

ADVANCES IN AIR LAW AND ITS IMPACT OR RELEVANCE IN THE PROTECTION OF HUMAN RIGHTS

The incorporation of new subjects of international law such as the individual and collective person causes the interrelation of State and international normative systems at the same time from different disciplines who ultimately have interference in the human being, this form will deal with the impact of the advances of the civil aeronautics in the protection of human rights as important as life and personal safety.

The air law is a law that regulates this matter "tries to answer to the special or particular characteristics and needs of aviation and the air in general..." (1) it has as source the State internal rights provisions and public international law in principle, since at a certain moment it incorporates provisions that affect other rights as well as international human rights law, all This as a result its not only technological developments but also the need for protection of the human being.

Aeronautics legal relations that arise from the use of the airspace, that govern the aircraft and air navigation and few aspects related directly or indirectly with it "(2), includes all the material and human infrastructure in" such activities. In this section we refer to the passenger protection.

On the other hand the development legal framework is formed by the Chicago Convention and the Paris Convention of 1919 of 1944, in which prevails that "underlying state is the exclusive owner of the" "sovereignty on airspace residing on its territory" (2), the above is clear from his article 1°. (3) Which points on the first part of the air navigation, chapter I article 1.- sovereignty The Contracting States recognize that every State has full and exclusive sovereignty in the airspace above its territory.

"Through airspace will understand the context in which the activity occurs Aeronautics whose limits have been set by public international law in determining that:" lower perigee of a satellite in orbit would be the lower limit of the space outer", and argues that it should be confirmed as a norm of customary international law the precept according to which "all artificial satellites of the Earth, located in the Earth's orbit, are in outer space". Although they are still debates. (4)

To Mexico (5) e l airspace for the purposes of control is divided vertically into space air top and bottom. The lower airspace is comprised between the surface of the ground or water and to not including 20,000 feet. While the upper is from the 20,000 feet up without upper limit.

However the provision of article 1 this agreement highlights the weighting of a State power sovereign front to the protection of human rights, the question

is if it will be of limited sovereignty for the sake of human rights as important as those of personal safety and right to the activity of the civilian passengers who are against a hypothetical violation of the airspace of a State sovereign

This problem arises in cases real of attack on civilian flights as the plane of Korean air lines in 1983 died 269 passengers causing addressing the Organization of International Civil Aviation (ICAO), of redesign the legal framework more specific where it not violate state sovereignty of the territory of flight is damaged or the same crew members;

the extraordinary Assembly of the ICAO, which for this purpose is called, was the adoption of the "Protocol relating to an amendment" to the Convention on International Civil Aviation, signed at Montreal on 10 May 1984, which introduced a new article, 3rd bis, however the lack of ratifications causes not compulsory this Protocol and other attacks arise when intercepting civil aircraft towards the absolute sovereignty of the States of the underlying air space in its territory is the case of the Iran Air plane that was shot down on July 3, 1988, by two missiles from a U.S. battleship, or case of the downing of two Cuban civil aircraft (6). 2. notes that the unlawful shooting down by the Cuban air force of two civil aircraft on 24 February 1996 violated the principle that States must refrain from resorting to the use of weapons against civil aircraft in flight and that, when civil aircraft are intercepted, not must be endangered the lives of those on board or the safety of the aircraft; This article 3 bis was proposed for merge in the Chicago Convention refers to abstention from the use of weapons against civil aircraft in flight, i.e. the prohibition of the use of force against civil aircraft for defense of airspace violations. "This provision is collected in Art. 3 bis, which was introduced by the Montreal Protocol of 10 May 1984, adopted in the A25-1 resolution of the Assembly of ICAO at its 25th special session. The 1984 Montreal Protocol entered into force on 1 October 1998, and to date, has been ratified by 155 countries." (7) in the countries that have ratified agree not to resort to the use of weapons against civil aircraft in flight which violate its airspace by flying over its territory without the relevant authorisation to do so, either because you have suspicion d and that a civil aircraft is being used for purposes incompatible with the Convention. In this case the sovereign State is entitled to require the landing of the aircraft at the airport designated for that purpose, and, in case have to be intercepted or to force a landing do not put in danger the safety of the aircraft or the life of people travelling on board. It should not be forgotten that the State suffered the violation of its airspace by civil aircraft, has the right to sanction, however, the article 3 bis points out the limits to such State sanctions. (8) within of its prohibitions, rights and obligations section.

Conclusions

Air law shows an advance course in search of protection of human life, and this has an impact on human rights, i.e., international law is Humanized, confirms this to the preamble of the Protocol that adds the article 3 bis to the Chicago Convention to be established that: "must be the lives of persons on

board and the safety of civil aircraft", against the use of weapons, without prejudice to the other value of fundamental importance for the State: the respect of its sovereignty. That is why the decision of the Contracting States to "take appropriate measures" to avoid violation of the airspace of other States. On the other hand the State which violates the article 3 bis, incurs international responsibility and you have to remember that the law prohibits the employment of the use of force as a general principle.

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THE RIGHTS OF AIR PASSENGERS PURSUANT TO THE REGULATION (EC) NO 261/2004

More and more people travel for business or for leisure. The same statement values also for travelling by airplanes. Different circumstances and events may cause big troubles and inconveniences to passengers, especially to passengers in air traffic. In order to reduce troubles and inconveniences of passengers in air traffic The European Parliament and The Council of The European Union have adopted Regulation establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 [1].