

**HOSTILE RELATIONS BETWEEN COUNTRIES MAKING 'FREEDOMS OF AIR'  
DIFFICULT TO BE IMPLEMENTED: AN ANALYSIS OF LEGISLATIONS  
PERTAINING TO AIR LAWS**

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## **INTRODUCTION**

*“Aviation will give new nourishment to the religious spirit of mankind. It will add airspace to those other great heighteners of the cosmic mood: the wood, the sea, the desert”.*

*– Christian Morgenstern*

Mankind derives innovative ideas from his ever-evolving mind and does experiments to go beyond the normative threshold of limits and gives birth to great inventions. Since time immemorial Air or more specifically, the Sky has been bearing and manifesting the testimony of sustaining life and objects above the ground. The early 18<sup>th</sup> century witnessed the development of a Hot Air Balloon<sup>1</sup> before it saw massive technological advancements in the flying mechanisms. When the Wright brothers, Orville and Wilbur Wright flew the 1<sup>st</sup> successful airplane that they had built themselves, it was considered one of the most remarkable and important inventions of the 20<sup>th</sup> century. Thus, the phenomenon of ‘Flying’ or Civil Aviation came into existence for mankind.

## **WHAT IS AVIATION?**

Aviation<sup>2</sup> can be defined as ‘the activity of flying aircraft, or of designing, producing, and keeping them in good condition. Aviation is considered a very convenient mode of transport by affluent people, as opposed to the middle-income group which still needs to come at par with the rich in terms of the opportunities of availing one of the fastest traveling facilities in the world. Aviation can be classified into two broad categories of Civil/Commercial Aviation (which is meant for transporting passengers and cargo from one place to another) and Military Aviation (which is meant for military security by countries in response to the protection of national and territorial sovereignty). In the last few decades, there has been a massive surge in

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<sup>1</sup> See ‘definitions and their importance’ (1)

<sup>2</sup> Cambridge dictionary

airline fleets by domestic and international aircraft carriers and subsequently, a huge global competition among them has been observed, owing to the great industrial and technological boost in the world economy, especially after the Great Wars. This can be attributed to the dynamic nature of Aviation.

## **THE PROBLEM**

Greater the air connectivity and networks, the higher the need for airspace for controlling and managing the air traffic across the sky. A flight, bound for a destination, has to fly over and cross the territorial airspace of many other countries altogether. Rules and regulations are the basic sources of governing the airspace of the countries efficiently and these rules are enshrined in the Air Laws, which are nationally as well as internationally implemented through various treaties and conventions in the respective countries all over the world. Nevertheless, in times of grave and unforeseen Bilateral or Multilateral hostile situations like Wars and ‘sour’ periods of Diplomacy between countries, the use of Airspace by international aircraft between them is restricted and compromised as has been witnessed in the trends over the years. This is not only of the major sources of inconvenience to the passengers and personnel in the concerned airline but also a violation of the terms of the conventions in place for the implementation of its mutually agreed plan of actions, including Freedoms of the Air. This makes it important for us to understand the legal, sovereign and political aspects of the ever-dynamic field of Aviation and Air Laws, also keeping in mind that aviation security is an equally important factor.

## **DEFINITIONS AND THEIR IMPORTANCE**

The key terms used throughout this project are very important to understand the context of each legal provision and the background thereof. They have been defined under this heading: -

1. “Balloon” means a non-power-driven lighter-than-air aircraft<sup>3</sup>;
2. “Aircraft” means any machine that can derive support in the atmosphere from [reactions of the air other than reactions of the air against the earth’s surface] and includes balloons whether fixed or free, airships, kites, gliders, and flying machines<sup>4</sup>;
3. “Convention” means the Convention relating to International Civil Aviation signed at Chicago on the 7<sup>th</sup> day of December 1944, as amended from time to time<sup>5</sup>;

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<sup>3</sup> The Aircraft Act 1937, [3](11)

<sup>4</sup> *Id.* at (7)

<sup>5</sup> *Id.* at (13A)

