

Shooting Down Civil Aircraft in the Light of Sovereignty in the Airspace

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Abstract

If one aims at choosing a fundamental rule of international aviation law, doubtlessly the one selected would be principle of air sovereignty. And although having been respected by international community for decades, its strict observance may paradoxically pose danger for civil aviation—a mean of transport universally concerned to be the safest in the world. Of course, States make best efforts to secure civil airplanes from attacks—beginning with prohibition of use of force arising from Charter of the United Nations finishing with provisions of Montreal Convention. Nevertheless, history of aviation has given multiple cases of shooting down aircraft, many due to conviction by States that their airspace was infringed. This paper aims at presenting an overview of principle of air sovereignty and analysis of selected aviation incidents and accidents caused by shooting down from the perspective of international law.

Keywords

International law, civil aviation, Chicago Convention, use of force, ICAO

For the centuries, the international community was debating over definition of airspace—despite the fact that it constitutes a natural part of our environment, the States of the world were not unanimous in terms of regulating its regime. It was not until the beginning of twentieth century, when global interest in civil aviation was becoming to grow and several lawyers were aiming at revision of ancient Roman maxim *Cuius est solum, eius est usque ad coelum* (who owns the land, owns even to the skies) (Sand, de Sousa Freitas, and Pratt 1960-1961).

Before discussion on legal regime in the airspace, it is necessary to precisely assess its scope. Currently, no international law act defines what and how large the aerospace is. Nevertheless, most authors have agreed that it consists of the area between the land of earth and the border with outer space. The latter one might be problematic to indicate, as there is no fixed altitude of the boundary. It rather depends on

technological and practical factors, and therefore usually varies between 50 and 100 miles above the sea level (Shaw 2014: 393). On the other hand, on the basis of the practice of States, the altitude of 100 kilometers above the earth's land is certainly the outer space, as at that height the points of satellites' orbits are present¹.

Designation of boundary between the airspace and outer space is crucial due to the fact that each of space is a subject to a totally different regime. Art. II of "Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies" stipulates that: "Outer space, including the moon and

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other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means” (United Nations Office for Outer Space Affairs [UNOOSA] 1967). In other words, no State may claim its territorial jurisdiction over outer space. The rule of air sovereignty functions quite the opposite. The practice of States, especially military and economic actions during World War I has ultimately crystallized the view then shared by international community that each State is entitled to exercise its jurisdiction above its territory and territorial waters. Paris Convention from 1919, Madrid Convention from 1926, and Havana Convention from 1928 only confirmed that principle (Milde 2008: 33-35). 1944 Convention on International Civil Aviation signed in Chicago (hereinafter “Chicago Convention”), nowadays being a “constitution of international air law” stipulates in Art. 1 that “(...) every State has complete and exclusive sovereignty over the airspace above its territory”². The main consequence arising from the rule is the applicability of law enforceable on the territory of a particular State also to its airspace. Therefore, on the contrary to territorial sea, where right of ships’ innocent passage applies, there is no universal rule of innocent overflight above the territory of a foreign State (Diederiks-Verschoor 2006: 38). Then particular permissions and prohibitions concerning aerial passage above one State’s territory are mostly regulated by relevant international agreements, both bilateral and multilateral. International Court of Justice underlined the significance of the rule in 1986 “Case Concerning the Military and Paramilitary Activities in and Against Nicaragua (Nicaragua vs. USA)”. It featured the conflict between both States in the question of supporting an anti-government group of “contras” by the United States, including flights of American aircraft in Nicaragua’s airspace against restriction then having been in force. According to the Court’s judgment, such activities infringe the territorial

sovereignty (Shaw 2014: 392)³.

The air sovereignty is not limited to application of prohibitions and permissions. Each State is also entitled to delegate its relevant right to external entities, establish its jurisdiction over unlawful acts against aircraft, or exercise genuine countermeasures (Żylicz 2011: 37). On the other hand, none of such rights is of absolute nature, as even if a State decides to react in response to infringement of its airspace by a foreign aircraft, it should respect the norms expressed *inter alia* in Charter of the United Nations:

(1) Pacific resolution of disputes;

(2) Prohibition of use of force in international relations;

(3) Equality of UN members.

Although international law predicts numerous solutions aimed at safety and protection of airplanes against unlawful attacks, the history of civil aviation provides many cases of aircraft shooting down, committed by States due to conviction that their own airspace had been infringed. Therefore the problem of shooting down aircraft is admittedly up-to-date.

