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HISTORICAL ANALYSIS OF INTERNATIONAL CIVIL AVIATION CONVENTIONS AGAINST AERIAL TERRORISM DURING THE COLD WAR ERA..

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Abstract
The safety of civil aviation has been endangered by unlawful acts committed by persons with varying motivations. Civil aviation is the very domain where the first attempts at addressing criminal acts of terrorism and counter terrorism were made. The paper gave a historical analysis of a number of legal instruments that have been adopted to eliminate safe haven for unlawful acts against civil aviation. The paper equally reveale that over the past years, civil aviation has suffered major terrorist attacks that have caused both economic and psychological impacts on the sector. Findings revealed that, airports in different parts of the world differ to a large extent in terms of measures put in place to mitigate potential assaults on the sector. The historical method of Research was engaged for this study,rather than the scientific method of inquiry.The paper concluded that, international legal actions to meet the threat of aerial piracy requires the cooperation of all states.

Keywords*: International Civil Aviation, Aerial Piracy,Terrorism,, Tokyo Convention, Hague Convention, Montreal Convention.*

Introduction

Terrorism remains a serious threat to international peace and security. It constitutes a violation of the fundamental principles of international law, human rights and freedom (Piszkiewitz 2003). Terrorism is a violation of the United Nations charter and the values enunciated in the constitutive act of the African Union. Terrorism is also a threat to the territorial integrity and stability of states (Yoder 1989).

The safety of civil aviation has been endangered by terrorism. The international community has instituted measures to provide security and safe air transportation and developed aviation security measures to combat and prevent harms against civil aviation. The legal instruments are based on several multilateral conventions drafted under the auspices of international civil aviation organization and several organizations and nations including the international community. Terrorism became a serious threat to civil aviation in the late 1960s and succeeding years. Civil aviation is the first domain where the first attempts were made to address criminal acts of terrorism and set up appropriate standards aimed at addressing them.

One of the global challenges of the 21st century seems to be aviation security. Aviation terrorism is a frightening feature of the world of today and a major concern for governments worldwide. The international community has been experiencing an epidemic growth of unlawful acts of interference with civil aviation, which began in the late sixties and early seventies and still poses a threat to the international system and the safety of millions of passengers worldwide (Rosenau 1992).

Civil aviation provides terrorists with a high visible target due to the potential high number of fatalities/victims it attracts. It also serves as a

platform for propaganda purposes for the terrorists. Blowing up an aircraft and killing of passengers and crew on the spot is an avenue for terrorists to spread fear and uncertainty and to attract worldwide attention. Today, one of the challenges faced by the international community is how to safeguard air transport against acts of unlawful interference by armed groups.

Aerial Terrorism in Perspective

The problems of aerial terrorism affect not only persons, organizations and nations but also the international community as a whole. The fact of its international magnitude and its negative impact on international communication and diplomacy, economic sabotage, the exacerbation of ill feelings between states and finally its undermining of the 1948 declaration on Human Rights, have threatened the global order and echo the impending disaster facing the international community. In light of this, the control of aerial terrorism has been realized, and thus priority thought and measures have been placed on its control. These safeguard measures include, the Tokyo Convention of 1963, the Hague Convention of 1970, and the Montreal Convention of 1971. All these were meant to combat aerial terrorism with a major focus on seriouspunitive measures against terrorists (Evans, 1992:77).

Contemporary Civil Aviation has its roots in what is referred to as the Chicago Convention on International Civil Aviation which started in 1947. The purpose of this particular Convention was the improvement of air safety through operating and improvements of navigation and air traffic control. With the signing into effect of this particular Convention, a new body called the International Civil Aviation Organization (ICAO) was created as an intergovernmental body and in 1947, it became a specialized agency under the United Nations.

During the 1940s and 1950s, there was virtually no crime directed against civil aviation, but the situation changed in 1959. From that date, hijacking of aeroplanes started to take place and attracted the interest of the world's media. Its manifestation was probably an export of terrorism from countries throughout Central America, the Caribbean and some countries in the Middle East. Following the upsurge in aviation crime, the first significant act embodying the special characteristics of hijacking as a crime was debated on at the 1963 ICAO Convention on Offences and Certain Other Acts Committed on Board Aircraft in Tokyo (Higgins, 1963: 77).

