

ABSTRACT

International civil aviation governance, established by the 1944 Chicago Convention, operates on a fundamental tension between absolute state sovereignty and global harmonization. The COVID-19 pandemic transformed this latent tension into a systemic collapse as uncoordinated, unilateral travel restrictions paralyzed international air traffic. This study aims to evaluate the legality of these unilateral state actions under the Chicago Convention, Bilateral Air Service Agreements (ASAs), and the law of state responsibility, while examining the structural limitations of the International Civil Aviation Organization (ICAO) that facilitated this fragmented response. Utilizing a normative juridical and prescriptive-analytic methodology, this research concludes that state invocations of "necessity" under Article 25 of ARSIWA to justify border closures are doctrinally insufficient due to the availability of alternative health protocols and the aggregate destructive impact on the global aviation network. This failure was enabled by ICAO's reliance on soft-law standards and Article 38 departure mechanisms. Consequently, this thesis proposes a normative shift toward "Responsible Sovereignty," wherein sovereign airspace rights are balanced with legal duties to preserve shared systems. The study recommends codifying a binding "Public Health Aviation Annex" into the Chicago Convention and transforming ICAO into a coordinating authority with robust mandates to ensure future systemic resilience.

Keywords: Chicago Convention, State Responsibility, State of Necessity, ICAO, Responsible Sovereignty, COVID-19.