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Review of Osiecki, M. (2022) International legal aspects of aerial terrorism: methods of law enforcement in aviation

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BOOK REVIEW

International Legal Aspects of Aerial Terrorism: Methods of Law Enforcement in Aviation, Mateusz Osiecki. *Ius, Lex et Res Publica Series Volume 22*. Berlin: Peter Lang, International Academic Publishers. 2022. 274pp. EUR 55. ISBN (available here <https://www.peterlang.com/document/1282566>).

This new addition to the catalogue of aviation law literature explores terrorist acts involving international civil aviation, which the author – Dr Mateusz Osiecki – posits as ‘one of the biggest challenges humanity faces in the 21st century’. The book focuses on legal issues whereby its primary objective is to determine ‘whether international legal regulations serve as an effective tool in the fight against terrorists who target civil aviation’. This is an important issue to address for aviation lawyers as multilateral treaties have been the principal tool used by the international community, supported by the International Civil Aviation Organization (ICAO). These treaties make certain acts committed onboard aircraft unlawful, ensure that there is jurisdiction over such acts and their perpetrators, and determine the proper processes. Since 1963, with the introduction of the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo Convention), there have been numerous treaties to combat hijacking, unlawful seizing of aircraft, unruly passengers and other criminal acts. However, the aviation sector is still subject to such activities. Further, there is an apparent waning interest from states to resort to multilateral conventions, which can be seen with the most recent treaty instalment – The Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Montreal Protocol) of 2014 – which entered into force on 1 January 2020 and currently has only seventeen ratifications. Thus, the primary objective of the book is relevant and important.

Dr Osiecki is an Assistant Professor at the Institute of Air and Space Law at Łazarski University in Warsaw. In this job post, his research focuses on public international law, European law and aviation law, thus placing him in a suitable position to provide scholarly insight into the issue of aerial terrorism. The book, which is titled *International Legal Aspects of Aerial Terrorism: Methods of Law*

Enforcement in Aviation, is an adaptation of Dr Osiecki's Ph.D. thesis which was defended at the University of Łódź, Poland in 2022, and is divided into three chapters.

The first chapter, which is titled 'Terrorism as a Legal Phenomenon', takes the role of providing context to the reader, so allowing the two remaining chapters to tackle more specific topics. This is an appropriate approach, as the author uses this opening chapter to look back at past terrorism events, such as those committed by Al-Qaeda and the Islamic State, and also forward by assessing whether unmanned aircraft are the future of aerial terrorism. Therefore, the discussion follows a logical and linear course, comprising of a beginning, middle and end. As the book is an academic text, it also takes time to conceptualize matters, but without being overly philosophical. To this end, it defines the term 'terrorism', and describes different types of terrorist activities (e.g., hijacking, bombs, using aircraft as weapons, shooting down aircraft and the destruction of infrastructure), responses to terrorism, and the role of states. Therefore, this chapter provides a comprehensive overview of aerial terrorism, which ensures the reader is well-informed about the topic.

The second chapter – 'Role of Selected International Organisations in the Fight Against Aerial Terrorism' – then turns to the law by analysing three core themes. First, Dr Osiecki provides a detailed overview of the different international aviation treaties. This starts with the Tokyo Convention of 1963, and ends with the Montreal Convention of 2014, with scheduled stopping places at the relevant 1970, 1971, 1988 and 2010 Conventions and Protocols. It would have been interesting for the discussion to have been broader to take on board the Convention on the Marking of Plastic Explosives of 1991 and, even, the Convention on Compensation for Damage to Third Parties Resulting from Acts of Unlawful Interference Involving Aircraft of 2009, as well as a dedicated section on unlawful interference as discussed in Annex 17 to the Convention on International Civil Aviation of 1944. Second, the chapter looks at the involvement of the United Nations, with specific reference to the General Assembly and Security Council Resolutions following the 9/11 and Lockerbie terrorist attacks. Extending the scope beyond the air law treaties certainly adds value to this work. Finally, the author switches to an analysis of European Union (EU) activities. The EU has been active in regulating aviation security via Regulation 300/2008 on the Common Rules in the Field of Civil Aviation, as well as regulating Passenger Name Records and creating specific anti-terrorism legislation. As the author has also included the EU's sector-neutral anti-terrorism legislation, the content is again usefully extended beyond the *lex specialis* air law. Due to the inclusion of EU law, within an otherwise international law book, it may have been useful for the author to address other regional and even national solutions.

The third and final chapter – ‘Case Study’ – takes the role of applying the contents of Chapters 1 and 2 into the real world. It does this by discussing four case studies: Metro Flight 268, Malaysia Airlines Flight 17, the Brussels Airport attack and Air France Flight 8969. There have been numerous attacks against civil aviation stakeholders, so the author could not review all of the incidents that have taken place. However, the cases which were selected provide a sufficient overview, whereby the focus was not only given to attacks against aircraft (i.e., Brussels Airport), showing that all aviation stakeholders are exposed to such threats. Therefore, this chapter provides a useful overview.

Dr Osiecki has carefully analysed the existing air law and concluded that tremendous steps have been taken by the international community to try and combat aerial terrorism, but the system is imperfect, so more needs to be done to protect passengers and other aviation stakeholders from unlawful interference. With the rise of unruly passengers, the ever-changing global geopolitical landscape, and evolving threat landscape, this conclusion is defensible. In summary, the book is a useful resource for anyone involved in this area of study or work as it provides a critical overview of core, relevant international and EU laws on aerial terrorism.

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