In recent times, aerial terrorism has tended to drastically undermine the positive contributions made by commercial aviation and airplane as a whole to the welfare of mankind. Most nations have incorporated acts of terrorism into their criminal codes. Though the word 'terrorism' may not be used in these laws, the offences of terrorism do receive heavy punishment and the acts which would have been described as acts of terrorism have, in one way or the other, been drawn up in the national security laws. For instance, the United States and United Kingdom have serious laws against unlawful seizure of aircraft, kidnapping, hostage taking, bombing etc. (Shearer 1971:50).
At the organizational level, some efforts have been made to control terrorism most especially that of hijacking and hostage taking. The International Civil Aviation Federation adopted a resolution at its twenty fourth conference at Amsterdam in March 1969, where it authorized the boycott of air traffic into any country which refuses to punish hijackers (Bennet 1991: 26). Without a doubt, the international community has made significant progress in its attempts to control terrorism most especially air terrorism. Until 1972, much of the efforts of the international community with regard to terrorism was in the area of hijacking and its consequent hostage taking and seizure of property.

Notably, the ijacking and sabotage of civil aircraft would appear to be another problem of universal concern, but the commitment to action has been less than unanimous. Three measures have been taken by the United Nations to sponsor three major conventions on Aerial piracy which deserve further attention here.

The Tokyo Convention of 1963

This Convention went into effect on December 14th 1969 It recognized the offence of unlawful seizure of aircraft in flight and charged(or authorized) contracting states with the

duty of returning such aircraft and cargo to the rightful owners thus facilitating the resumption of interrupted flight. It did not make this an offence under international law, which meant that its definition would only be determined by municipal law. The offender could be taken into custody by the contracting state and held for criminal proceedings or for extradition but neither was it mandatory (Gilbert 1991:70).

Following the September 1963 meetings of the International Civil Aviation Organization (ICAO), the legal committee requested its sub-committee to consider the drafting of an international agreement designed to facilitate the apprehension and prosecution of offenders. At its meetings in February 1963, prior to the going into effect of the Tokyo Convention, the sub-committee took the view that its attention should be directed to drafting an international agreement, emphasizing extradition and prosecution, which would either serve as a protocol to the Tokyo Convention or as an independent convention to which non-signatories to the Tokyo Convention could adhere. The sub-committee defines the offence as follows:

Any person who on board an aircraft:

(i) unlawfully by force or threat thereof, interferes with seizure or otherwise wrongfully exercises control of that aircraft in order to change its itinerary or

(ii) attempts to perform such an act or

(iii) - is an accomplice of a person who performs or attempts such an act shall be guilty of a penal offence (International Civil Aviation Document 1969:131).

Each party to the convention was required to make the unlawful seizure of aircraft a penal offence under its own national law. Each party was required to enquire into the facts of a case either to extradite the alleged offender or submit the case to competent authorities with a view to initiating legal proceedings against the offender.

Article 11 of the Tokyo Convention States as follows,

> When a person on board has unlawfully committed by force or threat thereof an act of interference, seizure or other wrongful exercise of control of an aircraft in flight or when such an act is about to be committed, contracting states shall take all appropriate measures to restore control of the aircraft to its lawful commander or preserve his control of the aircraft.

Furthermore, the contracting state in which the aircraft lands shall permit its passengers and crew to continue their journey as soon as practicable and shall return the aircraft and its cargo to the persons lawfully entitled to its possession.

Article 16 further provided that offences committed aboard are to be treated as if they had occurred in the territory of the country of registration; hence if the offender takes refuge in a country which is party to the convention and also party to an extradition, making the alleged offence an extradition crime, the offender can be duly extradited.

It is observed that the Tokyo Convention did not achieve much. It would have been beautiful if an offender was known as soon as they escape from the plane after carrying out their operations. Worse still is that the commander of the aircraft should disembark the offender and authorise the crew to discipline the hijacker. The Convention seemed to lose sight of the fact that at the time of hijacking the aircraft, the commander, crew and passengers are all at the mercy of the hijackers who are armed with guns, grenade and other deadly weapons. Such powers granted by the conventions were thus mere paper work which had no bearing with reality. The Tokyo Convention in Article 13 (2) stated that criminal proceedings and extradition of offenders were not mandatory. This means that the focus was only on the restoration of property and the resumption of flight, this was a departure from its aim.

