



**EUROPEAN  
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NETWORK**

# **Lessons Learned? Success and Failure in Managing Russia- West Incidents 2014-2018**

**EURO-ATLANTIC SECURITY**

**POLICY BRIEF**

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## About the Author

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# Lessons Learned? Success and Failure in Managing Russia-West Incidents 2014-2018

## Introduction

As the post-2014 Russia-West confrontation becomes ever more entrenched, military encounters between NATO member states, NATO partners, and the Russian Federation have become commonplace. Such encounters take place on land, at sea, in the air, and in cyberspace. Geographically they range from the High North, down through the Baltic and Black Seas, to the Mediterranean and Syria, and along the coasts of North America and the Russian Far East.

Whilst many of these incidents are routine and pass without remark, a minority continue to show dangerous characteristics, risking loss of life and corresponding increase of tensions. The complexity of the environments in which many of these incidents take place only increases the risks of miscalculation and unintended escalation.

*“The smallest lapse of focus or error in airmanship by the intercepting aircrew can have disastrous consequences.”*

A recent example includes the 29 January 2018 interception of a US reconnaissance aircraft by a Russian fighter over the Black Sea, on occasion approaching to within five feet (1.5m). Following the incident, a US naval command declared that “The smallest lapse of focus or error in airmanship by the intercepting aircrew can have disastrous consequences. There is no margin for error”.<sup>1</sup>

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<sup>1</sup> Additional Video Released of U.S. Navy EP-3 Intercepted in the Black Sea, US Naval Forces

The European Leadership Network (ELN) has been monitoring these developments since mid-2014, making numerous interventions both to raise awareness of the danger that these encounters represent and to suggest policies through which this danger might be mitigated.<sup>2</sup> This policy brief evaluates developments particularly since our last report in November 2016, examining the efforts made to better manage military incidents and improve safety, and to some degree predictability, along the NATO-Russia border.

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Europe-Africa, 31 January 2018, <http://www.c6f.navy.mil/news/additional-video-released-us-navy-ep-3-intercepted-black-sea>

<sup>2</sup> Major interventions include: Lukasz Kulesa; Denitsa Raynova; Thomas Frear, Managing Hazardous Incidents in the Euro-Atlantic Area: A New Plan of Action, European Leadership Network, 2 November 2016, <https://www.europeanleadershipnetwork.org/policy-brief/managing-hazardous-incident-in-the-euro-atlantic-area-a-new-plan-of-action/>; Thomas Frear, Cleared for Takeoff: Dangerous Brinkmanship and the Case for the Cooperative Airspace Initiative, European Leadership Network, 20 June 2016, <https://www.europeanleadershipnetwork.org/policy-brief/cleared-for-takeoff-dangerous-brinkmanship-and-the-case-for-the-cooperative-airspace-initiative/>; Thomas Frear; Lukasz Kulesa; Ian Kearns, Dangerous Brinkmanship: Close Military Encounters Between Russia and the West in 2014, European Leadership Network, 10 November 2014, <https://www.europeanleadershipnetwork.org/policy-brief/dangerous-brinkmanship-close-military-encounters-between-russia-and-the-west-in-2014/>

## Managing Civilian-Military Encounters: A Notable Improvement

A primary issue of concern previously identified by the ELN was that of the management of encounters between military and civilian aircraft. We deemed the regulations governing such encounters to be inadequate, primarily due to the lack of visibility of military aircraft (flying without having filed flight plans or transponding their current position) and an apparent disconnect between the training of civilian and military pilots, creating a lack of understanding as to how one would behave when in close proximity with the other. This lack of familiarity with military flights among civilian pilots was in large part a legacy of reduced military activity in the Baltic and Black Sea regions following the end of the Cold War. The issue was given particular prominence by two serious incidents, in March and December 2014, involving commercial airliners crossing the Baltic Sea near southern Sweden that were forced to take evasive action to avoid Russian military aircraft.<sup>3</sup>

This concern was recognised by regional governments, which acted through the NATO-Russia Council and the Baltic Sea Project Team (BSPT), a grouping of experts facilitated by ICAO and EUROCONTROL tasked with exploring options for reducing the risks inherent in civilian-military interaction.<sup>4</sup> This investigation, conducted in 2015, concluded that, whilst no rules had been broken by the Russian aircraft or regional navigation service providers, there was nevertheless

cause for concern. EUROCONTROL observed that some military aircraft were not visible to civilian air traffic control, and the intent of such aircraft was unclear due to there being no requirement for them to file flight plans. This combination, added to the lack of familiarity between civilian and military pilots, was deemed to have been what had caused the two airliner incidents.