SHOOTING DOWN CIVIL AIRCRAFT—ANALYSIS OF SELECTED CASES

One of the most widely commented air accidents that were caused by shooting down is Korean Air Flight 007 (KE 007) disaster. On September 1, 1983, the Boeing 747-200 belonging to South Korea’s national carrier was *en route* from John F. Kennedy Airport in New York to its base at Gimpo Airport in Seoul. Due to a navigation error, the crew directed the plane over Kamchatka having been then a part of USSR (Union of Soviet Socialist Republics) territory. Because that area was subject of traffic restriction, Soviet authorities had become concerned with the flight and ordered to shoot it down from the sky, having suspected it to be on a spy mission. A squadron of air fighters led by major Gennadiy Osipovich was sent to

execute order. Major made a shot and in result the aircraft plunged into Sea of Japan. All 269 people on board were killed⁴.

An event less frequently discussed, but equally important for subject analysis is the catastrophe of El Al Israel Airlines Flight 402 (LY 402) that on July 27, 1955 took off from Schwechat Airport in Vienna for a journey to the airlines' hub—Lod Airport in Tel Aviv⁵ with a scheduled stop in Istanbul, Turkey. Lockheed Constellation airplane was performing normally until it reached the Yugoslavian airspace. Then, due to wrong identification of Bulgarian non-directional beacon, it veered off course in heading for Bulgarian/Yugoslavian border. After having flown into the Bulgarian territory, the Lockheed traveled totally 120 miles through its airspace. Bulgarian authorities concerned about its change of route and sent two MiG-15 jets to intercept it. One of the pilots performed series of warning shots, then another one soon followed. In reaction, the pilots descended to a lower altitude and got closer to Bulgaria/Greece border. Another attack by fighters was conducted and in consequence, the pilots of LY 402 decided to make an emergency landing. Upon retracting the flaps and lowering the gear, the airliner was nearing the States' border in order to escape the Bulgarian airspace. Due to disobedience of orders to land, Gen. Velitchko Georgiev—the deputy-commander—in chief of Bulgarian Air Defense ordered MiG pilots to shoot it down. It was executed and LY 402 broke up in mid-air near the town of Petrich. All of 58 people on board, including 51 passengers and seven crews died⁶.

Both abovementioned accidents are two of many in which a civil airplane was shot down. Their choice was not however by any means incidental. KE 007 and LY 402 are cases of foreign aircraft elimination by State authorities. Moreover, each of those accidents occurred in an environment of Cold War. As a result, they are interesting from the perspective of research in international law and, due to increasing global

discussion on safety of aviation and protection from external attacks, their analysis is highly appropriate.

THE PROBLEM FROM THE PERSPECTIVE OF CHICAGO CONVENTION

At the very beginning, it is important to note that not all States involved in the accidents analyzed were parties to Chicago Convention at the time of accidents' occurrence. In 1955 (the year when LY 402 was destroyed), Israel was a signatory of the Convention, while Bulgaria was not (the country entered into the treaty in 1967). In 1983 on the other hand (the year when the shooting down of KE 007 took place), both Soviet Union and South Korea were parties to the treaty⁷. The consequences of such system are as follows: The principle of air sovereignty arising from Article 1 of the Convention is of universal character, as it stipulates that every contracting State recognizes that every State has sovereign rights in airspace above their territory, thereby "every State" means also those that are not parties thereto (Oduntan 2012: 63-64). In consequence, Bulgaria was fully eligible to exercise sovereign powers over its airspace and establish interdiction for foreign aircraft to fly through it. Of course, Soviet Union had equal rights and was also entitled to enact such prohibitions. Upon that, both LY 402 and KE 007, operated by aircraft registered in Israel and South Korea respectively, unlawfully entered foreign airspace. Such Statement is based on Article 3 c) of the Convention stipulating that: "No State aircraft of a contracting State shall fly over the territory of another State or land thereon without authorization by special agreement or otherwise, and in accordance with terms thereof"⁸. Therefore, in general, a navigation fault or considerably limited visibility making assessment of a correct position of aircraft tough would not be considered as justifying entering into foreign airspace and therefore such overflow constitutes a breach of international law. The impact of the duty is confirmed

by Article 6 of the Convention that underlines its application to scheduled flights, that both KE 007 and LY 402 were. In principle, as no relevant provisions concerning measures available for States in case of infringement of their air sovereignty were at time of both accidents' occurrences expressed in the Convention, those competences were left upon State-parties. That would have included the use of force against such airplane. On the other hand, such statement might be seen as breach of universal prohibition of use of force against the territorial integrity or political independence expressed in Article 2(4), Charter of the United Nations. That is justified by the fact that although the board of aircraft is not per se a part of State's territory, jurisdiction of a State of registry is exercised there. All aircrafts have thereby quasi-territorial status and nationality (Żylicz 2011: 41).