On the Protocol to the Tokyo Convention, no exception was made in the draft for political motivation by the accused; therefore, the sub-committee was unanimous on this. However, they still decided against any interference in political institution in the protocol. Thus it can be argued that the terms of Article 8 of the draft concerning

extradition implicitly underscored the exception of the political offence which appears in most extradition treaties. Admittedly, this became a departure from the initial motivation for the Tokyo Convention which is to effectively control hijacking and its related offences.

The Hague Convention of 1970

The International Civil Aviation Organization (ICAO) seeing that the Tokyo Convention did not deal adequately with the suppression of unlawful hijacking of aircraft and also with pressure from much concerned states, asked the legal committee to meet and draft another Convention which was submitted to the diplomatic conference at the Hague from December 1st to 16th, 1970. Fifty (50) states signed the Convention including the Warsaw Pact countries. In some important respect, the Hague Convention contained stronger terms than had originally been proposed by the legal committee of the International Civil Aviation Organization (ICAO). Akehurst, 1971:76.

The Convention was only confined to hijacking, leaving the matter of armed attacks, sabotage and other forms of terrorist actions, directed against civil aviation and aviation facilities to be dealt with in later diplomatic conferences. The Convention did not fully apply the *out punier out dedere* principle i.e. the country where the offender might happen to be from, should prosecute him or extradite him to a country having jurisdiction to try him for the offence. But provided a reasonably adequate framework for the exercise of jurisdiction with obligations of extradition treaty or of reciprocal practice of redemption. The Convention provided for the obligation of each state parties to make the offence punishable by severe penalties.

According to Article 1 of the Hague Convention, an offence is defined as the act of any person... who on board an aircraft in flight:

(i) unlawfully by force or threat thereof or any other form of intimidation seizes or exercises control of that aircraft or attempts to perform any such act or
(ii) is an accomplice of a person who performs or attempts to perform any such act.

According to the same Article 1 of the Convention, the language clearly limits the scope of the treaty to cases where:

(i) the aircraft is hijacked while in flight
(ii) the hijacker is on board the aircraft; and
(iii) the hijacker uses force or threat of force or some form of intimidation to seize the aircraft.

In view of these limitations, there are cases which do not fall within the scope of the convention namely,

(i) cases of seizure or armed attack on the ground or directed against facilities; and
This therefore meant that the attack carried out at Athens Airport by Palestinian commandos on an Israel airliner could not come into scope of the convention (United Sates Department of State Patterns of Global Terrorism 1990).
(ii) cases involving seizure by persons on the ground would not come in, a case in point would be the seizure of the plane carrying leaders of the Algeria National Liberation Front (ANLF) in 1956, it was commanded to land in Algeria by the French authorities (Gilbert 1960:36).

The key provisions of the Hague Convention are those in Articles 4, 7 and 8 dealing respectively with jurisdiction over the offence, prosecution and punishment of offender and extradition. Again, it was the Hague Convention which took a more measured view of the extension of jurisdictional powers. It obliged contracting states under Article 4 to establish jurisdiction over the offence and related acts of violence against passengers or aircrew in cases:

(i) where the offence is committed on contracting state; and.
(ii) where the hijacked aircraft lands in a contracting state(s) territory with the alleged hijackers still on board.

In addition Article 4 (2) obliged states to establish jurisdiction where the offender was in their territory and if it happened that they did not extradite him. It is pertinent to point out that the Hague Convention now has over one hundred and

forty (140) parties which places it among the most widely ratified of all global Conventions. The Hague Convention provided in Article 6, for taking into custody of a hijacker or an alleged hijacker present in the territory of the contracting state and in Article 7 for the obligatory prosecution of non-extradited alleged hijacker and in Article 8 a provision for making hijacking an extraditable offence and in Article 10 for mutual cooperation between states in relation to criminal proceedings against hijackers.