In order to address these problems, EUROCONTROL and the BSPT suggested, and went on to implement, a number of initiatives aimed at raising awareness of existing provisions relating to civilian-military interaction and increasing the transparency of national military provisions.

As an initial measure, the BSPT initiated an 'Awareness Campaign' for flight operations over the Baltic Sea, later compiling and distributing, in cooperation with regional states and institutions, an ICAO EUR-OPS Bulletin reiterating those international regulations currently in force.<sup>5</sup>

Furthermore, several regional states undertook to discuss and then make public their 'principles of due regard' – national regulations detailing the expected behaviour of state aircraft when in close proximity to civilian aircraft. This constitutes a significant step in terms of voluntary military transparency, as states are under no legal obligation to broadcast these principles. ICAO subsequently published the due regard principles of 10 states,<sup>6</sup> including the United States and Russia, as part of its Interim Guidance Material on Civil/Military

<sup>3</sup> Details of these incidents, and many others, can be accessed here: <https://www.europeanleadershipnetwork.org/wp-content/uploads/2017/10/ELN-Russia-West-Full-List-of-Incidents.pdf>

<sup>4</sup> These meetings brought together civilian and military experts from Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland, Sweden, Russia, ICAO, NATO, EASA, and EUROCONTROL.

<sup>5</sup> <http://www.icao.int/EURNAT/EUR%20and%20NAT%20Documents/EUR%20Documents/EUR%20OPS%20BULLETINS/EUR%20OPS%20Bulletin%202015%20002%20final.pdf>

<sup>6</sup> These states are: The United States; United Kingdom; France; Poland; Sweden; Russian Federation; Greece; Turkey; Denmark; and Finland.

## Cooperation in Air Traffic Management.<sup>7</sup>

The development of a NATO due regard policy as a part of this process, completed in 2015, is also a positive development. This policy is to be observed when aircraft are operating in support of NATO or NATO-led missions and operations,<sup>8</sup> providing a unified framework rather than a complex patchwork of national policies.

Other successes included the agreement by Russia to provide flight plans for military cargo flights to and from St Petersburg and Kaliningrad to EUROCONTROL (although flight plans for other Russian state aircraft would remain classified), and the negotiation between Russia, Finland, and Estonia, of a new flight path between St Petersburg and Kaliningrad. This latter agreement, consisting of the identification of seven new waypoints over the high seas to replace existing longitude and latitude coordinates, seems designed to avoid inadvertent airspace violations caused by irregular borders, such as around Estonia's Vaindloo Island in the Gulf of Finland.

The BSPT also tasked regional air traffic control providers to submit reports detailing when they became aware of Russian state aircraft that had not filled a flight plan. These reports are then collated by EUROCONTROL and raised with Russian officials. However, EUROCONTROL have to date not received

<sup>7</sup> Guidelines to airspace users in order to raise their awareness on the State aircraft operations especially in the High Sea airspace over the Baltic Sea, ICAO EUR OPS Bulletin, 15 December 2015, [https://www.icao.int/EURNAT/EUR%20and%20NAT%20Documents/EUR%20Documents/032%20-%20Civil-Military%20Cooperation/EUR%20Doc%20032%20\(EN\)%20-%20Edition%202.pdf](https://www.icao.int/EURNAT/EUR%20and%20NAT%20Documents/EUR%20Documents/032%20-%20Civil-Military%20Cooperation/EUR%20Doc%20032%20(EN)%20-%20Edition%202.pdf)

<sup>8</sup> NATO policy for civil/military aircraft operating in support of NATO or NATO-led missions and operations, NATO, August 2016, [https://www.nato.int/nato\\_static\\_fl2014/assets/pdf/pdf\\_2016\\_08/20160804\\_1608-NATO-Policy-civil-military-aircraft.pdf](https://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2016_08/20160804_1608-NATO-Policy-civil-military-aircraft.pdf)

any reaction from Russian officials to these reports.

