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Freedom of overflight: a study of coastal State jurisdiction in international airspace

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Freedom of Overflight:
A Study of Coastal State Jurisdiction in International Airspace

A Doctoral Thesis
submitted to
the International Institute of Air and Space Law

Freedom of Overflight
A Study of Coastal State Jurisdiction in International Airspace

"You are fortunate in having before you one of the great lessons of history. Some centuries ago, an attempt was made to build great empires based on domination of great sea areas. ...We do not need to make that mistake again. I hope you will not dally with the thought of creating great blocs of closed air, thereby tracing in the sky the conditions of future wars. I know you will see to it that the air which God gave to everyone shall not become the means of domination over anyone."

Franklin D Roosevelt
The International Civil Aviation Conference, Opening Plenary Session
Chicago, 11 November 1944

Freedom of Overflight

A Study of Coastal State Jurisdiction in International Airspace

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List of abbreviations

ADC	Air defence clearance
ADIZ	Air defence identification zone
AIP	Aeronautical information publication
ASA	Air services agreement
ATC	Air traffic control
ATFM	Air traffic flow management
ATM	Air traffic management
ATS	Air traffic services
CAA	Civil aviation authority
CANSO	Civil Air Navigation Services Organisation
CBDRRC	Common but differentiated responsibilities and respective capabilities
CORSIA	Carbon offsetting and reduction scheme for international aviation
DIC TA	Diplomatic clearance technical arrangement
EASA	European Union Aviation Safety Agency
EDA	European Union Defence Agency
EEZ	Exclusive economic zone
EU	European Union
FAA	Federal Aviation Administration
FIR	Flight information region
GAT	General air traffic
IAMSAR	International aeronautical and maritime search and rescue
IATA	International Air Transport Association
ICAO	International Civil Aviation Organization
ICJ	International Court of Justice
IFALPA	International Federation of Air Line Pilots' Associations
IFR	Instrument flight rules
IHO	International Hydrographic Organization
ILA	International Law Association
ILC	International Law Commission
ITLOS	International Tribunal for the Law of the Sea
km	Kilometre
MBM	Market-based measure
MILAMOS	Manual of International Law Applicable to Military Uses of Outer Space
NATO	North Atlantic Treaty Organization
nm	Nautical mile
NORAD	North American Aerospace Defense Command
NOTAM	Notice to airmen

OAT	Operational air traffic
PANS	Procedures for air navigation services
PCIJ	Permanent Court of International Justice
RANP	Regional air navigation plan
RPA	Remotely piloted aircraft
SARPs	Standards and recommended practices
SES	Single European Sky
SRR	Search and rescue region
TASA	Template air services agreement
UAE	United Arab Emirates
UASSG	Unmanned Aircraft Systems Study Group
UK	United Kingdom
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNCOPUOS	United Nations Committee on the Peaceful Uses of Outer Space
UNSC	United Nations Security Council
UN	United Nations
US	United States
VFR	Visual flight rules