the eighth meeting of its 120th Session. The request was the result of the ANC's review of the safety recommendations contained in the ICAO fact-finding investigation into the destruction of Iran Airbus A300 flight IR655 on 3 July 1988. The intent of the material is to amplify present Standards and Recommended Practices contained in relevant ICAO documents. Specifically, the material is intended to assist States in determining actions to be taken in situations contemplated by paragraphs 2.15 and 2.16 of Annex 11 to the Convention on International Civil Aviation — *Air Traffic Services*.

The Commission also recognized that the Standards and Recommended Practices pertinent to military activities potentially hazardous to civil aircraft, by their very nature,

cannot provide for specific steps and detailed actions to be taken in respect of each and every situation which may arise and therefore identified a number of other actions which merited consideration and which have been incorporated in the manual.

The guidance material, which is advisory in nature, was developed by the Secretariat with the assistance of an air navigation study group consisting of both civil air traffic services and military experts from seven Contracting States and three international organizations.

Contracting States are requested to ensure that the material in this manual is brought to the attention of all civil and military administrative or operational personnel who may be concerned with the development and/or application of national practices and procedures relating to military activities potentially hazardous to civil aircraft.



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Safety Measures Relating to Military Activities Potentially Hazardous to Civil Aircraft Operations

1. INTRODUCTION

1.1 The following guidance material has been developed at the request of the Air Navigation Commission for the purpose of assisting States in providing for the safe and orderly flow of international air traffic in the event that military activities, which constitute potential hazards to civil aircraft, are planned and conducted.

1.2 The guidance material, which is advisory in nature, is intended to assist States in determining actions to be taken in situations contemplated by 2.15 and 2.16 of Annex 11 to the Convention on International Civil Aviation — *Air Traffic Services*.

1.3 The objective of the guidance material is to promote effective co-ordination so that activity potentially hazardous to civil aircraft operations may be accommodated within agreed airspace. In particular, it aims to avoid a military unit from having to resort to notifying an intention to conduct hazardous activity over the high seas without prior consultation and the consequential penalties that such action may impose on other airspace users and ATS authorities.

2. BACKGROUND

2.1 Article 3 (a) of the Convention on International Civil Aviation 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 ICAO Assembly has developed a "Consolidated statement of continuing policies and associated practices related specifically to air navigation", which is updated at each session of the Assembly and was last set forth in Assembly Resolution A27-10. Appendix P to this resolution reads as follows:

Co-ordination of civil and military air traffic

WHEREAS the airspace as well as many facilities and services should be used in common by civil aviation and military aviation;

WHEREAS Article 3 (d) of the Convention requires that the Contracting States undertake, when issuing regulations for their state aircraft, that they have due regard for the safety of navigation of civil aircraft;

WHEREAS satisfactory solutions to the problem of common use of airspace have not been evolved in all areas; and

WHEREAS although full integration of the control of civil and military air traffic may be regarded as the ultimate goal, improvement in co-ordination in many States offers, at the present time, an immediate approach towards resolution of existing difficulties;

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 international civil air traffic; and
2. 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.

Associated Practices

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