Following the conclusion of the BSPT process and a corresponding ICAO briefing to the NATO-Russia Council in 2016, the participating states and institutions determined to continue the BSPT's work by creating the Expert Group on Baltic Sea Air Safety, led by the Finnish Transport Safety Agency (Trafi) and ICAO. This grouping met several times in 2016-2017, and aims to provide ongoing proposals to improve air safety by publishing regular ICAO EUR OPS Bulletins,<sup>9</sup> the most recent intervention being recommendations for best practice published in December 2017.<sup>10</sup>

In June 2016 the ELN proposed resumption of the use of the suspended Cooperative Airspace Initiative (CAI),<sup>11</sup> a NATO-Russia Council programme designed to increase transparency and coordinate joint responses to airborne terrorism. A variant of this proposal was also put to the BSPT by EUROCONTROL.

<sup>9</sup> Baltic Sea flight safety meeting agreed on new recommendations to increase flight safety, Trafi, 6 January 2017, [https://www.trafi.fi/en/about\\_trafi/news/5117/baltic\\_sea\\_flight\\_safety\\_meeting\\_agreed\\_on\\_new\\_recommendations\\_to\\_increase\\_flight\\_safety](https://www.trafi.fi/en/about_trafi/news/5117/baltic_sea_flight_safety_meeting_agreed_on_new_recommendations_to_increase_flight_safety)

<sup>10</sup> Principles and best practices in case of air encounters, especially in the High Seas airspace commonly shared by civil & military aviation over the Baltic Sea, ICAO EUR OPS Bulletin, 1 December 2017, [https://www.icao.int/EURNAT/EUR%20and%20NAT%20Documents/EUR%20Documents/EUR%20OPS%20BULLETINS/EUR%20OPS%20Bulletin%202017\\_001.pdf](https://www.icao.int/EURNAT/EUR%20and%20NAT%20Documents/EUR%20Documents/EUR%20OPS%20BULLETINS/EUR%20OPS%20Bulletin%202017_001.pdf)

<sup>11</sup> Thomas Frear, Cleared for Takeoff: Dangerous Brinkmanship and the Case for the Cooperative Airspace Initiative, European Leadership Network, 20 June 2016, <https://www.europeanleadershipnetwork.org/policy-brief/cleared-for-takeoff-dangerous-brinkmanship-and-the-case-for-the-cooperative-airspace-initiative/>

This envisaged the use of the CAI's supporting software, the Civil-Military ATM Coordination Tool (CIMACT),<sup>12</sup> to feed military primary radar data to civilian air traffic control centres, thus allowing them to see military aircraft flying without transponding their position. At the time, this idea was deemed impractical due to differences between procedures governing aircraft operations over national territories and over the high seas, but ICAO did publish an Ops Bulletin examining these differences. The 2017-2021 EASA States' Implementation Report reiterated this recommendation, but noted that some states regard military primary radar data as off limits to civilian air traffic control. A key exception is the United Kingdom, which has acted to merge military and civilian sensor data to produce a single composite air picture.<sup>13</sup>

*"There have been no further dangerous incidents reported involving civilian and military aircraft in the Baltic region."*

Collectively these initiatives appear to have been successful. There have been no further dangerous incidents reported involving civilian and military aircraft in the Baltic region, whilst the periodic airspace violations throughout the region have been reduced in number.

For the most part this has been attributed to the raised awareness among civilian pilots of what constitutes legally permissible behaviour by military aircraft, thus leading to fewer reports of dangerous behaviour or other

kinds of aerial proximity (AIRPROX). Similarly, the registration of flight plans for Russian military cargo flights and the agreement of the new Gulf of Finland air corridor have introduced a greater sense of predictability, allowing civilian air traffic controllers to plan accordingly. The air corridor arrangement has not proven flawless, with a violation of Estonian airspace reported in March 2018. However this violation was by a Russian military cargo flight that had filed a flight plan and which was transponding its position, and thus should not be considered dangerous.<sup>14</sup>

Such success has only been possible due to comprehensive regional buy-in, itself possible thanks to two key factors. The first is a recognition that there is no benefit in a prevailing perception that civilian aircraft are held at risk by increased military activities. The second is the nature of the process through which the problem was addressed.

