

# 纪念《国际民用航空公约》签署七十周年暨 世界商业航空运营一百周年 法治论坛

**Celebrating 70 Years of the Chicago Convention  
and 100 Years of World Commercial Aviation  
Law Forum**

**Conference Proceedings  
会议材料**



December 17-19, 2014 2014年12月17-19日  
Xi'an, China 中国·西安

**主办单位：中国西北政法大学  
加拿大麦吉尔大学**

**Hosted by Northwest University of Political Science & Law, China  
McGill University Institute of Air & Space Law, Canada**

**承办单位：西北政法大学航空法研究中心  
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**Organized by the Institute of Air & Space Law, NWUPL  
School of International Law, NWUPL**

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## Forum Agenda

Thursday, December 18

	Speaker/Commentator/Moderator	TOPIC
0900 - 0930	<b>Opening ceremony</b>  <i>Moderator:</i>  <i>Prof. LIU Yajun, Dean of International Law, NWUPL</i>	1. <i>Opening Speech by DONG Xiaolong, Deputy Party Secretary, the Education Work Committee of Shaanxi Provincial Party Committee</i>  2. <i>ZHANG Yan, Secretary, the Discipline and Inspection of the Party Committee, China Eastern Airlines</i>  3. <i>Prof. Wang Han, Vice President of Northwest University of Political Science &amp; Law</i>
0930 - 0950	Photo&Tea Break	
0950-1200  Keynote Speeches	<i>WANG Han (Vice President, Professor, Director of the Institute of Air and Space Law of Northwest University of Political Science &amp; Law, Director of the Institute of Air and Space Law )</i>	• Peace, Safety and Order : Creating an Era of International Aviation Legal Order  <i>PL</i> <span style="float: right;"><i>18/12/2014</i></span>
	<i>Paul S.Dempsy (Professor and Director of the Institute of Air and Space Law of McGill University, Canada )</i>	• Challenges of International Aviation in the 21 <sup>st</sup> Century  <i>PL</i> <span style="float: right;"><i>18/12/2014</i></span>
	<i>LIU Weimin (Visiting Professor and Executive Director of the Institute of Air and Space Law of Northwest University of Political Science &amp; Law)</i>	• Retrospect and Prospect of International Civil Aviation Growth  <i>PL</i> <span style="float: right;"><i>18/12/2014</i></span>
	<i>CHENG Chia Jui (Chairman of Asia-Pacific Aviation Association)</i>	• Pending
1200- 1430	Lunch	
Special Session	  <i>Moderator:</i>	<i>K. Martono (Prof. Tarumanagara University, Indonesia)</i> <span style="float: right;"><i>PL</i> <i>18/12/2014</i></span> • Indonesian Aviation Law under the ASEAN Multilateral Aviation

	<p>NIE Ying (General Counsel China National Aviation Cooperation)</p> <p><b>Commentators:</b></p> <p>Paul S.Dempsey (Professor and Director of the Institute of Air and Space Law of McGill University, Canada)</p> <p>Professor ZHANG Xuean, Northwest University of Political Science and Law</p>	<p>GUO Junxiu (General Counsel of China Eastern Airlines)</p> <p>LIU Ping (Vice Dean and Professor, Northwest University of Political Science and Law)</p> <p>HUANG Yue (Research Assistant, China Academy of Civil Aviation Science and Technology)</p>	<p>Agreement</p> <ul style="list-style-type: none"> <li>Trends in Aviation Industry and Aviation Law</li> <li>ICAO and Global Governance of Environmental Protection</li> <li>From Unilateral to Multilateral: Overview of ICAO Global Market Measures</li> </ul>
1600 - 1615	Tea Break		
	<p><b>Moderator:</b></p> <p>GUO Junxiu (General Counsel of China Eastern Airlines)</p> <p><b>Commentators</b></p> <p>LI Shouping (Professor of Beijing Institute of Technology)</p> <p>LIU Ping (Vice Dean and Professor, Northwest University of Political Science and Law)</p>	<p>Doo Hwan Kim Honorary President Korea Society of Air &amp; Space Law and Policy</p>	<ul style="list-style-type: none"> <li>Main Contents and Comments of the Air Transport Law Newly Enacted in the 2014 Korean Revised Commercial Code—Comparison with Civil Aviation Law of China</li> </ul>
		<p>YANG Hui (Professor of Civil Aviation University of China)</p>	<ul style="list-style-type: none"> <li>Legal Issues of Aviation Security</li> </ul>
		<p>DONGNianqiang (Professor of Civil Aviation Management Institute of China)</p>	<ul style="list-style-type: none"> <li>Review of International Aviation Security Laws and Domestic Law Reconstruction</li> </ul>