Here the question arises: If the prohibition of use of force exists, why Bulgaria and Soviet Union dared to shoot down the aircraft above their territories? It is crucial for the response to know that at the time when KE 007 and LY 402 occurred, Article 3 bis of the Convention was not yet in force. Assembly of International Civil Aviation Organization (ICAO) no sooner than in 1984 enacted a regulation amending the Convention by the provision. However, due to insufficient number of votes in favor of amendment, it was added into Convention in October 1998 (Foot 2007). It includes several norms significantly influencing a status of an airplane in case it passes unlawfully over foreign territory. Firstly, in Paragraph a), it is stipulated that State-parties should refrain from use of weapons against civil aircraft in flight. That constitutes a serious limitation of right reserved for States in an event of foreign aircraft intrusion. Moreover, the same paragraph stipulated it is that in case of interception, lives of people on board and safety of aircraft itself must not be endangered. Nevertheless, the such protection may be considered as not enough, as Convention itself indicates in Article

3 a) that it (Convention) is not applicable to State aircraft. Further, Paragraph b) stipulates that State aircrafts are those that are used in military, customs, and police services (without precising if that enumeration is complete). In fact, although Boeing 747 performing flight KE 007 was a civil aircraft, its shooting down was executed due to faulty conviction by USSR authorities that the airplane was on military spy mission. So, when such a mistaken identification takes place, an attack by a State is probable, because military aircrafts are not protected by Article 3 bis. Paragraph b) of the provision could be assumed as one solving the problem, as it entitles State to "require the landing at some designated airport of a civil aircraft flying above its territory without authority or if there are reasonable grounds to conclude that it is being used for any purpose inconsistent with the aims of (...) Convention" (including unlawful entry into its airspace)⁹. On the other hand, mistaken conviction that an airplane performs military actions causes concern that it is used for purposes out of scope of the Convention (like military or spy missions) and therefore one cannot speak about the purpose "inconsistent" with the aims of Convention, but only not relevant thereto. Taking that into account, it is fair to admit that the protection of aircraft in flight under Article 3 bis is extensive. But the situation of inaccurate identification resulting in conviction that an aircraft is an enemy objecting to a State might decide to attack it.

An event proving that such claim is not unjustified is a case of Iran Air flight 655 (IR 655) of July 3, 1988. Airbus A300 of Iranian national carrier was *en route* from Bandar Abbas to Dubai. The flight path was scheduled to pass over Strait of Hormuz, where American cruisers were defending allied forces during Iraq-Iran War. Crew of one of the cruisers, named "USS Vincennes", unaware that IR 655 was about to fly in the war zone at that time identified the jet as an enemy F-14 fighter due to poor communication. Captain of "USS Vincennes" then ordered to strike the

aircraft down. Ground-to-air missiles hit the machine and caused it to plummet into the sea. In the accident, all 290 people on board died¹⁰.

This tragedy only confirms the thesis that the usual cause of shooting down aircraft by States is a faulty conviction that it was a military object resulting in non-application of provisions prohibiting the use of force, as it only concerns civil aircraft.

What a world class international law expert Malcolm N. Shaw points out is a problematic wording of Article 3 bis of the Convention, namely mentioned ban on use of weapon against civil aircraft. The prohibition is only narrowed to use of “weapon” and not “force” en bloc (Shaw 2006: 307). One can conclude that it is a permission for States to use the force in purpose of interrupting flight which would endanger lives of people on board or safety of aircraft. However, it is highly possible that if those provisions had been in force at the time of KE 007 and LY 402 accidents occurred, fate of the flights would have looked different. Both airplanes were shot down by missiles launched by fighters. On the other hand, nowadays, the juridical protection from the use of weapons might seem insufficient in relation to hazards that threat civil aviation. Due to current global technological progress, it should not be excluded that in the future the world will be at disposal of measures non-being weapon, but still capable of striking aircraft down from the skies, or destroying them in another way. Then it would be necessary to supply Convention with provisions that forbid all kinds of measures endangering the safety of aircraft or lives of its passengers.