This Convention made some progress by its content. Like every other International Treaty, the Tokyo Convention needed the co-operation of states for its success, as there was no compulsory jurisdiction. One could hardly say if this Convention really had any impact on the control of hijacking because since it came into effect, the rate of hijacking has continuously increased. What is even more worrisome is the fact that only eighty one (81) nations signed the Convention out of which only, thirty -two (32) nations ratified and acceded. This shows that nations are not even willing to convert their efforts to a meaningful goal.(Bassiounni 1985:76)

It is probably still true to say that terrorism is not itself a crime triable according to the universality principle under customary international law, if only because of the intrinsic difficulty of defining terrorism. It would not however be true to say that terrorist offences are not triable for the treaty-making practice. The obligation to extradite an alleged terrorist offender or to submit him/her to the normal internal processes of prosecution is a crucial part of the strategy adopted by all these international conventions after the Tokyo convention. The ultimate success of this no hiding place approach does of course depend upon the number of states which accept this obligation by becoming parties to the convention. Nevertheless, the obligation to extradite or try it, is an interesting jurisdictional device because it hooks the newly proscribed offence(s) into the existing network of extradition treaties and procedures (Freestone, 1981: 11).

The Montreal Convention of 1971

It was the deficiencies of the Hague Convention that necessitated the Montreal Convention of 1971. It was designed to establish rules that could make for a more meaningful arrangement which had some touch of practicality. The Montreal Convention became a review of the prior Conventions and Protocols. It was meant to take necessary action with regards to the escalating order of air terrorism in recent times. It therefore did consider that unlawful acts against the safety of civil aviation did jeopardize the safety of persons and property and seriously affect the operation of air services and did undermine the confidence of the peoples of the world in the safety of civil aviation.

In 1992, a longer list of proscribed offences was laid down in the Montreal Convention covering a range of some seven (7) primary offences from acts of violence against persons on board aircraft, to communicating false information endangering the safety of the civil aircraft in flight, together with the ancillary offences of attempting or being an accomplice or even being an accomplice to an attempt. For the Montreal Convention most of the activities covered were already offences under national criminal laws. The occurrence of such acts was a matter of grave concern and there was an urgent need to provide appropriate measures for punishment of offenders (Flory & Higgins, 1994:40).

Article 1 of the Montreal Convention 1971 states that any person commits an offence if he unlawfully and intentionally:

(i) performs an act of violence against a person on board an aircraft in flight if that act is likely to endanger the safety of that aircraft or

(ii) 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 or

(iii) places or causes to be placed on aircraft in service by any means whatever, a device or substance which is likely to destroy the aircraft or to cause damage to it, which renders it incapable of flight or to cause damage to it which is likely to endanger its safety in flight or

(iv) destroys or damages air navigation facilities or interferes with the operation if any such act is likely to endanger the safety of aircraft in flight or
(v) communicates information which he knows to be false, thereby endangering the safety of an aircraft in flight.

2. Any person also commits an offence if he:
(i) attempts to commit any of the offences mentioned in the above paragraph of this article or
(ii) is an accomplice of a person who commits or attempts to commit any such offence.

Article 3 states that each contracting state shall undertake the offences mentioned in Article 1 punishable by severe penalties. Article 5 obliges contracting state to take all necessary mean as may be necessary to establish jurisdiction over the offences in the following cases:
(i) When the offence is committed in the territory of that state.
(ii) When the aircraft on board which the offence is committed lands in the sensory with the alleged offenders still on board.

Article 6:1 states that, upon being satisfied that the circumstances so warrant any contracting state in the territory of which the offender or the alleged defender is present shall take him into custody. Article 7 authorizes the contracting state the territory of which the alleged offender is found shall if it does not extradite him be obliged to submit the case to its competent authorities for the purpose of prosecution Under Article 10:1, contracting states are obliged in accordance with international law and national law to endeavour to take all practicable measures for the purpose of preventing the offences mentioned in Article 1.

When due to commission of one of the offences mentioned in Article I, a flight that has been delayed or interrupted in any contracting state whose territory the aircraft or passengers or crew are present, shall facilitate the continuation of the journey of the passengers and crew as soon as practicable and shall without delay return the aircraft and its cargo to the persons lawfully entitled to possession.

