

**UNIVERSITY OF RZESZOW**

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**Summary of the doctoral dissertation entitled:**

**„State sovereignty in airspace during an armed conflict”.**

**Dissertation prepared under the supervision of**

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The main purpose of the doctoral dissertation is to present the issue of state sovereignty in airspace, with particular emphasis on the situation of ongoing armed conflict. The past practice of states, relating to airspace violations and the exercise of sovereignty in this regard, is analyzed, including a discussion of the shooting down of civilian and military aircraft over the past several decades.

The doctoral dissertation contains considerations in the field of public international law, primarily international aviation law. Among other things, it introduced the following: the issue of the subjectivity of states, the status of airspace and the issue of its violations. Aspects related to the prohibition of aggression in the light of public international law and the status of airspace in the event of an armed conflict were also analyzed using the example of Ukraine, which is the most current and at the same time extremely striking manifestation of aggression and violation of the fundamental principles of international law in relation to a sovereign state, including also the violation of its airspace committed by the Russian Federation.

The basic research thesis is the assumption that the diverse practices of states in the exercise of sovereignty in airspace during an armed conflict implies the need to adopt uniform international standards in this area.

The adopted research thesis was supported by a number of research questions, the most important of which are: what actions can a state take in the event of a violation of its airspace? Is it permissible to shoot down civil and military aircraft under the current legal

status? Is a state obliged to close its airspace in the event of an armed conflict or other military action of a similar nature? Can a state that is the object of aggression be held responsible for failing to close all or part of its airspace? How and in what cases can a state exercise the right to self-defense in the event of a violation of its airspace? How do states exercise airspace sovereignty over foreign unmanned aerial vehicles?

Achieving the stated aims of the dissertation was subordinated to its content and layout. This dissertation contains an introduction, five chapters and a conclusion. The individual chapters have the following titles: I) The state as a subject of international law, II) Legal status of airspace in the light of international law, III) Violation of state sovereignty in airspace, IV) Prohibition of aggression in international law, V) Status of airspace in a conflict situation armed forces on the example of Ukraine.

This paper is an attempt to take a comprehensive look at the issue of exercising state sovereignty in its airspace, including the right to self-defense. For this purpose, legal provisions relating to this issue were assessed under international law and national regulations. The choice of the topic of the dissertation was dictated by the current regional situation related to, among others, to the aggression of the Russian Federation against Ukraine and the actions of both countries in this regard. Characterizing the issue of state sovereignty in airspace became possible thanks to the use of methodology and conceptual apparatus in the field of public international law.

The main research methods adopted in this paper are the formal-dogmatic, historical-legal and comparative one. As part of the indicated research problem, the sources of international law, judicial decisions and the positions of various international bodies relating to the conditions for exercising state sovereignty in airspace were analyzed, with particular emphasis on situations of armed conflict. A review of the relevant treaty and customary norms made it possible to clarify the essence of the issue and the role of legal regulations in this area. Moreover, the analysis was supported by numerous examples from state practice and positions presented in the doctrine.

This dissertation draws on the literature on the subject, especially on the state, its sovereignty, and airspace (as one of the components of territory), and the prohibition of aggression. The analysis of the issues was based on Polish and English-language scientific literature. The views of the representatives of the doctrine made it possible to assess the applicable legal solutions. The jurisprudence of international and domestic courts, which plays an important role in the interpretation of the law, was also used. The analysis carried out in this way made it possible to explain the essence and principles that have a direct impact on the implementation of state sovereignty in airspace.

The presentation of international law aspects of state sovereignty in airspace during an armed conflict in the manner described above created a coherent and logical whole. It also made it possible to achieve the aim of this paper and verify the thesis. Observations, comments and conclusions are included in the final part of the dissertation.