4. “Contracting State” means any State which is for the first time a party to the Convention on International Civil Aviation concluded at Chicago on December 7<sup>th</sup>, 1944, and any amendment which may be made thereto under the provisions of Article 94 thereof<sup>6</sup>;
5. “IATA” stands for International Air Transport Association, which is a trade association of 290 airlines in over 120 countries of the world<sup>7</sup>.
6. “ICAO” stands for International Civil Aviation Organization involving the regulatory provisions that are necessary to govern the civil aviation industry and specifically checks for any breach or invasion in the airspace or air sovereignty of a particular country.
7. “ICJ” stands for International Court of Justice which has its permanent seat in The Hague, Netherlands.
8. “Pilot-in-Command” means the main pilot who is responsible for the operation and safety of the aircraft during flight time<sup>8</sup>;
9. “Foreign Aircraft” means an aircraft registered in a country other than India<sup>9</sup>;
10. “Scheduled air transport service” means an air transport service undertaken between the same or two or more places and operated according to a published timetable or with flights so regular or frequent that they constitute a recognizably systematic series, each flight being open to use by members of the public<sup>10</sup>;
11. “Personnel” in any aircraft means the person in charge, the pilot, the navigator, the engineer, and all other members of the crew;<sup>11</sup>
12. “Freedoms of Air” reflect the rights of an air carrier to transmit foreign airspace, make a technical stop in foreign territory, and carry traffic on internationally agreed services<sup>12</sup>.
13. “FIR” stands for Flight Information Region – An airspace of defined dimensions within which air traffic services are provided by the named center/country<sup>13</sup>.

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<sup>6</sup> *Id.* at (13)

<sup>7</sup> Wikipedia

<sup>8</sup> The Aircraft Act 1937, [3](42)

<sup>9</sup> *Id.* at (25A)

<sup>10</sup> *Id.* at (49)

<sup>11</sup> *Id.* at (40)

<sup>12</sup> Diederiks-Verschoor I H Ph, *Introduction to Air Law* (9<sup>th</sup> revised edition, Kluwer Law International 2012)

‘glossary of useful terms’ xxiii

<sup>13</sup> *Id.*

14. “International Air Service” is an air service that passes through the air space over the territory of more than one State (Article 96 of the Chicago Convention)<sup>14</sup>. They may be established on equality of opportunity.

15. “Route Schedule” means an annex to an Air Services Agreement setting out the routes that the designated airlines may operate. An open route schedule allows a carrier to operate via or to any point without restriction. The route schedule usually contains a condition requiring Fifth Freedom Rights to be the subject of negotiation between the bilateral partners. This condition may be omitted with the effect that unlimited fifth freedom rights are permitted on the points on the routes set out in the route schedule<sup>15</sup>.

The definitions act as interpretation clauses for the terms often ambiguous to the laymen and are therefore important. These terms are used in the everyday verbatim of people involved in the field of aviation. Without knowing about them, the pilot-in-command and other personnel would not be able to communicate effectively with each other and it may lead to serious situations of miscommunication and accidents as a result thereof.

## SOURCES OF AIR LAW

The most prominent and important question that arises instantly when we define the entities and terms related to Air Law is: What exactly does this ‘body of rules which governs the airspace and makes up the air law, consisting of? The answer to that lies in the following: -

- multilateral conventions;
- bilateral agreements;
- general principles of international law;
- national law;
- judicial decisions<sup>16</sup>;

Civil Aviation is incomplete without a set of rules and regulations governing air navigation across the globe. For this, some of the most important instruments provide a helping hand –

**Multilateral Conventions** – Multilateral conventions are the primary source of air law. In a literal sense, ‘Multi’ means many and ‘Lateral’ means countries. Thus, Conventions are formal

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<sup>14</sup> *Id.* at xxiv

<sup>15</sup> *Id.* at xxv

<sup>16</sup> Diederiks-Verschoor I H Ph, *Introduction to Air Law* (9<sup>th</sup> revised edition, Kluwer Law International 2012) 6

meetings between more than two countries where discussions on particular matters take place, concerning the States as a whole. These conventions are signed by the member States are required to be ratified by the respective State's national legislature. Once ratified, the provisions of the convention become binding on the parties and if violated, brings legal sanctions and penalties through judicial means.

**Bilateral Agreements** – When two countries come into an agreement regarding a particular the issue, it comes into the category of bilateral agreements. These can be viewed as instruments of harmonization of national rules or establishment of mutually agreed new rules for government intervention in support for, or control over, the operation of international scheduled air services<sup>17</sup>. These agreements are a consequence of the agreement in the Chicago Convention on the principle of national sovereignty over territorial airspace, agreement on the requirement for special permission or other authorization to operate scheduled international air service over or into the territory of a Contracting State<sup>18</sup>.