PREVENTIVE INITIATIVES OF INTERNATIONAL COMMUNITY

Although KE 007 accident was one of those that influenced international community to extent that it amended significantly Chicago Convention, the treaty is not a single international law act concerning the

question of shooting down aircraft in the light of sovereignty in the airspace. Over the years, international community many times has been organizing intensive debates upon security and safety of aviation. One of the last initiatives was ICAO’s Second High-Level Safety Conference held in Montreal, between February 2-5, 2015. Its main goal was to verify the realization of aims of previous Conference that was held in 2010, as well as discussion on the safety of flights based on two events that resulted in hundreds of fatalities: Malaysia Airlines Flight 370 (MH 370) that disappeared from radars in March 2014 and shooting down of Malaysia Airlines Flight 17 (MH 17) in July the same year [ICAO (International Civil Aviation Organization) 2015]. One of principal points of the debate among ICAO’s members on the Conference was the flights passing through “conflict zones”. Although neither the Conference report provides the term’s definition, nor evokes any sources containing such definition, it is fair to assume that on the basis of recommendations introduced as a result of the debate, by “conflict zones” one should understand any kinds of areas where a conflict within a State or between several States is experienced. But it is difficult to unambiguously claim whether it should be limited only to zones of an armed conflict.

An important goal for ICAO in relation to conflict zones is creation of a central system containing information about zones of a potential hazard providing caution notices to flight personnel (including pilots) in a form of NOTAM (Notice to Airmen)¹¹. If such a system is created, the crews of civil aircraft would have an easier task of omitting hazardous areas. One may argue that such solution would not make civil aviation safer, as no notice would be provided about other zones posing danger, but not in a State of a conflict. Nevertheless, if one looks at the cases of shooting down aircraft in the past, a conclusion arises that many of them were committed in conditions of conflict between two or more States.

Clear examples are already mentioned in accidents of IR 655 and MH 17. The former one's flight path was crossing the Strait of Hormuz being at that time a battleground during the Iraq-Iran War, whereas the latter one was on its way to Malaysia above the eastern part of Ukraine—the terrain of skirmishes between local population and Russian-origin separatist groups. It is probable that if such a central system had been functioning at the time of the flights, a NOTAM alert or at least prior notice about potential danger might have been sent to the crews that in effect would have asked for adjustment to their flight routes.

Two-fold situation is in case of both KE 007 and LY 402. A response to a question “Would a central notifying system have been used in relation to those flights?” depends on what one would name “a conflict zone”. Noting that neither originally scheduled routes for the flights nor the paths they eventually took were leading over any war zone. However, final flight paths were crossing the territory of States engaged in Cold War against “Western world”. Then, if by a “conflict zone” one means a territory of a State that has unfriendly relations with another one involved, territories of the Soviet Union and Bulgaria might have been included thereto.

Another important question remarked on the Conference was an urgent call for member States to create and collect bases of information about conflict zones, that may prove useful in forming the central system.

Despite the fact that recommendations included in the report of the Conference are of significant nature in terms of safe civil aviation, their main flaw is lack of binding force. As an unilateral act of international organization—ICAO, they might only be treated as “soft law”—declarations of a rather political nature, non-binding upon member States (D'Amato 2009: 899). Still, it is vital to remember that in general members of ICAO (currently numbering 191 States) respect its measures. Also, when a higher level of

development of the central system is reached, it would be possible that a legally binding agreement concerning its (system's) introduction is formed.

INVOLVEMENT OF NON-STATE ACTORS

A phenomenon of shooting down civil aircraft by non-State entities needs to be analyzed separately. Article 3 bis of Chicago Convention prohibiting the use of weapons against civil airliners is, identically to other Convention's provision, addressed to its signatories, namely States. That of course does not correspond to those accidents, where one to be accountable is a non-State actor. It is essential to note here that history gives many cases of such attacks. One of the most remarkable is an incident from November 22, 2003. Airbus A300 jet belonging to European Air Transport (operating in DHL livery) registered OO-DLL was scheduled to depart Baghdad International Airport for a flight to Bahrain. As it was the period of War in Iraq, crews consisted only of volunteers. The plane took off as planned, but just minutes afterwards was hit by a surface-to-air missile launched by Fedayeen group—paramilitary organization acting on behalf of Saddam Hussein. The effect of impact was a leak of hydraulic fluid responsible for steering. In spite of serious damage, the crew of OO-DLL successfully landed at Baghdad, by maneuvering the aircraft using engines that did not suffer any damage¹².