		SHI Yi (Dr. and Lecturer of Northwest University of Political Science & Law)	• Implement of Tokyo Convention and Protocol <i>18 2014 12</i>
1700 - 1800		Discussion	
1800		Dinner	

Friday December 19

	Speakers/Moderator	TOPIC	
0900-1000	<i>Moderator: LÜ Yanfang (Deputy Director The CEO Office of Air China Airlines)</i>	LI Shouping (Professor of Beijing Institute of Technology)	• State Liability of Armed Attack Civil Aircraft <i>Mr 14 2014 12</i>
	<i>Commentators</i>	HAO Xiuhui (Professor of Civil Aviation University of China)	• State Liability of Malaysia Airline MH17 Crash <i>Ms 19 2014 12</i>
	<i>Dong Nianqing(Professor of Civil Aviation Management Institute)</i>	QIN Huaping (Ph.D. of China University of Political Science & Law)	• The Subject of International Civil Aviation Accident Liability in Armed Conflict Areas <i>Ms 19 2014 12</i>
	<i>YU Dan (Associate Professor of East China University of Political Science &amp; Law)</i>	LIU Bing (PhD Candidate and Lecturer of Northwest University of Political Science & Law)	• Legal Issues of International Air Transport Cooperation in Silk Road Economic Zone
		Zhang Silu(Ph.D. Candidate of Dalian Maritime University)	• Application of US Inconvenience Doctrine in International Treaties
1015 - 1030		Discussion	
1015 - 1030		Tea Break	
1045 - 1115		C. GRIGGS (New Zealand) <i>Mr</i>	• Accident Investigation <i>19 2014 12</i>

	Moderator:  MA Xuanling (Deputy General Manager China Southern Airlines Legal Affairs Department)  Commentators:  HAO Xiuhui (Professor of Civil Aviation University of China)  CHE Tong (Professor of Civil Aviation Flight University of China)	ZHANG Qihuai(Director of Lanping Law Firm, Beijing)  ZHANG Wangping(Lecturer of Northwest University of Political Science & Law)	<ul style="list-style-type: none"> <li>Analysis of the Legal Liability at the Search and Investigation Stage of Aircraft Accidents</li> <li>Legal Issues of Air Crash Rescue</li> </ul>
		LI Dapeng (PhD Candidate of China University of Political Science and Law)	<ul style="list-style-type: none"> <li>Research on the Jurisdiction over International Air Disasters</li> </ul>
		ZHANG Hui (Lecturer, Gansu Institute of Political Science and Law)	<ul style="list-style-type: none"> <li>Analysis of the Deep Pocket Defendant in the Private Law of International Aviation from the Baotou Air Disaster</li> </ul>
1115 - 1200	Discussion		
1200 - 1430	Lunch		
1430 - 1515	Moderator:  LIU Weimin (Visiting Professor and Executive Director of the Institute of Air and Space Law of Northwest University of Political Science & Law)  Commentator:  YANG Hui (Professor of Civil Aviation University of China)  GAO Feng (Senior Partner of GRANDALL Law Firm)	<p>K.Bernauw (Professor Universiteit of Ghent, Belgium)</p> <p>CHEN Qian (Commercial Aircraft Corporation of China Ltd)</p> <p>DIAO Weimin (Associate Professor of Civil Aviation Management Institute)</p> <p>YU Dan (Associate Professor of East China University of Political Science &amp; Law)</p>	<p>Application of Civil Aviation Rules in Military Transport</p> <p>On the General Aviation Law</p> <p>Impact of Malaysia Air Crash and countermeasures to International Air Crash Compensation and International Aviation legal Order</p> <p>On China's General Aviation Issues</p>