**General Principles of International Law** – When there is no provision in an international treaty or statute nor can any recognized customary principle of international law available for application in an international dispute, the general principles of law be used to “fill the gap”. Such gaps are inevitable in any legal system, including the international one, because treaties (contracts), statutes, and rules derived from custom cannot be designed to cover all situations that give rise to disputes<sup>19</sup>.

**National Law** – For any international treaty or convention, there has to be a national law in the respective country in support of that convention. For instance, the Directorate General of Civil Aviation (DGCA), a regulatory body in India follows the Aircraft Act, of 1934 with multiple amendments, the latest being in 2020, which has been enacted in consonance with the Chicago Convention to govern the aviation activities in the country. Pakistan Civil Aviation Authority in Pakistan follows the Civil Aviation Ordinance, of 1982<sup>20</sup>. European countries have their combined EU Air Regulations. In this way, the countries may have assured national sovereignty about their airspace.

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<sup>17</sup> Pachnanda V, *A Guide to India's Aviation Law* (1<sup>st</sup> edition, Thomson Reuters, Legal 2019) 120

<sup>18</sup> *Id.*

<sup>19</sup> James G Apple, American Society of International Law and the International Judicial Academy, 'General Principles of International Law' [2007] vol 2 issue 2 IJM

<sup>20</sup> <https://caapakistan.com.pk/security/Sec-Data.aspx?Cat=National%20Regulations> (last accessed on September 27, 2022).

**Judicial Decisions** – The laws formulated are best interpreted and protected by judicial decisions and precedents. According to a maxim: An International court for air law is necessary to maintain a balanced exercise of criminal jurisdiction between States and the national penal law<sup>21</sup>. There have been instances where the International Court of Justice (ICJ) in The Hague has adjudicated matters related to the ICAO Council, once under Convention on International Civil Aviation<sup>22</sup> and the other time when it noted in the Nicaragua case, ‘the principle of respect for territorial sovereignty is also directly infringed by the unauthorized overflight of a state’s territory by aircraft belonging to or under control of the government of another state’<sup>23</sup>. The present ICJ is, for political reasons, unacceptable as a truly international body, so the availability of this Court is sought by only a limited number of countries<sup>24</sup>. But this fact does not reduce its authority or prestige in the eyes of the countries seeking relief in matters related to air regulations all over the world.

## ISSUES AND FACTORS

The issues raised and the factors affecting them briefly stated in the research analysts have been pertinent for a long time without close to no mitigation whatsoever. We shall discuss them as follows: -

- Firstly, when a country blocks the airspace for a civil/commercial aircraft of another country in the light of unwarranted reasons on the pretext of ‘hatred’ or undiplomatic relations and periods of indefinite insecurities between them, the former State does not understand the plight of the passengers and crew members on board the plane who often tend to lose precious time and energy. There are times when India’s chartered diplomatic flights are denied airspace over Pakistan for ‘obvious’ reasons and Therefore, have to be diverted. This costs India a massive waste of fuel and time. Pakistan denied, The President of India, to use their airspace for a visit to Europe in September 2019. It also denied a GoFirst (formerly GoAir) Srinagar – Sharjah flight to use its airspace in November 2021<sup>25</sup>.

<sup>21</sup> Rutgers H J, “*Conventions on Penal Law Regarding Aircraft*” (Elinkwijk 1978) ‘11 Maxims’ (4)

<sup>22</sup> Appeal relating to the Jurisdiction of the ICAO Council under Article 84 of the Convention on International Civil Aviation (Bahrain, Egypt, Saudi Arabia and United Arab Emirates v. Qatar) [2020] ICJ

<sup>23</sup> Pachnanda V, *A Guide to India’s Aviation Law* (1<sup>st</sup> edition, Thomson Reuters, Legal 2019) 97

<sup>24</sup> Rutgers H J, “*Conventions on Penal Law Regarding Aircraft*” (Elinkwijk 1978) 14

<sup>25</sup> News Desk, ‘EXPLAINED: What Pakistan’s Denial of Its Airspace Can Mean for Flyers from India’ *News18.com* (India, 5 November 2021)