Finland's role as facilitator, with President Niinistö often acting as a go-between for Moscow and NATO capitals, may have helped head off any notion that this was a 'Russian' or 'NATO' initiative, thus allowing it to proceed in a technocratic manner rather than becoming overly politicised. The commitment of those states and institutions involved to keeping the proceedings of the BSPT private, with very little public reference to the process at all, allowed its uninterrupted operation despite the periodic flare-ups in the broader Russia-West relationship.

The success of the BSPT process warrants consideration of whether it is replicable elsewhere, especially in those regions that may be at risk of civilian-military misunderstanding. On the face of it, the Black Sea region is a prime candidate, host to Russia and a number of NATO member

12 Civil-Military ATM Co-ordination Tool (CIMACT), EUROCONTROL, <http://www.eurocontrol.int/services/civil-military-atm-co-ordination-tool-cimact>

13 States' implementation report EPAS 2017-2021, EASA, 9 February 2018, <https://www.easa.europa.eu/sites/default/files/dfu/EPAS%20Implementation%20Report.pdf> pp.38-39

14 Estonia Says Russian Plane Violated Its Airspace Over Baltic, RFE/RL, 12 March 2018, <https://www.rferl.org/a/estonia-russia-plane-airspace-violation-ii-76/29094949.html>

states and partners, and the site of multiple military-military encounters that have been deemed dangerous. Whilst an expert format for the Black Sea region on the same basis as the BSPT would certainly have value in terms of raising awareness of existing regulations, the region's maritime/airspace border disputes would significantly complicate the implementation of fresh practical arrangements. The contested status of Crimea and Abkhazia would in all likelihood stymie efforts to better delineate flight paths and maritime access to exclusive economic zones around those territories.

One feasible point of added value, however, would be the publication of their principles of due regard by those Black Sea littoral states that have not yet done so - specifically, Ukraine, Georgia, Bulgaria, and Romania. This would be a low-cost method of improving regional predictability.

### **Managing Military-Military Encounters: Functional but Unambitious**

Whilst military-military encounters remain a feature of the Euro-Atlantic security landscape, their frequency, or at the very least the concern surrounding them, appears to have reduced. There has been no incident as serious as the November 2015 shooting down of a Russian aircraft by Turkey, but individual examples of reckless behaviour in the vicinity of other aircraft and ships has persisted.

In part, the reduced number of reported incidents may reflect an acceptance of routine encounters as part of the new norm of confrontation, eliciting less media interest. Similarly, an increased awareness of existing regulations, similar to the civilian-military rules of the road referenced above but also encompassing military-specific agreements, may have reduced the official reporting of incidents previously considered unusual or dangerous.

However, if this is the case, then those serious incidents that do still occur must be viewed as having been intended to signal a political or military message. The close passes of NATO, predominantly US, aircraft and ships operating in proximity to sensitive areas such as Kaliningrad or Crimea have been linked by the Russian Ministry of Defence to the defence of Russian airspace, indicating a desire to project this defence out over the high seas. A Ministry of Defence press release, referring to the unsafe interception of a US reconnaissance flight over the Black Sea on 29 January 2018, advised the US to "exclude these flight routes near Russia's borders in the future, or return to the negotiating table and agree on their rules", revealing a clear intent behind the incident.<sup>15</sup>

*"Those serious incidents that do still occur must be viewed as having been intended to signal a political or military message."*

Some other incidents, whilst remaining relatively routine in nature, carry an enhanced political profile. A case in point is the interception and shadowing of an aircraft carrying Russian Defence Minister Sergei Shoigu by Polish fighters, operating as part of NATO's Baltic Air Policing mission, in international airspace in June 2017. At one point, the Polish interceptors were deemed to have approached too close to the ministerial aircraft, and were in turn warded off by the Russian fighter escorts,<sup>16</sup> with a film of the incident being released shortly thereafter.<sup>17</sup>

15 Defense Ministry urges US to keep recon planes away from Russia or agree on flight rules, Tass, 1 February 2018, <http://tass.com/defense/988082>

16 Defense chief notes Russia's western borders heating up as NATO activity surges, Tass, 21 June 2017, <http://tass.com/defense/952592>

17 Thomas Frear, Russia-West Incidents on the Rise, European Leadership Network, 26 June 2017, <https://>

Whilst it is likely that these actions were merely theatrics, it is inevitable that any accident resulting from pilot or technical error would have been reacted to very harshly.