		<p>YAN Fumin (PhD Candidate of Southwest University of Political Science and Law, Researcher of Northwest University of Political Science and Law)</p>	<ul style="list-style-type: none"> <li>• A Preliminary Study of Several Issues relating to the Opening of Low Altitude Airspace and General Aviation Legislation</li> </ul>
1515 - 1530		Discussion	
1530 - 1545		Tea Break	
1545 - 1635	<p><i>Moderator:</i> YANG Hui (Professor of Civil Aviation University of China)</p> <p><i>Commentators:</i> ZHANG Qihuai (Director of Lanping Law Firm, Beijing)</p> <p>PING Xu (Professor of Nanjing University of Aeronautics and Astronautics)</p>	<p>GAO Feng (Senior Partner of GRANDALL Law Firm)</p> <p>HE Fuyong (Associate Professor of Nanjing University of Aeronautics and Astronautics)</p> <p>LIU Hao (Beihang University)</p> <p>ZHOU Yaguang, (PhD Candidate of Southwest University of Political Science and Law, Chongqing)</p> <p>WANG Jing, (PhD Candidate of China University of Political Science and Law, Beijing)</p>	<ul style="list-style-type: none"> <li>• Criminal and Civil Liability of Fraud Bomb Events</li> </ul> <p>11 20</p> <ul style="list-style-type: none"> <li>• Development Trend of Carrier Liability of Passenger Transportation in China under the Globalisation Background</li> </ul> <ul style="list-style-type: none"> <li>• Legal Issues of Air Defence Identification Zone</li> </ul> <ul style="list-style-type: none"> <li>• Research on the Basic Strategies for the Law Export of the US International Air Transportation Liberalization</li> </ul> <ul style="list-style-type: none"> <li>• A Probe into Legal Paths of Global Governance on International Aviation Emission</li> </ul>
1636 - 1650		Discussion	
1650 - 1800	<p>Closing Ceremony</p> <p><i>Moderator:</i> LIU Ping (Vice Dean and Professor, Northwest University of</p>	<p>WANG Han (Vice President, Professor, Director of the Institute of Air and Space Law of Northwest University of Political Science &amp;</p>	

	<i>Political Science and Law)</i>	<i>Law, Director of the Institute of Air and Space Law )</i>
1800		Dinner

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# Indonesia's Aviation Law in the Framework of the ASEAN Multilateral Air Agreements 东盟多边航空协定下的印尼航空法

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**摘要:** 本文主要讨论 2009 年《印度尼西亚民航法案》(CAA)，其中包括空中交通管制法规的历史背景，如旧新制度体制、改革时代、CAA 的主旨、国际间定期和不定期的航线服务、机场和开放领空政策；东盟多边航空服务协定，如飞机搜索和救援合作、关于商用包机服务的协定、关于航空服务的多边协定 (AMAAS) 及其定义、航空协议自由化、开放领空的定义、路线提供、授权、航线的指定和授权、服务起始、航线所有权和有效控制权、通知受托人、识别证书、航空安全、关税条款、商业活动、非歧视待遇、海关关税、法律和条例的应用、协商和修订、争端解决、与其他协定的关系、生效、协议的有效期等内容，并对此进行总结说明。

**Abstract:** This article deals with Civil Aviation Act of 2009 (CAA) includes historical background of air transport regulations such as the regime of old order, new order, reformation era, substance of CAA, international scheduled and non-scheduled air services, airports and open sky policy; ASEAN Multilateral Air Agreements such as ASEAN Cooperation on Aircraft Search and Rescue, ASEAN Multilateral Agreement on Commercial Non-Scheduled Services, ASEAN Multilateral Agreement on Air Services (AMAAS) such as definition, background of liberalization of air agreement, the notion of open skies, definition and routes provisions, grant of right, designation and authorization of airline, inauguration of services, ownership and effective control of airline, notification to the depository, recognition of certificate, aviation security, tariff's provisions, commercial activities, non-discrimination treatment, customs duties, application of laws and regulations, consultations and amendment, settlement of disputes, relationship to other agreements, entry into force, duration of agreement, and conclusion as follows.

**关键词:** 航空法 东盟 多边航空协定

**Key Words:** Aviation law; ASEAN; Multilateral air agreements