- Secondly, the concept of sovereignty plays a major role in Civil Aviation. Article 1 of the Chicago Convention states that ‘The contracting States recognize that every State has complete and exclusive sovereignty over the airspace above its territory<sup>26</sup>.’ If the sovereignty is getting compromised or infringed in any manner, the aggrieved party can plead for immediate relief of the interference under the provisions of the Convention. If sovereignty is perceived to be threatened, the countries must be quintessentially reassured that it is not the case unless it is a military invasion and a ‘real’ hostile situation.
- Thirdly, each country has been guaranteed nine ‘Freedoms of the Air under the Chicago Convention, out of which the first five freedoms are the most fundamental, for implementation by member states.
- Fourthly, a seemingly difficult conflict occurs in the provisions of Articles 5 and 6 of the convention, in the backdrop of the Freedoms, which are often read and interpreted in a manner that creates confusion in the process of their overall execution. ARTICLE 5 – Each contracting State agrees that all aircraft of the other contracting States, being aircraft not engaged in scheduled international air services shall have the right, subject to the observance of the terms of this Convention, to make flights into or in transit non-stop across its territory and to make stops for non-traffic purposes without the necessity of obtaining prior permission, and subject to the right of the State flown over to require landing<sup>27</sup>. This is also known as the Overflight right.

ARTICLE 6 – No scheduled international air service may be operated over or into the territory of a contracting State, except with the special permission or other authorization of that State, and following the terms of such permission or authorization<sup>28</sup>. Such ‘special permission’ is traditionally given in bilateral air services agreements between States, opening each other’s national airspace for the operation of international air services<sup>29</sup>. This is the main bone of contention and source of confusion that whether a State would be able to use the airspace without prior permission from another State or not.

- Lastly, the issue of hostility and situations of war among various nations is the root cause of the disruption, chaos, and delays in the scheduled flight times. Degraded and

<sup>26</sup> Pachnanda V, *A Guide to India’s Aviation Law* (1<sup>st</sup> edition, Thomson Reuters, Legal 2019) 97

<sup>27</sup> Pachnanda V, *A Guide to India’s Aviation Law* (1<sup>st</sup> edition, Thomson Reuters, Legal 2019) 103

<sup>28</sup> *Id.*

<sup>29</sup> Diederiks-Verschoor I H Ph, *Introduction to Air Law* (9<sup>th</sup> revised edition, Kluwer Law International 2012) 47

disheartening governmental interests (sometimes personal too) often bring the two nations to the brink of massive antagonism each other. The most frequent, prevalent, and famous example is that of India and Pakistan where the latter is seen blocking its airspace for the former State without any reason but on a claim that it needs to 'protect' its national sovereignty.

## INTERNATIONAL TREATIES AND CONVENTIONS

Treaties and conventions are a source of regulations for the countries that partake in the phenomenon of Civil Aviation. They are formulated according to the present 'superior' International Law. Treaties or Conventions, when signed, become binding and create legal obligations on countries, big or small. Policymakers are very conscious of the interests of the member States when they create the terms of the treaty. There is even a Law of Treaties that has been developed for the sole purpose of creating and operating treaties. Law of Treaties have a very wide coverage of International Law. Today, the world has the Vienna Convention on the Law of Treaties 1969 to apply to treaties. They can be in any form of communication – written, oral, letter, etc.

### CHICAGO CONVENTION

The most significant convention that has been formulated for air sovereignty to date is the Chicago Convention was signed by 52 countries on December 7<sup>th</sup>, 1944. Two additional agreements were signed namely, International Air Transport Agreement and International Air Transit Agreement. It is through this convention that international civil aviation is managed so efficiently on a global level. Part I of the Chicago Convention deals with air navigation<sup>30</sup>. Article 3 makes a distinction between State aircraft and civil aircraft. It states that it only applies to civil aircraft and not to state aircraft. Hence, State aircraft, and the operation thereof, are excluded from its scope<sup>31</sup>. 2 Freedoms of Air have a direct impact on the aforementioned issues – 1<sup>st</sup> and 5<sup>th</sup>. The 1<sup>st</sup> freedom states that an aircraft has the right to fly across foreign territory without landing and the 5<sup>th</sup> states the right by one State to another State to put down and to take on in the territory of the first State, traffic coming from or destined to a third State<sup>32</sup>. The preamble and text of the Convention are very useful for the interpretation and implementation

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<sup>30</sup> Pachnanda V, *A Guide to India's Aviation Law* (1<sup>st</sup> edition, Thomson Reuters, Legal 2019) 102

<sup>31</sup> *Id.*

<sup>32</sup> *Id.* at 111.



of the provisions given therein. These are a few snippets of how the Chicago Convention functions.