Much of the ELN's past analysis focused on the patchwork of bilateral agreements between NATO member states and Russia that aim to manage military-military encounters in international airspace and on the high seas. These agreements, the agreements on the Prevention of Incidents On and Over the High Seas (INCSEAs) and the rarer Agreements on Preventing Dangerous Military Activities (DMAs), instituted common rules of behaviour and communication channels to help regulate encounters.<sup>18</sup> Previous ELN reports have called for such existing agreements to be reviewed and updated to take account of changing technology and operational methods, and for those states that do not currently have such an agreement with Russia to consider the negotiation of one.

On a positive note, public and political knowledge regarding existing agreements, both of their existence and of their basic provisions, has been notably increased. There has, however, been no progress on negotiating new agreements covering key states such as Poland, Romania, and Sweden, and very little progress on modernising existing agreements.

The significant exception to the failure to update existing agreements is the update of the UK-Russia INCSEA, finalised in late 2017.

[www.europeanleadershipnetwork.org/commentary/russia-west-incidents-on-the-rise/](http://www.europeanleadershipnetwork.org/commentary/russia-west-incidents-on-the-rise/)

18 Lukasz Kulesa; Denitsa Raynova; Thomas Frear, *Managing Hazardous Incidents in the Euro-Atlantic Area: A New Plan of Action*, European Leadership Network, 2 November 2016, <https://www.europeanleadershipnetwork.org/policy-brief/managing-hazardous-incidents-in-the-euro-atlantic-area-a-new-plan-of-action/> pp.12-16

The update focused on regulations applied to the actions of aircraft as they approach the aircraft or ships of the other party, as well as on limiting the use of lasers to interfere with the operations of ships or aircraft.<sup>19</sup> This overcomes some of the shortfalls that stem from the UK and Russia not having signed a DMA, the suggested signing of which was a previous ELN recommendation.

The most frequently used INCSEA agreement, that between the US and Russia, has continued to function robustly. This should be assessed positively. Each dangerous encounter between the militaries of the two states has been raised through the communication and redress channels of the INCSEA, whilst the annual INCSEA review meetings have continued (the most recent was held on 25 July 2017 in Newport, Rhode Island<sup>20</sup>).

The frequency of US-Russia encounters has not led to a successful update of the document, however Russian Deputy Foreign Minister Sergei Ryabkov did indicate in August 2017 that Russia and the US needed to refresh their incidents agreements.<sup>21</sup> Nevertheless, the development by the US of an improved camera pod for its aircraft in order to better record interceptions involving Chinese aircraft indicates that unilateral improvements to the verification aspects of

<sup>19</sup> Russia, UK to update agreement on prevention of incidents at sea, Tass, 14 August 2017, <http://tass.com/politics/960250>

<sup>20</sup> US Navy Statement on INCSEA, US Naval Forces Europe-Africa, 25 July 2017, <http://www.eucom.mil/media-library/pressrelease/35986/us-navy-statement-on-incsea>

<sup>21</sup> Russian Official Says U.S. and Russia Aren't in New Cold War, Associated Press, 23 August 2017, <https://www.bloomberg.com/news/articles/2017-08-23/russian-official-says-us-and-russia-aren-t-in-new-cold-war>



existing agreements are plausible.<sup>22</sup>

On a parallel track, it is worthy of note that a proposal has been submitted by NATO member states to update the provisions in the OSCE's Vienna Document on Confidence and Security Building Measures' on risk reduction in order to take account of the need for a better and more comprehensive response to military incidents. However, the adoption of this proposal as well as a more comprehensive update of the Vienna Document remains blocked by Russia.

*“Russian compliance with INCSEA rules may not always be unreservedly forthcoming.”*

There are multiple possible reasons for the reticence to expand the existing framework of INCSEAs. The first is a Russian reluctance to engage in such a process with what Moscow perceives to be militarily insignificant neighbours, such as the Baltic States.<sup>23</sup> Secondly, in some rare cases the depth of an existing relationship might render an INCSEA unnecessary, for example the large number of dialogue mechanisms and CSBMs between Russia and Finland may have been deemed sufficient.