The Montreal Convention became a review of prior conventions and protocols. It was meant to take necessary actions with regards to the escalating order of air terrorism. It therefore did consider that unlawful acts against the safety of civil aviation jeopardizes the safety of persons and properties and seriously affect the operation of air services which undermines the confidence of the people of the world in the safety of civil aviation.
The Montreal Convention was intended to complement the Hague Convention and to cope with acts of sabotage and violence against civil aviation that could not be classified as seizure of aircraft or hijacking and those that are committed on board aircraft. Overall, the Montreal Convention did not go any further than its predecessor, the Hague Convention. Worse still only forty-five (45) states signed it and only five (5) ratified it.

The technique of listing the activities covered by the Montreal Convention in a comprehensive manner as possible was utilized by all the latter Conventions. Article 2 of the 1977 Convention for the Protection of International Protected Persons (IPP) lists offences relating to murder, kidnapping or other attacks on the persons or liberty of internationally protected persons and attacks on their official premises, private accommodation or means of transport of such persons. (Article 2 of the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons Including Diplomatic Agents 1973).

The offence covered by the 1979 United Nations Conventions against the taking of hostages was even more specific. Article 1 of the Convention reads;

> Any person who seizes or detains and threatens to kill, to injure or to continue to detain another person (here in after referred to as the hostage) in order to compel a third party, namely a state, an international organization, inter-governmental organization a national or judicial person from doing any act as an explicit or implicit condition for the release of the hostage taking within the meaning of the Convention.

The basic approach taken in all the counter-terrorist conventions under examination here is primarily that of a treaty regime aimed at apprehending and punishing individual terrorist. Therefore the coordinated extension of powers and of criminal jurisdiction provides a means of ensuring that the powers of criminal jurisdiction provide a means of ensuring that the powers which exist under international law already permit states to exercise their powers to the full. State claims to criminal jurisdiction vary quite widely. In fact, the conventions under examination here have themselves contributed to the development of state practice in that it can be argued that they constitute an important public recognition of permissive rules of extra-territorial jurisdiction, that the Tokyo Convention recognized in Article 3.

Factors that have Impaired the Effective Control of Aerial Terrorism

There have been so many factors that have impaired the active campaign against aerial terrorism in terms of using the instruments provided by the co-operative action of the international community and organizations. These factors are inherent in the very nature of the international community, and the use and interpretation of treaties made within the confines of international law. There are also the lag and loopholes within the convention that tended not to give adequate rules which the states would adhere to as the consequent fact thatthe United Nations has no enforcement capability which is based on authority except by moral obligation of nation states. Although the Tokyo Convention of December 4th, 1969 made provisions for the control of air hijacking and other related crimes of international magnitude, it has little or no impact regarding the effective control and elimination of terrorism-related aviation threats. The focus of the convention was mainly geared towards the restoration of property and resumption of flight and not on the prosecution and the punishment of the offenders.

On the protocol to the Tokyo Convention, no exception was made in the draft for political motivation on the part of the hijackers. The sub-committee of International Civil Aviation Organization (ICAO) on the draft of the protocol agreed however that a state could refuse extradition in consideration of a plea of political motivation by the accused. Therefore, the sub-committee was unanimous to this. But still they decided against any interference to political institution in the protocol.

The assumptions contemplated by the Tokyo and Hague Conventions and its subsequent protocols was simple and straight forward in that punishment deters the criminal. Again, the effectiveness of these conventions would depend upon whether the bigger states namely United States, China, France, Germany, Russia, Japan and important international organizations would apply the stipulated sanctions against countries which fail to meet their obligations to the world community.

Another problem of enforcing these treaty obligations was also dependent on the seriousness with which states had come up to ratify the treaty. For instance the Hague Convention had eighty-one (81) signatories with thirty two (32) ratifications and three (3) accessions, while the Montreal Convention had forty five (45) signatories and only five (5) ratifications as July 1st, 1972. By this particular time the United States had not ratified the Montreal Convention. Generally, this shows the lack of seriousness over how states viewed this problem.