Albeit the attack on A300 was conducted by warriors acting on behalf of a former dictator of Iraq—Saddam Hussein, naming them an entity representing State would be inappropriate. During invasion in Iraq period, public power on the territory of the State was being executed by Iraqi Governing Council formed by the initiative of the United States, while Hussein's forces (like Fedayeen) were treated as hostiles. It would be problematic to unambiguously assess who was exercising an effective control over

the area of Baghdad airport. According to Article 42 of “Regulations Respecting the Laws and Customs of War on Land, an Annex to Hague Convention” from October 18, 1907, “Territory is considered occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised”¹³. Although the capital city airport was under command of Australian air force allied with the United States, a territory surrounding the aerodrome might have been outside the effective control of the occupying power. It is vital to note that regardless of who was the one to exercise air sovereignty above that piece of land, the attackers would not have been accountable for breaching the prohibition stipulated by Article 3 bis of Chicago Convention, as it was said beforehand, Fedayeens were not considered as State entities. Despite durable practice of States that an occupant does not deprive a previous land governor of sovereignty, it is doubtful to claim that Hussein was, after invasion had begun, still a representative of the State, and Fedayeens were its “further” representatives.

Above statement does not mean that non-State entities that performed a civil aircraft shooting down, would not incur liability for the act. International community has a wide range of legal regulations that are aimed at fight against those who commit acts endangering civil aviation. One of the most important is “Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation”, done in Montreal, on September 23, 1971 (hereinafter “Montreal Convention”). Its Article 1(1) stipulates that: “Any person commits an offence if he unlawfully and intentionally (...) destroys an aircraft in service or causes damage to such an aircraft which renders it incapable of flight or which is likely to endanger its safety in flight”¹⁴. Paragraph 2 of the provision criminalizes an attempt to commit aforementioned offence and accomplice in its commission, or attempt to commit it. Wording of Article 1 may seem not

precise enough, but in principle enumerated there are all signs of act of shooting down aircraft, or attempt to do it. All aforementioned accidents and incidents were characterized by the fact that a plane had been hit so badly that it became incapable of flying and in effect, ended in catastrophe (like in the case of KE 007, LY 402, and IR 655), or in a way it endangered its safety of flight (like OO-DLL). Moreover, Montreal Convention *expressis verbis* names each of those offences “a crime” which means that every State-party thereto is obliged to declare it punishable on its territory, which typically is materialized by enumerating it in such State’s criminal code. Additionally, the Convention in Article 3 orders to make the crimes punishable by “severe penalties”, albeit it does not equally explain what penalty might be considered as “severe”. Therefore, the determination of penalties is left to be settled by States-parties themselves. But if one turns their eyes onto legislation of signatories of the Convention, that postulate set out in Article 3 is generally respected—for instance, in Poland, intentional cause of catastrophe to air traffic imperiling life or health of many persons is punishable by penalty of imprisonment from one year up to 10 years (Article 173 §1 of Polish Penal Code); in the United States, intentional damaging or destruction of civil aircraft is punishable by fine or up to 20 years of imprisonment or both. Iraqi State is not an exclusion, as its penal code introduces penalty for damaging, or destruction of aircraft. Its Paragraph 354 stipulates that:

Any person who willfully endangers in any way safety of navigation in the air or at sea or the safety of a train, ship, aircraft or other mode of public transport is punishable by imprisonment. The penalty will be life imprisonment if such act results in a train disaster or accident involving any of the modes of transport mentioned above. The penalty will be death or life imprisonment if it results in the death of others.

Interestingly enough, currently enforceable penal code entered into force in 1969, so some time before

Montreal Convention was enacted. Iraq became a party thereto in 1974¹⁵. And due to a fact that status of occupant is not linked with overtaking sovereignty over an occupied territory, because it constantly belongs to a “former owner”, according to accepted international custom, criminal law having been in force at that time was applicable to Iraq’s airspace¹⁶. And consequentially, members of Fedayeen group that attempted to shoot OO-DLL down might be treated as criminals liable for damaging the aircraft under Paragraph 354 of Iraq’s penal code.

“A successor” of Montreal Convention in the future would be “Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation”, done in Beijing, on September 10, 2010 (hereinafter “Beijing Convention”). It differs itself from its “predecessor” by an introduction of much wider criminalization of acts aimed at endangering safety of civil aviation, e.g. usage of biological, chemical, or nuclear arms against aircraft, usage of aircraft as a weapon, etc. Beijing Convention shall enter into force once a month passes since its ratification by 22nd State. So far (data for June 2016), only eight States have ratified it, five have acceded into it and one has accepted it¹⁷.