Inability to compel compliance with INCSEA norms of behaviour and inadequate redress mechanisms may also have created a perception that these agreements are of limited use. The fact that the US has on

22 Sydney J Freedberg Jr, PACOM Presses To Film China's Reckless Pilots From P-3s, P-8s, Breaking Defense, 19 May 2016, <https://breakingdefense.com/2016/05/chinas-reckless-pilots-on-film-pics-or-it-didnt-happen-off-hainan/>

23 At Finnish instigation in 2016 Russia did attempt to engage the Baltic States and Poland bilaterally on the use of transponders by military flights but was rebuffed.

occasion felt forced to publicly showcase certain incidents that are being raised in parallel through the INCSEA framework suggests that Russian compliance with INCSEA rules may not always be unreservedly forthcoming. A further driver behind this public approach seems to have been Russian claims on social media that their aircraft had disabled the defensive systems of US warships. The seeming failure of the INCSEAs to modify actual Russian behaviour vis-à-vis the states which have such bilateral agreements may limit the mechanism's attractiveness to others.

### **Syria Deconfliction: a model to emulate?**

The evolution of the US-Russia Syria deconfliction agreement over 2015-2017 is arguably more significant in terms of a potential expansion of Russia-West risk reduction mechanisms, as it demonstrates what is practically possible should there be the political will to engage seriously with reducing risk when operating in the same airspace.

The deconfliction agreement, negotiated and signed in October 2015, put in place a series of protocols designed to reduce the risk of an incidental or accidental clash between US and Russian aircraft whilst they conduct their parallel air campaigns in Syrian airspace. The agreement was rapidly extended to the rest of the US-led coalition engaging the Islamic State in Syria.

Key aspects of the protocol included rules on the physical separation of aircraft, specifically the provision that Russian and coalition aircraft should maintain a distance of three nautical miles (5.6km) horizontally or 3,000 feet (914m) vertically. Should this prove impractical, pilots should re-establish this distance within three minutes.

This was backed by a regular communication channel between a Russian-speaking US Colonel based in Qatar and their Russian

equivalent in Syria. The Colonels have three scheduled calls a week, but in practice speak daily, often multiple times.

The final aspect of the agreement instituted a video conference between senior Pentagon officials and their Russian counterparts, held every six to eight weeks.<sup>24</sup>

The signatories subsequently showed willingness to modify the agreement in order to reflect the changing dynamics of the Syrian civil war. In particular, the designation of the Euphrates River in August 2017 as a de facto dividing line between Russia-backed regime forces to the west and US-backed Kurdish groups to the east created a more structured framework for communication.<sup>25</sup> Both would conduct operations against Islamic State on their respective sides, and it was agreed that each side would inform the other of air operations due to take place on the other's side of the dividing line. Such an agreement requires a significant quantity of daily communication.<sup>26</sup>

Similarly, both sides have increased the seniority of the point of contact during periods of heavy activity, specifically during the assault on IS-held Raqqa. In some cases

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24 Thomas Frear, Regional Imperative: Why we need the Syria Deconfliction Agreement, European Leadership Network, 12 April 2017, <https://www.europeanleadershipnetwork.org/commentary/regional-imperative-why-we-need-the-syria-deconfliction-agreement/>

25 Hossam Abouzahr and Tarek Radwan, Syria's Buffer Zone Along the Euphrates, 29 August 2017, <http://www.atlanticcouncil.org/blogs/syriasource/syria-s-buffer-zone-along-the-euphrates>

26 U.S. military uses Russian 'deconfliction' line 20 times a day to separate jets over Syria, The Washington Times, 5 October 2017, <https://www.washingtontimes.com/news/2017/oct/5/us-russia-use-military-deconfliction-phone-20-time/>

this has been as high as three-star level.<sup>27</sup> On one occasion, as it appeared that significant US and Russian forces would come into direct contact with one another, a deconfliction call took place between General Joseph Dunford and General Valery Gerasimov, the US and Russian Chiefs of the General Staff.<sup>28</sup>

Whilst this agreement has certainly not proven to be flawless, with US accusations that Russia may be purposely violating the agreement,<sup>29</sup> failures of communication leading to the engagement by the US of Russian-backed ground forces,<sup>30</sup> and a Russian threat to suspend the agreement following the April 2017 US cruise missile strike on Syrian regime installations, it has continued to prove its worth.