There is also the question of value and political alignment of states. This is illustrated by the fact that countries like Egypt, Syria, Iran, Saudi Arabia, Jordan and Yemen that are aligned politically with the Palestinians will not commit themselves to any multilateral treaty which could be directed against the members of the Arab League in their fight against Israel, lest they risk the loss of credibility. Some countries like Cuba refuse entering into any multilateral treaty nor will it agree to the introduction or punishment of political refugees.

Another evident situation rests on the difficulty of bringing a treaty into force by the contracting parties. The 1937 League of Nations Convention on the Prevention and Punishment of Political Terrorists was never brought into force. In the final analysis it is one thing to speculate the

cure of terorism and another to accomplish control of the offence in practical terms.

The basic approach taken in all these counter-terrorist convention under examination here is primarily that of a treaty regime deemed at apprehending and punishing individual terrorist. Therefore, the coordinated extension of powers and of criminal jurisdiction provides a means of ensuring that the powers of criminal jurisdiction provide a means of ensuring that the powers which exist under international law already permit states to exercise are utilized to the full state claims to criminal jurisdiction vary quite widely.

The Conventions under examination here have themselves contributed to the development of state practice in that it can be argued that they constitute an important public recognition of permissive rules of extraterritorial jurisdiction. The Tokyo Convention recognized this in Article 3 which lays more emphasis on the primary jurisdiction rights of the state of registration of the aircraft over offences committed on board and obliged parties to take such measures as may be necessary to establish such jurisdiction (Hague Convention Article 1).

Again it was the Hague Convention which took a more measured view of the extension of jurisdictional powers. It obliged contracting states by Article 4 to claim jurisdiction (a) as the registering state (b) as the state where an aircraft lands with an offender aboard and (c) as the state of place of business or residence of lessee in case of leases without crew (Article 4 the Hague Convention).

In addition Article 4 (2) obliged states to establish jurisdiction when the offender was in their territory and when they did not extradite him. It is worth pointing out that the Hague Convention now has over one hundred and forty (140) parties which places it among the most widely ratified of all global conventions.

It is probably still true to say that terrorism is not itself a crime triable according to the universality principle under customary international law, if not because for the intrinsic difficulty of defining terrorism (Lowe and Warbick, 1997-13). The obligation to extradite an alleged terrorist offender or to submit him/her to the normal internal processes of prosecution is a crucial part of the strategy adopted by all these international conventions after the Tokyo Convention. The ultimate success of this clause "no hiding place" approach does of course, depend upon the number of states which accept this obligation by becoming parties to the convention. Nevertheless, the obligation to extradite or try is an interesting jurisdictional device because it hooks the newly proscribed offence(s) into existing network of extradition treaties and procedures (Freeston, 1981:199).

Terrorists Threat to Civil Aviation

Despite the Lockerbie mid-air tragedy and many more mid-air sabotage bombing over Africa, Asia and Latin America, the world civil aviation system has failed to protect civil aviation against this major threat. It is depressing to report that many years have gone without any significant improvement in blocking this major loophole. A number of terrorist groups and their state sponsors with track records of ruthlessness and lethal expertise are well aware of the vulnerabilities of civil aviation.

It is a sad fact that very few countries have made any significant improvement in security measures against sabotage bombers like the September 9/11 episode.Another Lockerbie or September 9/11 attack could happen tomorrow and the carnage caused would of course be even greater, if the terrorists succeeded in destroying an airliner above the residential or commercial areas of a major city.

Some countries such as the United States and United Kingdom and certain other international major airlines, have introduced some welcome improvements in aviation security. In Britain, the new Aviation Maritime Security Act, gives the Secretary for Transport the power to suspend an airlines operations if they fal below required security standards. These changes together with improvements in airport security, were long overdue but none the less welcome. However, the greatest weakness of aviation security is the failure to install in the worlds airports explosive detection system capable of detecting plastic explosives. Although there are many excellent

technologies capable of detecting plastic explosives there has been no real international effort to make them available in airports and the only country which has invested substantial efforts to develop such is the United States (Goldblatt, 1970:40).