### **INTERNATIONAL CIVIL AVIATION ORGANISATION (ICAO)**

Post the commencement of the Chicago Convention, there was a need for an international body to overlook the governance of the implementation of the aforesaid convention. This is how the ICAO was formed on 7<sup>th</sup> December 1944. ICAO is a specialized agency of the United Nations, under Article 7 of the UN Charter, working for the smooth functioning of the Chicago Convention. ICAO is headquartered in Montreal, Canada. It has certain objectives to fulfill which are enshrined in Article 44 of the Convention. International air navigation and transport are the brainchildren of ICAO. Assemblies are regularly held by the ICAO Council and Standards are set to a great level. Both India and Pakistan are the signatories of the Chicago Convention hence, they make bound but active members of ICAO. The organization on multiple occasions intervened in between their seldom held clashes. And ICAO's job at resolving those disputes has been excellent so far. It has been helping the States for a very long time now.

### **AVIATION TRENDS**

Civil Aviation is solely governed by the domestic Air Law that is formulated by the Central Legislature (Parliament) of each country. Air Law is intertwined with many other areas of law. For example, it is part of public international law and increasingly involves aspects of Constitutional law, Trade law, Competition law, European Union law, Administrative law, Civil law, Commercial law, Criminal law, Consumer Protection law, and Environmental law. However, its international element is always paramount<sup>33</sup>. On delving into the historical background of how the law governing the air came into existence, we find that the 1<sup>st</sup> concerted attempt at codification on an international scale took place long before 1910 when German balloons repeatedly made flights above French territory. The French government opined that, for safety reasons, it would be desirable for the two governments involved to try and reach an agreement to resolve the problem. As a result, the Paris Conference of 1910 was convened. Contrary to the general assumption, this Conference did not adopt the 'Freedoms of the Air' theory. At that time, the general tendency was already in favor of the principle of the

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<sup>33</sup> Diederiks-Verschoor I H Ph, *Introduction to Air Law* (9<sup>th</sup> revised edition, Kluwer Law International 2012) 2

sovereignty of States in the space above their territories. This is borne out by the text of the draft Convention approved at the plenary session of the Conference<sup>34</sup>.

## ASIAN REGION

The trends keep on changing over time and as per the competition that is present in the global scenario, the market share of the airline increases or decreases. This trend in the Aviation industry and global market competition may also be determined by regional disparities which often tend to act very advantageously for the host country in that particular region. We, in this Project, are solely concerned about the aviation trends in the Asian region. Asian aviation is unique in many ways<sup>35</sup>: -

1. There is no regional organization looking after the interests of aviation in Asia as a whole.
2. International mega-carriers and much smaller international airlines coexist harmoniously without devouring each other.
3. The Asia – Pacific Region has the largest share of the world economy, experiencing the highest rate of growth among the region in the aviation industry.

The key to successful aviation business in Asia has always been a three-cornered concept: low costs, quality service, and the increasingly competitive business environment in the continent<sup>36</sup>. We can never say for sure who is a friend or who our foe in the business world is. The same is the case with India's neighbors who are always ready to begin hostilities with it by any means possible and trying to make it kneel in front of the entire third-world countries community. Asian airlines need to make their presence felt in the aggressive world and hence acquire a competitive edge through standard and strategic marketing and its execution. Trends in the Asian region are embracing globalization to a great extent, leading Asian countries to prosperity and economical boost in the future.

## OPEN SKY AGREEMENT

Open Sky Agreements are bilateral agreements that were concluded in 1992 when the two countries negotiate to provide rights for airlines to offer international passenger and cargo

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<sup>34</sup> *Id.* at 5

<sup>35</sup> Abeyratne R I R, *Aviation Trends in the New Millennium* (Ashgate 2001) 397