Despite many of the incentives behind the Syria agreement being unique to that conflict, in particular the complexity arising from the sheer number of state actors and proxy forces, some aspects of the agreement itself may be applicable elsewhere. In

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27 Shawn Snow, US increases use of deconfliction hotline with Russia amid pending operation to liberate Raqqa, Military Times, 24 May 2017, <https://www.militarytimes.com/news/pentagon-congress/2017/05/24/us-increases-use-of-deconfliction-hotline-with-russia-amid-pending-operation-to-liberate-raqqa/>

28 Russia, US Avoid Second Confrontation in Syria, VOA, 27 March 2018, <https://www.voanews.com/a/us-russia-avoid-second-confrontation-in-syria/4320198.html>

29 US says Russia intentionally violating Syria military agreement, CNN, 22 December 2017, <https://edition.cnn.com/2017/12/21/politics/us-says-russia-violating-syria-agreement/index.html>

30 US military admits it mistakenly targeted and killed loyalist Syrian forces, The Guardian, 29 November 2016, <https://www.theguardian.com/world/2016/nov/29/us-military-airstrikes-mistake-syria-assad-deir-ez-zor>

particular the establishment of permanently operational telephone links covering areas of high military activity, such as the Baltic and Black Seas, may be beneficial. Whilst a number of emergency hotlines are in place between Russia and some NATO member states, more regular, and in effect mundane, communication could help deconflict military exercises and the monitoring of such exercises.

The use of geographical dividing lines to determine when contact should be initiated would certainly assist with greater transparency and predictability. However, this will in all likelihood be considered politically impossible, bearing as it does too great a resemblance to formal 'spheres of influence'. The institution of such a system around sensitive areas, particularly Crimea, even on a status neutral basis that avoided the issue of sovereignty and was based on geographical coordinates rather than political topography, may be viewed as a concession to Russia.

## Conclusions and recommendations

Whilst the risk inherent in military encounters has not been definitively overcome, significant progress has been made on mitigating this risk. In the period since the ELN first raised the issue in November 2014, political awareness has notably increased, resulting in concrete actions to improve air safety. The cooperative nature of the BSPT process and its outputs, such as a reaffirmation of existing rules and regulations, the agreement of new aerial waypoints, and progress on the filing of flight plans for military flights, stands in stark contrast to the confrontational approach taken to other confidence and security building measures and arms control in Europe.

Whilst it is not possible to totally eliminate the risk posed to civilian aviation by the increased intensity of military flights, the measures described in this report appear to have succeeded in reducing the risk. There have been no further reports of incidents

involving civilian aircraft as serious as those documented in 2014, although concerns over this possibility are still reported to EASA.<sup>31</sup>

*“Whilst the risk inherent in military encounters has not been definitively overcome, significant progress has been made on mitigating this risk.”*

Similarly, the relative success of the Syria deconfliction agreement shows that regular communication is possible when operating in close proximity and when political will is forthcoming.

Recognition of the potential for unintended escalation has led to the commitment of diplomatic capital to address the issue of incidents that has persisted despite further rifts in the Russia-West relationship. Transparency and risk reduction, in particular pertaining to air incidents, was discussed at all three meetings of the NATO-Russia Council in 2017. The reports following these meetings, as well as the NATO Secretary General's 2017 Annual Report and individual statements by the Secretary General himself, indicate a positive appraisal of the work achieved so far. Full support was shown for the work of the BSPT and the Expert Group on Baltic Sea Air Safety, and it seems clear that this work will continue.

Transparency and information sharing have also continued to feature in other formats, most prominently in the US-Russia Strategic Stability Talks and the OSCE's military capabilities mapping exercise and Structured Dialogue. Whilst these formats do not focus explicitly on military incidents, they do aim to improve avenues of communication and build

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31 States' implementation report EPAS 2017-2021, EASA, 9 February 2018, <https://www.easa.europa.eu/sites/default/files/dfu/EPAS%20Implementation%20Report.pdf> pp.38-39

trust in ways that will be directly beneficial for the management of military incidents.