Cooperation in the Fight Against Aerial Terrorism

The 1960s saw the emergence of aerial hijacking, a form of activity previously unknown and largely non-criminal in the sense that hijacking was not a crime known to national criminal laws and it was difficult to apply the existing rules of piracy to it. This issue was not addressed by the 1963 Tokyo Convention on Offences and Certain other Acts Committed on Board Aircraft. It was duly the intention of the Tokyo Convention that hijacking be treated as aerial piracy but it did not provide a clear lead on this. The Conventions was not brought into force until 1969. By this time it had been overtaken by the initiative resulting in the International Civil Aviation Organization (ICAO),the Hague Convention for the Suppression of Unlawful Seizure of Aircraft of 1970 and the Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation 1971.

The signing into effect of the various Conventions led to a reduced rate of incidents of hijacking in the late 1960s and early 1970s a more united stance taken by various governments which included increased airport security threats of boycotts like the Bonn Declaration of 1978 on non- cooperation with states which harbour or provide safe havens and sponsor any acts of international terrorism. The late 1970s saw a slight decrease in hijacking but an increase in the number of kidnapping and often murder of prominent persons, and industrialists. By 1973, a new mechanism was developed in response to new forms of terrorism. The United Nations Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons Including Diplomatic Agents (IPP) and the 1979 United Nations Convention Against the Taking of Hostages developed mechanism which could be easily applied to new potential terrorist threats in the international system. The 1980s also saw an increase in the use of remote controlled bombs some of them placed on airplanes resulting in disasters as that of Lockerbie, Scotland when a bomb alleged to have been planted by Libyan agents exploded on a Pan American flight 103 Jumbo Jet. The Lockerbie incident occurred after the conclusion by the International Civil Aviation Organization (ICAO) in February 1998 of a protocol to the Montreal Convention specifically directed at airport security. Each of these Conventions had its own peculiar aspects and idiosyncrasies but broadly adopted three main devices:

(i) contracting states are obliged to extend their jurisdictional roles over those targeted offences in order to create as comprehensive a network of national jurisdictional as possible to avoid offenders slipping through
(ii) the targeted offences are defined in a very comprehensive manner and contracting states are obliged to make them punishable by severe penalties in their criminal laws.
(iii) contracting states accept an obligation to extradite or try offenders failing within their jurisdiction (International Legal Materials 1970).

Conclusion

No country or organization should surrender to the terrorists and there should be an absolute determination to defeat aerial terrorist within the framework of the rule of law and the democratic process. There should be no deals and no concessions, even in the face of the most severe intimidation and blackmail from terrorist.

Member states of the United Nations should intensify efforts to bring terrorists involved in aerial piracy to justice through prosecution and conviction before courts of law. There is also a need for firm measures to penalize state sponsors who provide terrorists with safe haven, weapons, explosives cash and moral and diplomatic support. Member States of the United Nations should be determined never to allow terrorist intimidation to block or derail political and diplomatic efforts to resolve the underlying conflicts in strife torn

countries, such as Iraq, Palestine and Afghanistan terrorism has become a major threat to peace and stability. In our increasingly integrated community, we must learn that no nation is an island, particularly in the modern world of aerial terrorism. Mankind is facing its first great challenge of the twenty-first century, which has been labeled in the media headline as the war against aerial terrorism. This is entirely a new kind of war because we face a new kind of enemy. It is not a single entity or state, but a network that functions in many countries and affects all countries, using the advantages of globalization and modern technologyAerial terrorism is not a new threat to the United Nations. The United Nations is becoming truly united in the face of this historic challenge, rising to a new level of cooperation against not only the groups and individuals who threaten our way of life but also the network and powers behind them.

The United Nations has a role to play in channeling international outrage against the menace of aerial piracy, of which hundreds of lives have been lost in mid-air explosion. The United Nations is now committed to combating aerial piracy through sound cooperation between states and their law enforcement agencies by sharing information, intelligence, and in implementing mechanisms to suppress financial support to terrorist groups. Aerial terrorism is a wanton, cruel and indiscriminate crime; it is believed that, multilateral approach adopted by member states and the United Nations will help rid the world of this scourge once and for all.

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