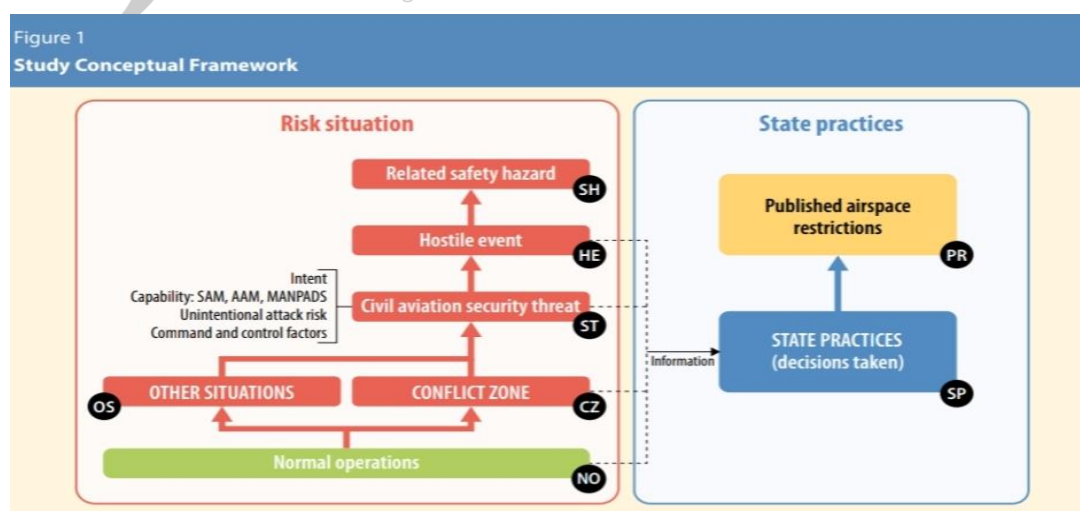
<sup>36</sup> *Id.*

services. It expands international passenger and cargo flights<sup>37</sup>. India has an Open Sky Policy the name National Civil Aviation Policy (2016) allows the government to enter into an ‘open sky’ air services agreement on a reciprocal basis with SAARC (South Asian Association for Regional Cooperation) nations as well as countries beyond a 5,000-kilometer radius from New Delhi. It implies that nations within 5,000 kilometers of distance need to enter into a bilateral agreement and mutually determine the number of flights that their airlines can operate between the two countries. India has open sky agreements with Greece, Jamaica, Guyana, Finland, the USA, Japan, etc.<sup>38</sup> Open Skies helps to create a liberal approach to using international air services. It provides multiple designations of airlines and unrestricted charter provisions.

### STUDY FROM ‘FLIGHT SAFETY FOUNDATION

Flight Safety Foundation is an independent, nonprofit, international organization exclusively chartered to provide impartial research, education, advocacy, and communications in the field of aviation security<sup>39</sup>. Many luminaries come together and try to resolve the air security issues that arise time and again. This foundation uses enhanced research methods and toolkits to identify and eliminate the problem in the soonest and the best way possible. Just as the world has progressed in terms of technology and lifestyle, so have the conflicts to acquire and more. Countries are brutal enough in that sense and do not stop at any cost when it comes to destruction and conflicts.

Journal of Legal Research and Juridical Sciences



<sup>37</sup> Drishti IAS, ‘Open Sky Agreement’ (9 July 2020)

<sup>38</sup> *Id.*

<sup>39</sup> Flight Safety Foundation, ‘Study of hostile events and State practices in regards to the use by civil aviation of airspace over conflict zones’ (September 2021) 1

Figure 1<sup>40</sup> shows that any hostile situation that occurs leads to this series of events where airspaces are restricted and quick decisions have to be taken accordingly by the pilot-in-command. A financial hit is evident at this point. By the time it is observed, time may have passed. It becomes a full-fledged conflict zone.