Nevertheless, the lack of progress on modernising the majority of the INCSEAs between NATO member states and Russia, and the seeming lack of interest in filling-in gaps in this framework through the negotiation of new agreements, highlights the limits of the risk reduction process. Concerns over compliance reflect a broader trend of mistrust in the Russia-West relationship that points to an overarching truth: the problem of military incidents can never be eradicated if the current confrontation persists. It has become evident that some military-military encounters are deliberate demonstrations of resolve or signalling, and as such cannot be mitigated by agreements such as INCSEAs.

Statements by the Russian Ministry of Defence indicate that aggressive interceptions of NATO and partner aircraft in international airspace adjacent to sensitive areas form part of a defensive system designed to restrict freedom of manoeuvre. Such behaviour can also be viewed as an attempt to reiterate Russian claims of sovereignty over occupied Crimea. Such thinking contains a serious flaw. Purposefully ignoring the INCSEA provisions increases the risk of an accident, and the escalation that would likely result from such an accident would only increase military activity close to Russia's borders.

These conclusions and the preceding analysis suggest a number of policy recommendations that can be implemented in the short term, building on the considerable progress made thus far.

1. **Russia should reconsider using aggressive intercepts as a form of area denial.** This practise is self-defeating, raising the risk of accident or miscalculation and thus escalation. Such escalation will in all likelihood increase the level of military activity close to Russia's borders, rather than limiting it. Furthermore, such Russian behaviour
- risks undermining the progress on air safety achieved thus far and it feeds a perception that Western engagement with Russia on air incidents is a concession that garners nothing in return. A termination of the current process, typified by the Expert Group on Baltic Sea Air Safety, would damage Russian security just as much as it would the West's
2. **Regional states should reconsider the sharing of military primary radar data with civilian air traffic control.** The sharing of primary radar data ensures that air traffic control can continue to monitor the trajectory of those military flights that do not transpond their position, thus allowing them to warn civilian pilots accordingly. Combined with increased awareness of civilian-military encounter procedures, this would dramatically reduce the risk of an aerial collision. Whilst security concerns over sharing such data with civilians are valid, the example of the United Kingdom's combined air picture shows that such concerns can be mitigated.
3. **Those Euro-Atlantic states that have not done so should publish their principles of due regard.** The publication of the principles adhered to by national militaries when in close proximity to civilian aircraft is a valuable transparency measure, allowing civilian pilots to adjust their behaviour accordingly. Those states engaged in the BSPT process have made considerable progress in this regard, with the most militarily significant states already having published these principles. The implementation of this voluntary measure by other regional states would be a further net security gain and a public commitment to predictability and air safety.
4. **EU member states should consider harmonising civilian-military coordination procedures for air traffic control at the EU level.** In February 2018 the European

Aviation Safety Agency (EASA) suggested that EU member states should consider a harmonised information sharing agreement to rapidly disseminate data on aircraft flying without transponding their position, coordinated at the EU level. Such a mechanism would further improve air safety in the Baltic Sea and should be considered by policy makers.

5. **The Baltic Sea Project Team (BSPT) expert group format should be exported to the Black Sea.** Whilst the success of the BSPT is unlikely to be emulated in full in the Black Sea region due to the latter's unique geopolitical circumstances, the formation of a depoliticised regional expert forum would be a valuable confidence building measure.
6. **The Expert Group on Baltic Sea Air Safety should conduct a study of the Syria deconfliction agreement, examining aspects that may be applied elsewhere.** The Syria agreement has proven remarkably successful in extremely difficult and fast-moving circumstances. The bedrock provisions of this agreement, near constant telephone communication and flexibility in the seniority of the points of contact, may prove of use in developing mechanisms to reduce friction at periods of high military activity, such as around large military exercises.
7. **The ongoing OSCE capabilities mapping exercise should be expanded in order to review existing incident prevention mechanisms.** This mapping exercise, a part of the OSCE's Structured Dialogue, should be expanded to include a systematic review of existing incident prevention agreements among all OSCE participating states, possibly with some input from the OSCE Asian Partners for Co-operation that have similar agreements in the Asia-Pacific region. Such a review should go beyond agreements such as INCSEAs and DMAs to account for military hotlines and more localised

communication mechanisms. Such an overview would provide a framework within which to review the modern validity of explicitly OSCE mechanisms, such as the Vienna Document's Chapter III. This may in turn help to overcome the present stalemate over their modernisation.