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## Protection of aviation security through the establishment of prohibited airspace

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## Propositions relating to the dissertation

### PROTECTION OF AVIATION SECURITY THROUGH THE ESTABLISHMENT OF PROHIBITED AIRSPACE

by Wanlu Zhang

1. The Chicago Convention was envisaged to regulate international civil aviation among friendly countries in peace time.
2. International humanitarian law supplements the Chicago Convention in regulating aviation safety and security over conflict zones.
3. Based on territorial sovereignty, a Contracting State can close its airspace to maintain an acceptable level of risk for its territory; prohibited airspace established in peace time has to fulfil the conditions in Article 9 of the Chicago Convention.
4. In establishing prohibited airspace pursuant to Article 9 of the Chicago Convention, a Contracting State's action on account of a specific route may in effect creates discriminatory treatment among aircraft of different nationalities.
5. In case of FIRs going beyond national territories, the appropriate ATS authorities have the jurisdiction to make contingency plans involving airspace restrictions due to the information collecting competence they have been entrusted with.
6. In the context of cross-border ATS provision, the 'use' of sovereign airspace, including 'non-use', is only on the initiative of, or with the agreement or consent of, the sovereign State.
7. Setting up prohibited areas is the only effective precautionary measure in preventing civil aircraft from shooting down over conflict zones.
8. The obligation to remove civilians from the vicinity of combat zones under IHL should be applied *mutatis mutandis* to conflict zones as defined by ICAO.
9. This study is meant to be simply a testament to human fortitude and faith.
10. The faith lies in the acceptance and active engagement of negative experience during which let us not become weary in doing good.