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

A Doctoral Thesis
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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

PROEFSCHRIFT

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de graad van doctor aan de Universiteit Leiden,
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geboren te Melbourne, Australia

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prof. dr. J.J. Rijpma

Promotiecommissie: prof. dr. N.J. Schrijver
prof. dr. F. Schubert (McGill University, Montreal, Canada)
prof. dr. S. Trevisanut (Universiteit Utrecht)
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Finally, Mum and Dad, thank you for raising us to be curious and for leading the way for us to explore. Most of all, thank you for your endless love and support.
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<td>ADC</td>
<td>Air defence clearance</td>
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<td>ADIZ</td>
<td>Air defence identification zone</td>
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<td>AIP</td>
<td>Aeronautical information publication</td>
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<td>ASA</td>
<td>Air services agreement</td>
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<tr>
<td>ATC</td>
<td>Air traffic control</td>
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<td>ATFM</td>
<td>Air traffic flow management</td>
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<td>ATM</td>
<td>Air traffic management</td>
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<td>ATS</td>
<td>Air traffic services</td>
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<td>CAA</td>
<td>Civil aviation authority</td>
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<tr>
<td>CANSO</td>
<td>Civil Air Navigation Services Organisation</td>
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<tr>
<td>CBDRRC</td>
<td>Common but differentiated responsibilities and respective capabilities</td>
</tr>
<tr>
<td>CORSIA</td>
<td>Carbon offsetting and reduction scheme for international aviation</td>
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<tr>
<td>DIC TA</td>
<td>Diplomatic clearance technical arrangement</td>
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<tr>
<td>EASA</td>
<td>European Union Aviation Safety Agency</td>
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<td>EDA</td>
<td>European Union Defence Agency</td>
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<td>EEZ</td>
<td>Exclusive economic zone</td>
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<td>EU</td>
<td>European Union</td>
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<tr>
<td>FAA</td>
<td>Federal Aviation Administration</td>
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<td>FIR</td>
<td>Flight information region</td>
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<td>GAT</td>
<td>General air traffic</td>
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<tr>
<td>IAMSAR</td>
<td>International aeronautical and maritime search and rescue</td>
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<tr>
<td>IATA</td>
<td>International Air Transport Association</td>
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<tr>
<td>ICAO</td>
<td>International Civil Aviation Organization</td>
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<td>International Court of Justice</td>
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<tr>
<td>IFALPA</td>
<td>International Federation of Air Line Pilots’ Associations</td>
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<td>IFR</td>
<td>Instrument flight rules</td>
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<td>IHO</td>
<td>International Hydrographic Organization</td>
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<td>ILA</td>
<td>International Law Association</td>
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<td>International Law Commission</td>
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<tr>
<td>ITLOS</td>
<td>International Tribunal for the Law of the Sea</td>
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<tr>
<td>km</td>
<td>Kilometre</td>
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<tr>
<td>MBM</td>
<td>Market-based measure</td>
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<tr>
<td>MILAMOS</td>
<td>Manual of International Law Applicable to Military Uses of Outer Space</td>
</tr>
<tr>
<td>NATO</td>
<td>North Atlantic Treaty Organization</td>
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<tr>
<td>nm</td>
<td>Nautical mile</td>
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<tr>
<td>NORAD</td>
<td>North American Aerospace Defense Command</td>
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<tr>
<td>NOTAM</td>
<td>Notice to airmen</td>
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## List of abbreviations

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<td>OAT</td>
<td>Operational air traffic</td>
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<tr>
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<td>Procedures for air navigation services</td>
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<tr>
<td>PCIJ</td>
<td>Permanent Court of International Justice</td>
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<tr>
<td>RANP</td>
<td>Regional air navigation plan</td>
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<td>RPA</td>
<td>Remotely piloted aircraft</td>
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<tr>
<td>SARPs</td>
<td>Standards and recommended practices</td>
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<td>SES</td>
<td>Single European Sky</td>
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<td>SRR</td>
<td>Search and rescue region</td>
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<td>TASA</td>
<td>Template air services agreement</td>
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<td>United Arab Emirates</td>
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<td>UASSG</td>
<td>Unmanned Aircraft Systems Study Group</td>
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<td>UK</td>
<td>United Kingdom</td>
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<td>UN</td>
<td>United Nations</td>
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<tr>
<td>UNCOPOUOS</td>
<td>United Nations Committee on the Peaceful Uses of Outer Space</td>
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<td>United States</td>
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