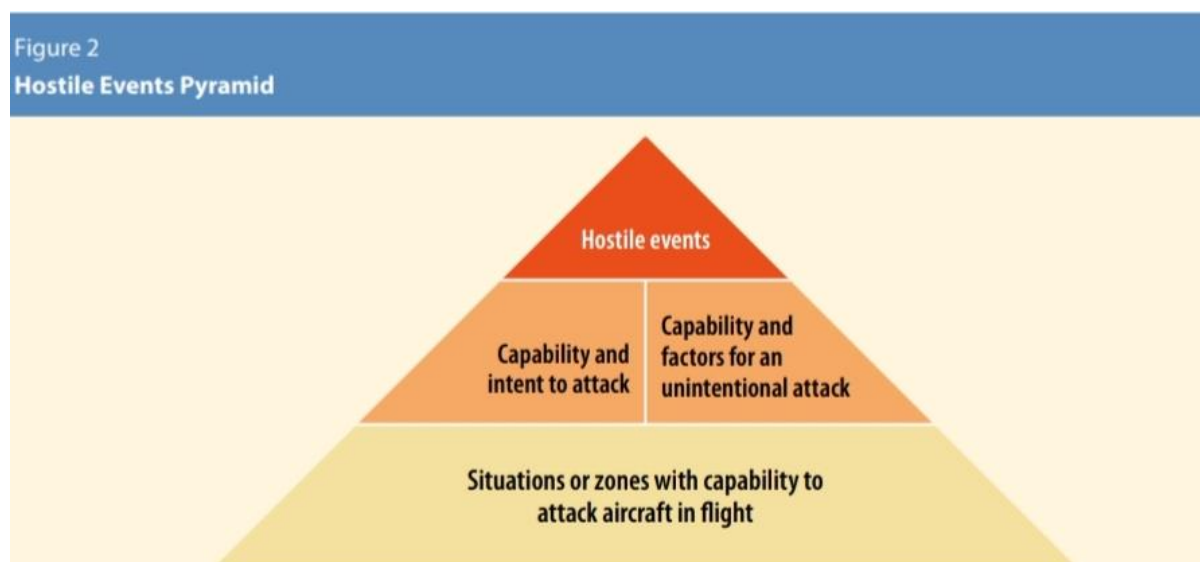


Figure 2<sup>41</sup> shows how a hostile event that starts from nothing culminates in such a massive outrage at one point in time. Analysis shows it is the countries who are in wrong in this situation. Hence, a thorough inspection must be undertaken by them to resolve the conflicts among them.

## UTILITARIANISM

The concept of utilitarianism is very important for us to know and understand the context of a nation not feeling or understanding the degree of the extreme steps taken by it to harm another country. It was introduced by Jeremy Bentham – known as the ‘Champion of Codification and a renowned social engineer and philosopher. His most famous work is *An Introduction to the Principles of Morals and Legislation* (1789). Human welfare (or happiness) is the ultimate standard of right and wrong in utilitarianism<sup>42</sup>. Bentham was trying to prove that happiness depends on the construction of the right social organization. He argued that the welfare of all depends on the welfare of each and that the social organization should aim at the construction

<sup>40</sup> Flight Safety Foundation, ‘Study of hostile events and State practices in regards to the use by civil aviation of airspace over conflict zones’ (September 2021) 3

<sup>41</sup> Flight Safety Foundation, ‘Study of hostile events and State practices in regards to the use by civil aviation of airspace over conflict zones’ (September 2021) 5

<sup>42</sup> Gesell L E and Dempsey P S, *Aviation and the Law* (4<sup>th</sup> edition, Coast Aire Publications 2005) 58

of such harmony<sup>43</sup>. Bentham's concept of social utility is a form of hedonism (the pursuit of pleasure) and a belief that right conduct is determined by the balance of pleasure over the pain that a given act can produce<sup>44</sup>. In simpler terms, utilitarianism is the subjective summation of pain and pleasure, i.e., if a person derives/receives pain from an action and another person derives pleasure from that same action it leads us to the conclusion that both these feelings are subjective for both the persons. In the same way, when a country blocks its airspace for its rival country, it derives satisfaction and pleasure at the expense of the pain that the country, whose airspace has been blocked, undergoes. So, we can say that utilitarianism plays a major role in the psychological actions of governments across the globe.

### **OBSERVATION AND PROPOSED SOLUTIONS**

After a thorough analysis of the issues and the entities concerned therewith, it has been observed and proposed by the researcher multiple times that the States and the governmental bodies would simultaneously have to resolve the matters arising without any delay. There are tribunals and courts to hear them but mediation would act as the better perpetrator in any case. It is the significant legislative structure of governance of air laws by treaties and conventions which make it easier for nations to be able to trust each other and work together for the common goal of achieving sovereign security and harmony amongst each without the use of arms and ammunition.

### **CONCLUSION**

The thing that can be concluded and has to be remembered is once a conflict arises, it may take even 18 days to resolve (War of Mahabharata) or decades (Cold War) to end. So, the parties concerned must choose wisely what path they would choose – do they want to use their economic resources for the welfare of themselves and other people? or would they rather want to spend it running between courts and shouting at a bunch of people to save them from the shame and exhaustion that they brought upon themselves when they decided to harm another party in the most deplorable (evil) way possible when they deprived the former party's right to use their airspace freely and respectably and properly? The legislation, both nationally and internationally, would always be ready to help the needy.

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<sup>43</sup> *Id.* at 60.

<sup>44</sup> *Id.* at 61.