CONCLUSIONS

It is unarguably fundamental character of principle of air sovereignty for civil aviation. Rapid development of this mean of transport at the beginning of the twentieth century made States deeply interested in juridical regulation of airspace regime. Nowadays, no one declines that the sovereign of land is equally a sovereign of airspace up to the border of outer space—it should not be shocking for anyone that States strongly protect the skies from intrusive actions. Unfortunately, such a strict view poses an indirect hazard for aircraft—evident in the matter are cases of shooting down KE 007, LY 402, IR 655, etc. All of those flights were civil and in no way threatened

safety of States that attacked them. Although the accident of KE 007 was a reason for international community to amend existing law and introduce Article 3 bis into Chicago Convention, the system failed to protect several flights from shooting down by mistake (as it was in the case of IR 655). It is vital to affirm here that conflicts between States still outbreak and cause them to use weapons, which pose significant danger to civil aircraft, non-engaged in any way in battles. In the war environment, even non-State actors might target airliners (as incident of OO-DLL proves). A solution to such a problem might be an idea of ICAO to form a central information system notifying flight personnel about potential conflict zones. Of course, a fair opinion about the system would be issued when it comes to life.

Another problem that international community should deal with is a poor communication between aircraft and State, whose sovereignty in the airspace is infringed. Sometimes inappropriate expressions used by crews or unintentional wrong identification would increase a threat for an airliner to be hit by a missile. Therefore, a priority of ICAO should be an issuance of document featuring recommendations for a better communication.

What urgently should be undertaken by States of the world is ratification of Beijing Convention mentioned in a previous chapter. The treaty would serve as a tool for international community to pursue and punish those liable for attacks on civil aircraft. Especially its universal ratification is important due to its wide criminalization of acts with usage of conventional weapons—although today an imagination of an aircraft being a target of biological or nuclear weapon is an abstraction, the future may cause such vision to be real. Therefore by entry of Beijing Convention into force, perpetrators of such offenses would not be left unpunished.

Aforementioned remark is relevant to non-State actors. In case of States, a mechanism of responsibility for unlawful attack on civil aircraft may be based on

general rules arising from customary law and “Draft articles on Responsibility of States for Internationally Wrongful Acts”, published by the International Law Commission in 2001. However, a more relevant solution would be an enactment of a single treaty complexly regulating regime of States’ responsibility for such an infringement.

We should trust in efforts of international community to make skies safer and believe that States of the world shall not so strictly treat their sovereignty in the airspace. It is certain that the problem of shooting down civil aircraft is not a marginal concern of ICAO and therefore appropriate actions will be taken.

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Notes

1. “Przestrzeń kosmiczna” (Aerospace). In *Encyklopedia prawa międzynarodowego i stosunków międzynarodowych (Encyclopedia of International Law and International Relations)*. 1976. Warsaw: Wiedza Powszechna.
2. “Convention on International Civil Aviation.” 1944. *United Nations Treaty Series*, vol. 15, no. 102, art. 1.
3. See also: International Court of Justice, Case Nicaragua vs. United States of America, judgement of June 27, 1986.
4. *Korean Air Lines 007 in Aviation Safety Network*. Retrieved (<http://aviation-safety.net/database/record.php?id=19830901-0>).
5. Now: Ben Gurion Airport.
6. *El Al Israel Airlines 402 in Aviation Safety Network Database*. Retrieved (<http://aviation-safety.net/database/record.php?id=19550727-0>). *The Lost Constellation (El Al Constellation vs. Bulgarian MiG-15S)*. Retrieved (<https://theaviationist.com/tag/el-al/>).
7. *Convention on International Civil Aviation—List of Parties*. Retrieved (http://www.icao.int/secretariat/legal/list%20of%20parties/chicago_en.pdf).
8. “Convention on International Civil Aviation.” 1944. *United Nations Treaty Series*, vol. 15, no. 102, art. 3 c).
9. “Convention on International Civil Aviation.” 1944. *United*

Nations Treaty Series, vol. 15, no. 102, art. 3 b).

10. *Iran Air 655 in Aviation Safety Network Database*. Retrieved (<http://aviation-safety.net/database/record.php?id=19880703-0>).
11. NOTAM is a message published by telecommunication means, containing information (concerning establishment, state or changes of aviation devices, personnel, procedures, as well as dangers), whose knowledge in a particular period is important for personnel of flight operations; source: Annex 15 to Chicago Convention.
12. *OO-DLL Accident in Aviation Safety Network Database*. Retrieved (<http://aviation-safety.net/database/record.php?id=20031122-0>).
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